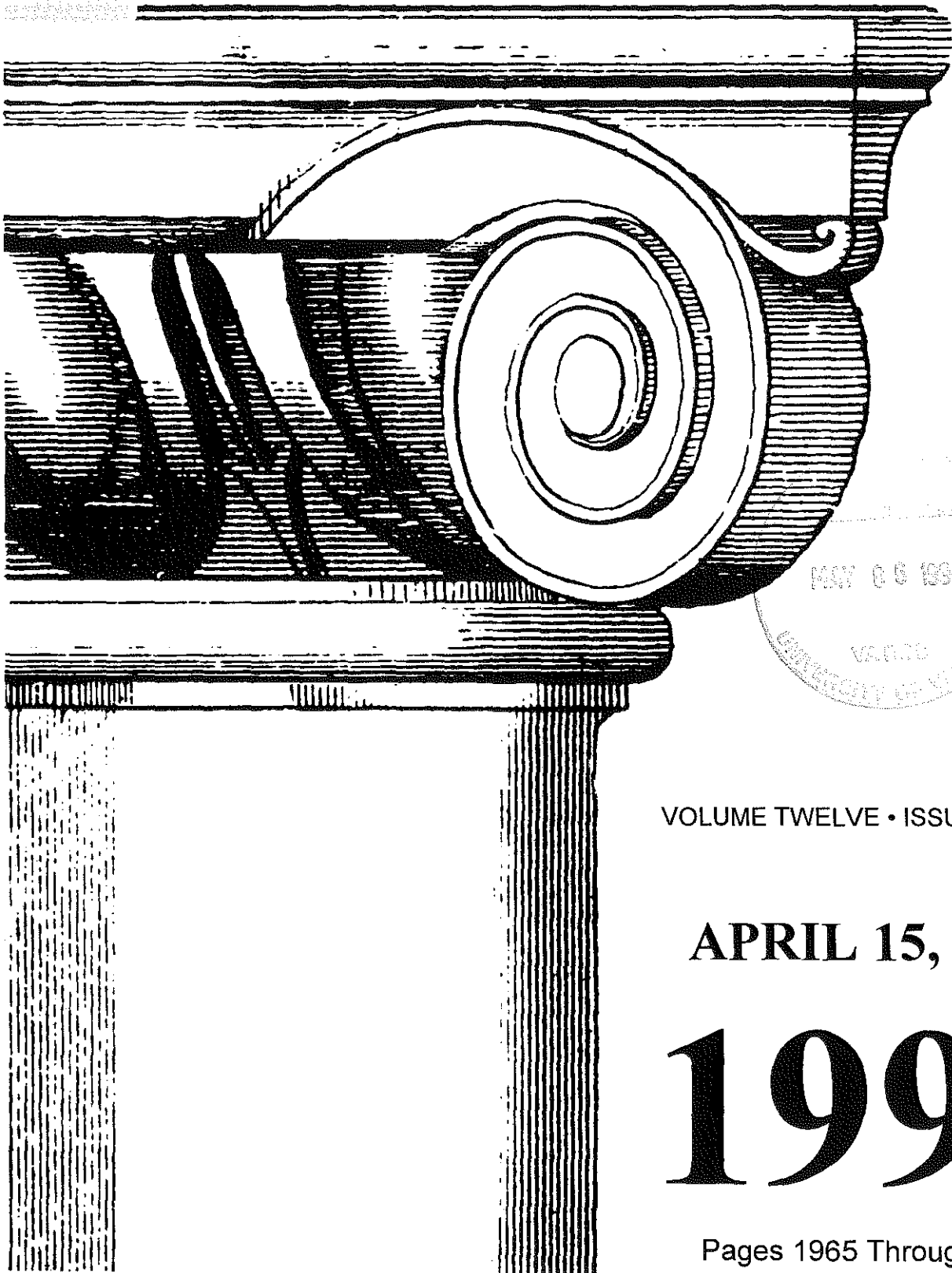


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THE VIRGINIA REGISTER

OF REGULATIONS

VA
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VOLUME TWELVE • ISSUE FIFTEEN

APRIL 15, 1996

1996

Pages 1965 Through 2050

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 new and amended sections of regulations, both as proposed and as finally adopted, 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 and executive orders issued by the Governor, the *Virginia Tax Bulletin* issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

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 Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 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 agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 9-6.14.7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 12:8 VA.R. 1096-1106 January 8, 1996, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

"The Virginia Register of Regulations" (USPS-001831) is published bi-weekly, except four times in January, April, July and October, for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to *The Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The Virginia Register of Regulations is published pursuant to Article 7 (§ 9-6.14.22 et seq.) of Chapter 1.1:1 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman; W. Tayloe Murphy, Jr., Vice Chairman; Robert L. Calhoun; Russell M. Carneal; Bernard S. Cohen; Jay W. DeBoer; Frank S. Ferguson; E. M. Miller, Jr.; Jackson E. Reasor, Jr.; James B. Wilkinson.

Staff of the Virginia Register: E. M. Miller, Jr., Acting Registrar of Regulations; Jane D. Chaffin, Deputy Registrar of Regulations.

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By Noon Wednesday**

Will Be Published On

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Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF CORRECTIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to consider amending regulations entitled: **6 VAC 15-20-10 et seq. Rules and Regulations Governing the Certification Process.** The purpose of the proposed action is to amend these regulations in order to accommodate recommendations by the Joint Legislative Audit and Review Commission, the board, and the department to strengthen certain areas of the certification process. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Public comments may be submitted until May 15, 1996.

Contact: Amy Miller, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 26963-6963, telephone (804) 674-3119 or FAX (804) 674-3509.

and Regulations. The notice was initially published in 9:24 VA.R. 4394 August 23, 1993.

VA.R. Doc. No. R96-279; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for promulgating VR 485-50-9303, Insurance and Surety Company Reporting of Information to DMV. The notice was initially published in 9:22 VA.R. 3834 July 26, 1993.

VA.R. Doc. No. R96-280; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for amending VR 485-10-7701, Privacy Protection Act Rules and Regulations. The notice was initially published in 10:2 VA.R. 224 October 18, 1993.

VA.R. Doc. No. R96-281; Filed March 18, 1996, 11:17 a.m.

DEPARTMENT OF MOTOR VEHICLES

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for amending VR 485-50-7801, Virginia Driver Improvement Act Rules and Regulations. The notice was initially published in 9:15 VA.R. 2234 April 19, 1993.

VA.R. Doc. No. R96-278; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for amending VR 485-50-8502, Motorcycle Rider Safety and Training Center Program. The notice was initially published in 10:8 VA.R. 1953 January 10, 1994.

VA.R. Doc. No. R96-282; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for repealing VR 485-50-7801, Virginia Driver Improvement Act Rules and Regulations. The notice was initially published in 9:24 VA.R. 4394 August 23, 1993.

VA.R. Doc. No. R96-277; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for amending VR 485-10-9304, Public Participation Guidelines for Regulation Development and Promulgation. The notice was initially published in 9:24 VA.R. 4394 August 23, 1993.

VA.R. Doc. No. R96-276; Filed March 18, 1996, 11:17 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Department of Motor Vehicles has **WITHDRAWN** the Notice of Intended Regulatory Action for promulgating VR 485-50-9301, Virginia Driver Improvement Program Rules

BOARDS OF NURSING AND MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-**

Notices of Intended Regulatory Action

40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners. The purpose of the proposed action is to implement editorial amendments recommended by the regulatory review pursuant to Executive Order 15(94) and consider changes to 18 VAC 90-40-100 requiring monthly site visits and chart review. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until April 17, 1996.

Contact: Nancy Durrett, Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-245; Filed February 28, 1996, 11:34 a.m.

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to consider an increase in fees for licensees as required by statutory mandate in order to cover expenses of administering its regulatory program. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until April 17, 1996.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VA.R. Doc. No. R96-244; Filed February 28, 1996, 11:34 a.m.

DEPARTMENT OF SOCIAL SERVICES

† Withdrawal of Notice of Intended Regulatory Action

The Department of Social Services has **WITHDRAWN** the Notice of Intended Regulatory Action for promulgating VR 615-39-01, Module for Residential Facilities for Children. The notice was initially published in 10:1 VA.R. 13 October 4, 1993.

VA.R. Doc. No. R9-275; Filed

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **9 VAC 20-160-10 et seq. Voluntary Remediation.** The purpose of this proposal is to promulgate voluntary remediation regulations to remain consistent with Chapters 609 and 622 of the 1995 Acts of Assembly, which established a voluntary remediation program in Virginia. The adopted legislation added §§ 10.1-1429.1 through 10.1-1429.3 to the Code of Virginia.

Basis and Statutory Authority: The basis for this proposed regulatory action is § 10.1-1429.1 of the Code of Virginia. Specifically, § 10.1-1429.1 A requires the Virginia Waste Management Board (Board) to promulgate regulations to allow persons who own, operate, have a security interest in or enter into a contract for the purchase of contaminated property to voluntarily remediate releases of hazardous substances, hazardous waste, solid waste or petroleum.

Need: The promulgation of these regulations is required § 10.1-2439.1 A of the Code of Virginia.

Subject Matter and Intent: The board proposes to create Voluntary Remediation Regulations. The regulations will establish standards and procedures for persons conducting voluntary remediation at sites where remediation has not been clearly mandated by the Environmental Protection Agency, the department, or a court pursuant to the Comprehensive Environmental Response and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where the jurisdiction of those statutes has been waived. The regulations shall provide for:

1. The establishment of methodologies to determine site specific risk-based remediation standards.
2. The establishment of procedures that minimize delay and expense of the remediation, to be followed by a person volunteering to remediate a release and by the department in the processing of submissions and overseeing remediation.
3. The issuance of certifications of satisfactory completion of remediation, based on then-present conditions and available information, where voluntary cleanup achieves applicable cleanup standards or where the department determines that no further action is required.
4. Procedures to waive or expedite issuance of any permits required to initiate and complete a voluntary cleanup consistent with applicable federal law.
5. Registration fees to be collected from persons conducting voluntary remediation to defray the actual reasonable costs of the voluntary remediation program

Notices of Intended Regulatory Action

expended at the site not to exceed the lesser of \$5,000 or one percent of the cost of the remediation.

Estimated Impacts: The intent of the proposed regulations is to provide a program that allows persons to voluntarily clean up property and to obtain a certification from DEQ that no further action is required once the property has attained applicable cleanup standards. These applicable standards would be developed through the regulations based on concern about human health and the environment and the available technology for cleanup. The department will solicit comments from the public regarding the economic impact of the regulations.

Alternatives: The board is required to promulgate Voluntary Remediation Regulations pursuant to § 10.1-1429.1 of the Code of Virginia. The regulations can be developed using presumptive standards, performance standards, risk based standards, and/or other alternative approaches. Comments made during the NOIRA process will be considered during the drafting of the regulations.

Comments: The department seeks oral and written comments from interested persons on the intended regulatory action. Written comments should be submitted to Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-1009, (804) 762-4218, TDD (804) 762-4021, Fax (804) 762-4224.

Intent to Hold a Public Hearing: The board intends to hold at least one public hearing on this proposed action after it is published in the Virginia Register of Regulations.

Statutory Authority: § 10.1-1429 of the Code of Virginia.

Public comments may be submitted until April 20, 1996.

Contact: Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4218, FAX (804) 762-4224, or (804) 762-4021/TDD ☎

VA.R. Doc. No. R96-208; Filed January 31, 1996, 11:47 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

STATE AIR POLLUTION CONTROL BOARD

May 21, 1996 - 10 a.m. -- Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

June 14, 1996 -- Public 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80-50 et seq. Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6.)**. The regulation amendments concern provisions covering federal operating permits for stationary sources and permit program fees for stationary sources and are summarized as follows: (1) source applicability has been cited directly to federal law; (2) a definition of "Title I modification" has been added; (3) the definition of state regulations considered federally enforceable has been clarified; (4) the fee calculation formula has been changed to specify a fee of \$25; and (5) certain provisions pertaining to insignificant activities have been modified.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m.

and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Public Comment Periods - Proposed Regulations

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. June 14, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413.

VIRGINIA RACING COMMISSION

May 15, 1996 - 9:30 a.m. -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia.

June 14, 1996 -- 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 Virginia Racing Commission intends to adopt regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The purpose of the proposed regulation is to establish procedures regarding the medication of racehorses. The Virginia Racing Commission authorizes the use of one medication in racehorses on race day and establishes quantitative levels on two other medications.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363 or FAX (804) 371-6127.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

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.

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-80-50 et seq. Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6) (amending 9 VAC 5-80-50, 9 VAC 5-80-60, 9 VAC 5-80-70, 9 VAC 5-80-80, 9 VAC 5-80-90, 9 VAC 5-80-190, 9 VAC 5-80-210, 9 VAC 5-80-230, 9 VAC 5-80-270, 9 VAC 5-80-280, 9 VAC 5-80-310, and 9 VAC 5-80-340; adding 9 VAC 5-80-710 and 9 VAC 5-80-720).

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

Public Hearing Date: May 21, 1996 - 10 a.m.

Public comments may be submitted until June 14, 1996.
(See Calendar of Events section for additional information)

Basis: The legal basis for the proposed regulation amendments is the Virginia Air Pollution Control Law (Chapter 13 of Title 10.1 of the Code of Virginia), specifically § 10.1-1308 which authorizes the board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare.

Purpose: The purpose of the regulations is to require the owner of a stationary source to operate within the terms and conditions of a permit that forms the legally enforceable basis for all federal and state statutory requirements. The proposed amendments are being made to bring the regulations into compliance with Title V of the federal Clean Air Act (42 USC §§ 7661-7661f) and with federal regulations concerning state operating permit programs (40 CFR Part 70).

Substance: The major provisions of the proposal are summarized below:

1. For both Rule 8-5 and Rule 8-6, source applicability has been cited directly to federal law rather than to the state regulation which incorporates that law.
2. A definition of "Title I modification" has been added to Rule 8-5 and subsequent references to these modifications have been clarified.
3. The definition of those state regulations that are considered federally enforceable has been clarified in Rule 8-5.
4. The fee calculation formula in Rule 8-6 has been changed to specify a fee of \$25.
5. Certain provisions pertaining to insignificant activities in Appendix W (9 VAC 5-80-710 and 9 VAC 5-80-720) have been modified.

Issues: The primary advantages and disadvantages of implementation and compliance with the regulation by the public and the department are discussed below.

1. **Public:** The regulation will be an advantage to the community because it will provide through the operating permits issued under the program a clear documentation of which air quality requirements apply to each source and an enforceable mechanism to ensure that a source is complying with the requirements applicable to it. On the other hand, in order to prepare the initial application under the regulation, sources will need to invest substantial amounts of time, labor, and money. These are federal requirements, however, which will be applied nationwide. Implementing the program in Virginia will not discourage a source from locating in the state.

2. **Department:** The regulation will be an advantage to the department because it will provide through the operating permits issued under the program a clear documentation of which air quality requirements apply to each source and an enforceable mechanism to ensure that a source is complying with the requirements applicable to it. In addition, the department will enhance its ability to determine compliance and will have a better knowledge of all air emissions in the state. This advantage is especially important with respect to older sources built prior to 1972 which have been exempt from the requirement to get permits under the new source review program. The number of permitted sources in the state, therefore, will expand. In terms of cost, the regulation will require additional time and staff to ensure that clear and enforceable permit terms and conditions are written and that these terms and conditions are complied with. However, the program ensures that these costs are covered through the permit fees charged under the operating permit program.

Localities Affected: There is no locality which will bear any identified disproportionate material impact due to the proposed regulation which would not be experienced by other localities.

Impact:

1. **Entities Affected:** The department has estimated that approximately 1,900 sources will be subject to the requirements of the proposed regulation during the initial stages of the program. This estimate does not include the non-major or area sources which have been deferred for the present under the program. No estimate is currently available on how many area sources will be subject to the requirements of the regulation.

2. Fiscal Impact:

a. **Costs to Affected Entities:** The costs to affected entities are the costs of gathering the information needed to complete a permit application, completing the permit application, and the associated costs of inventorying emissions, including paying for stack tests to determine what pollutants are emitted and the quantity of those pollutants. Costs will vary from

source to source due principally to the number of regulated pollutants emitted by the source and the number of emissions units and emissions points that make up the source. Another factor that will affect cost is use of a consultant to carry out the tasks of gathering information, completing the permit application, or inventorying emissions instead of the staff working at the source. Consultants are usually hired when the source has insufficient staff or expertise to do the work. This is often true with smaller sources that may be subject to the proposed operating permit regulation due to emissions of hazardous air pollutants or volatile organic compounds. A source becomes subject to the regulation at fairly low emissions levels. In this instance, the costs for the source could be double what they would otherwise be. The costs presented here are based on the source doing the work itself, rather than hiring a consultant.

Information Gathering and Application Preparation.

The costs presented here are based on discussions with representatives of several companies who are in the process of developing the information for an operating permit application. These companies tend to be average or above average in the number of processes or operations within the source and the number of pollutants emitted. A good percentage of sources affected by the regulation will be using a team of people to develop the information needed to apply. These people will be gathering information and determining the emissions levels from the various emissions units at the source and, in some instances, will be developing alternative operating scenarios for submission as part of the application. The costs of the staff needed to perform these tasks ranges from \$50,000 to \$650,000 per source. While these appear to be the average costs, there will undoubtedly be sources whose costs will be lower or higher due to their operational and emissions characteristics. A major source dry cleaner with one pollutant emitted and multiple but identical emissions units should have lower costs. However, a source with an extreme number of various types of processes and operations that emit hundreds or thousands of pollutants could have somewhat higher costs.

Stack Testing. In order to verify the emissions data estimated by company staff or to directly measure hazardous air pollutants, many companies plan to hire consultants who are expert in stack testing. Stack tests are generally expensive; the average cost of one stack test including analysis is \$20,000. In addition, stack tests are currently being developed for many metals and other hazardous air pollutants. Such stack tests cost more due to the cost of development. There is some savings, however, when the same test can be used for multiple stacks. Several of the company representatives contacted indicate their intention to have stack tests done. On average, companies expect to spend \$200,000 on these tests.

Initial versus Renewal Costs. The costs discussed above are the initial application costs under the

proposed program. Each permit issued must be renewed every five years. The costs of applying for a renewal permit should be considerably less than the costs for an initial application. The range in cost for a renewal permit may be as little as \$1,500 to \$15,000. However, costs tend to be higher for sources whose operations or products change frequently both at the time of renewal and during the duration of the permit, due to the possibility of having to modify the permit's terms and conditions.

b. Costs to Agency: Current estimates show that the agency's direct and indirect costs for administering the permit program will total approximately \$9.3 million annually for the first two years of the program. Costs should increase slightly in the following years due to the probable increase in cost of living. However, the permit fee program adjusts for these increases by increasing the fee by the same percentage as the increase in the Consumer Price Index.

c. Source of Agency Funds: The source of department funds to carry out this regulation are the permit fees to be charged to affected entities under both federal and state statutory and regulatory provisions.

d. Benefits: The operating permits issued under this program should enhance the ability of EPA, the states, and citizens to enforce the requirements of the Act; clarify for the permitted sources exactly which air quality requirements apply; and also aid in implementing the Act by providing states with permit fees to support their programs.

A permit sets out for both the department and the owner the regulatory requirements appropriate to that source's operation. The benefits are that the operator or owner knows what requirements must be fulfilled and the department has an agreement with the owner through the permit that these requirements will be carried out. It enables the department to more efficiently and effectively carry out its source surveillance activities while providing a clear mandate for each source on what its responsibility entails. An operating permit inclusive of all requirements pertaining to the source ensures that the owner of the source is fully informed of all applicable state and federal regulations. The operating permit program provides that both the department and the owner conduct a periodic review of polluting activities to ensure that effective emission reductions are taking place.

There are other benefits to the regulated community of an operating permit program. Without an operating permit program, owners of sources subject to compliance programs through new regulatory initiatives or other air quality planning requirements must sign a consent order which is, in effect, an agreement between the department and the owner for the source to meet those initiatives or requirements. An operating permit program supplants the use of consent orders under these conditions and removes the negative connotation that comes with signed

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consent orders. Consent orders are generally used after a facility has been found in violation of the regulations when the department needs an enforceable administrative mechanism to ensure that the facility's operation will change to avoid a violation in the future.

Additionally, current federal requirements mandate that allowable emissions of existing sources be used in air quality analyses associated with the new source permit program and air quality planning requirements. For sources that do not have a permit under the current new source review program, allowable emissions must be based on the maximum emissions legally allowed, even if it is impossible or unlikely that such levels could be achieved. In some cases, an existing source has been found to cause, by itself, concentration levels that exceed the federal standard for a criteria pollutant such as sulfur dioxide. Without some means to legally restrict the hours of operation, the additional emissions must be counted. An operating permit program enables the department to permit facilities at emission levels closer to actual emission levels with a reasonable margin for normal operation. At present, there is often a disparity between the actual emissions a facility produces and those allowed by emission limits.

Current federal policy allows the use of emissions trading activities by sources to meet emission standards in a more cost effective manner. These activities include bubbling, netting, offsetting and banking. The operating permit provides a mechanism for implementing and enforcing emissions trading activities, provided EPA policy or a state generic policy, as appropriate, is followed. Currently these activities are enforced using consent orders which, as explained above, have a negative connotation.

An operating permit provides the mechanism for the department to assess any facility's compliance with the air quality standards and regulations that provide a basis to protect human health and the environment. The permit provides a direct enforcement mechanism for the department to determine a facility's compliance whereas enforcement of the standards and regulations without the permit is more difficult because specific conditions for the individual facility have not been derived from those standards and regulations.

Finally, the public participation requirements of the operating permit program provide an opportunity for citizens to review and to provide comments about the compliance performance of facilities emitting air pollutants along with the department.

e. Small Business Impact: The impact upon facilities that meet the definition of small business provided in § 9-199 of the Code of Virginia is addressed in paragraph 2a above. In addition, the requirements of Title V of the Act provide that each state develop a small business technical assistance program to assist small businesses in meeting the requirements of the Title V program and the other programs under the Act. The department has established this program which

should lessen the burden of compliance for small businesses.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation

Under Title V of the federal Clean Air Act (CAA), the Commonwealth of Virginia is required to develop an operating permit program covering all "major" stationary sources emitting air pollutants regulated by the Act.¹ In order to meet the Title V requirements, the Virginia operating permit program must include a set of basic provisions established by federal regulation (57 FR32250, July 21, 1992). To date, the state has submitted two program proposals to the U.S.E.P.A. (EPA) only to have both rejected on the basis that they failed to include certain components of this required set of provisions. The Revision II amendments to VR 120-01, Part VIII are intended to correct two of the deficiencies identified by EPA.

The unamended version of the state operating permit program cites state regulation in defining which sources are included under the program; however, EPA contends that a direct citation of the CAA's definition of applicability is necessary to ensure that any future changes made to the federal legislation will automatically be incorporated into the state regulations. Thus under Revision II, the definition of source applicability is cited directly to the federal CAA.

EPA also objects to the annual permit program fee calculation formula specified in the state's program. While previously, the regulation stipulated that the annual permit program fee would not exceed \$25 per ton; at EPA's behest, Revision II modifies the regulation such that the annual permit program fee will equal \$25 per ton.

In addition to the two corrections made in response to EPA criticism, Revision II includes minor amendments to the listing of emissions units defined as "insignificant emissions units" because they "...are considered to be of minimal or no air quality concern for the purpose of identifying the emissions units in a permit application." (9 VAC 5-80-710)

Also, Revision II provides additional flexibility in the permit application process for sources operating several emitting

¹ "Major" sources as defined by the CAA (Section 502(a) and 40 CFR 70.3(a))

units. Under Revision II, these sources could receive approval to submit several individual permit applications rather than attempting to consolidate the required information for all of their emitting units into one application. The Virginia Department of Environmental Quality (DEQ) indicates that no more than five out of the estimated 1,900 operations covered under the permit program are large and complex enough to benefit from the multiple application alternative.

Finally, Revision II clarifies two definitions, the definition of a "Title I modification" and the definition of "state regulations considered federally enforceable." The clarifications are made strictly for the purpose of elucidating the intended meaning of the defined terms and no substantive changes are made to the actual meaning of the terms.

Estimated Economic Impact

There are no significant economic costs or benefits associated with the changes proposed in Revision II. The amendments are made primarily for purposes of clarifying definitions, eliminating ambiguities and ensuring that the state regulations establishing the operating permit program are consistent with federal law.

While the change made to the permit program fee calculation formula does eliminate the possibility that fee will fall below \$25, DEQ indicates that even in the absence of this amendment, the anticipated costs of administering and enforcing the permit program would be high enough to ensure that the program fee would not fall below \$25 per ton. Thus, the amendment made to the fee calculation formula has no real impact on the application costs faced by affected sources or the revenues received by DEQ to support program implementation.

Under Revision II, the provisions allowing for additional flexibility in the application process would result in costs saving for a very few of the very largest sources affected by the proposed regulation. DEQ indicates that, given the very small number of sources expected to take advantage of this alternative application process (no more than five), the administrative costs to DEQ associated with accepting multiple applications for a single source would not be greater than the costs of processing a single application covering all emitting units.

The emitting units added to the list of "insignificant emitting units" have, by EPA's definition, an insignificant impact on air quality and therefore the environmental affects of expanding the list are considered to be inconsequential.

Direct citation of federal law rather than reliance on state regulations to define which sources are included under the operating permit program requirements does not change the actual number of firms that would be affected by the proposed program, thus no significant economic costs or benefits can be attributed to this particular amendment.

The clarification of definitions made by Revision II makes no substantive changes to the actual meaning of the defined terms, thus this amendment has no economic costs or benefits associated with it.

Businesses and entities affected

DEQ indicates that an estimated 1,900 major stationary sources will qualify for coverage under the state permitting program.

Localities particularly affected

The operating permit program and revisions are applicable statewide; therefore, no individual locality will be disproportionately affected by the amended regulation.

Projected impact on employment

The amendments made to the state operating permit program will have no impact on employment in the Commonwealth.

Affects on the use and value of private property

The amendments made to the state operating permit program will have no impact on the use and value of private property in the Commonwealth.

Summary of the Analysis

Revision II makes minor modifications to the state operating permit program established under Rules 8-5 and 8-6, including:

1. Citing the federal CAA for a definition of source applicability
2. Pegging the per ton permit program fee at \$25
3. Modifying the listing of emissions units defined as "insignificant"
4. Allowing for additional flexibility in the application process for sources operating numerous emitting units
5. Clarifying the intended meaning of the term "Title I modification" and the phrase "state regulations considered federally enforceable."

The amendments made in Revision II are for purposes of clarifying definitions, eliminating ambiguities and ensuring that the state regulations are consistent with federal law. They will have no substantive economic impact on the citizens and taxpayers of the Commonwealth.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis:

The Department of Environmental Quality takes no issue with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The regulation amendments concern provisions covering federal operating permits for stationary sources and permit program fees for stationary sources and are summarized as follows: (1) source applicability has been cited directly to federal law; (2) a definition of "Title I modification" has been added; (3) the definition of state regulations considered federally enforceable has been clarified; (4) the fee calculation formula has been changed to specify a fee of \$25; and (5) certain provisions pertaining to insignificant activities have been modified.

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PART II.
FEDERAL OPERATING PERMITS AND PERMIT PROGRAM
FEES FOR STATIONARY SOURCES.

Article 1.

Federal Operating Permits for Stationary Sources (Rule 8-5).

9 VAC 5-80-50. Applicability.

A. Except as provided in subsection C of this section, the provisions of this rule apply to the following stationary sources:

1. Any major source.
2. Any source, including an area source, subject to the provisions of 9 VAC 5-40-10 et seq. and 9 VAC 5-50-10 et seq. as adopted pursuant to a standard, limitation, or other requirement under § 111 of the federal Clean Air Act.
3. Any source, including an area source, subject to the provisions of 9 VAC 5-60-10 et seq. as adopted pursuant to a standard, limitation, or other requirement under § 112 of the federal Clean Air Act.
4. Any affected source or any portion of it not subject to Rule 8-7 (9 VAC 5-80-360 et seq.).

B. The provisions of this rule apply throughout the Commonwealth of Virginia.

C. The provisions of this rule shall not apply to the following:

1. Any source that would be subject to this rule solely because it is subject to the provisions of 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters), as prescribed in Rule 5-5 (9 VAC 5-50-400 et seq.).
2. Any source that would be subject to this rule solely because it is subject to the provisions of 40 CFR 61.145, Subpart M (National Emission Standard for Hazardous Air Pollutants for Asbestos, *Standard for Demolition and Renovation*), § 61.145 (~~Standard for Demolition and Renovation~~), as prescribed in Rule 6-1 (9 VAC 5-60-60 et seq.).
3. Any source that would be subject to this rule solely because it is subject to regulations or requirements concerning prevention of accidental releases under § 112(r) of the federal Clean Air Act.
4. Any emissions unit that is determined to be shutdown under the provisions of 9 VAC 5-80-10, 9 VAC 5-80-20, 9 VAC 5-80-30, 9 VAC 5-80-40 or 9 VAC 5-80-180.

D. Deferral from initial applicability.

1. Sources deferred from initial applicability. Area sources subject to this rule under subdivision A 2 or subdivision A 3 of this section shall be deferred from the obligation to obtain a permit under this rule. The decision to require a permit for these sources shall be made at the time that a new standard is promulgated and shall be incorporated into 9 VAC 5-40-10 et seq., 9 VAC

5-50-10 et seq. or 9 VAC 5-60-10 et seq. along with the listing of the new standard.

2. Sources not deferred from initial applicability. The following sources shall not be deferred from the obligation to obtain a permit under this rule:

- a. Major sources.
- b. Solid waste incineration units subject to the provisions of 9 VAC 5-40-10 et seq. and 9 VAC 5-50-10 et seq. as adopted pursuant to § 129(e) of the federal Clean Air Act.

3. Any source deferred under subdivision D 1 of this section may apply for a permit. The board may issue the permit if the issuance of the permit does not interfere with the issuance of permits for sources that are not deferred under this section or otherwise interfere with the implementation of this rule.

E. Regardless of the exemptions provided in this section, permits shall be required of owners who circumvent the requirements of this rule by causing or allowing a pattern of ownership or development of a source which, except for the pattern of ownership or development, would otherwise require a permit.

F. The provisions of 9 VAC 5-80-90 concerning application requirements shall not apply to insignificant activities designated in Section II of 9 VAC 5-10-20, Appendix W 9 VAC 5-80-720 with the exception of the requirements of 9 VAC 5-80-90 D 1 and Section I of Appendix W 9 VAC 5-80-710.

9 VAC 5-80-60. Definitions.

A. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this rule, all terms not defined here shall have the meaning given them in 9 VAC 5-10-10 et seq., unless otherwise required by context.

C. Terms defined.

"Affected source" means a source that includes one or more affected units.

"Affected states" means all states (i) whose air quality may be affected by the permitted source and that are contiguous to Virginia or (ii) that are within 50 miles of the permitted source.

"Affected unit" means a unit that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation under 40 CFR Part 72, 73, 75, 76, 77 or 78.

"Allowable emissions" means the emission rates of a stationary source calculated by using the maximum rated capacity of the emissions units within the source (unless the source is subject to state or federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:

- a. Applicable emission standards.

b. The emission limitation specified as a state or federally enforceable permit condition, including those with a future compliance date.

c. Any other applicable emission limitation, including those with a future compliance date.

"Applicable federal requirement" means all of the following as they apply to emissions units in a source subject to this rule (including requirements that have been promulgated or approved by the administrator through rulemaking at the time of permit issuance but have future effective compliance dates):

a. Any standard or other requirement provided for in the State Implementation Plan or the Federal Implementation Plan, including any source-specific provisions such as consent agreements or orders.

b. Any term or condition of any preconstruction permit issued pursuant to 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30 or of any operating permit issued pursuant to 9 VAC 5-80-40, except for terms or conditions derived from applicable state requirements or from any requirement of these regulations not included in the definition of applicable requirement.

c. Any standard or other requirement prescribed under these regulations, particularly the provisions of 9 VAC 5-40-10 et seq., 9 VAC 5-50-10 et seq. or 9 VAC 5-60-10 et seq., adopted pursuant to requirements of the federal Clean Air Act or under §§ 111, 112 or 129 of the federal Clean Air Act.

d. Any requirement concerning accident prevention under § 112(r)(7) of the federal Clean Air Act.

e. Any compliance monitoring requirements established pursuant to either § 504(b) or § 114(a)(3) of the federal Clean Air Act or these regulations.

f. Any standard or other requirement for consumer and commercial products under § 183(e) of the federal Clean Air Act.

g. Any standard or other requirement for tank vessels under § 183(f) of the federal Clean Air Act.

h. Any standard or other requirement in 40 CFR Part 55 to control air pollution from outer continental shelf sources.

i. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal Clean Air Act, unless the administrator has determined that such requirements need not be contained in a permit issued under this rule.

j. With regard to temporary sources subject to 9 VAC 5-80-130, (i) any ambient air quality standard, except applicable state requirements, and (ii) requirements regarding increments or visibility as provided in 9 VAC 5-80-20.

"Applicable requirement" means any applicable federal requirement or applicable state requirement.

"Applicable state requirement" means all of the following as they apply to emissions units in a source subject to this rule (including requirements that have been promulgated or approved through rulemaking at the time of permit issuance but have future effective compliance dates):

a. Any standard or other requirement prescribed by any regulation adopted pursuant to a requirement of the Code of Virginia governing a specific subject or category of sources.

b. Any regulatory provision or definition directly associated with or related to any of the specific state requirements listed in this definition.

"Area source" means any stationary source that is not a major source. For purposes of this rule, the phrase "area source" shall not include motor vehicles or nonroad vehicles.

"Complete application" means an application that contains all the information required pursuant to 9 VAC 5-80-80 and 9 VAC 5-80-90 sufficient to determine all applicable requirements and to evaluate the source and its application. Designating an application complete does not preclude the board from requesting or accepting additional information.

"Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with subpart B of 40 CFR Part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term "responsible official" is used in this regulation, it shall be deemed to refer to the designated representative with regard to all matters under the acid rain program. Whenever the term "designated representative" is used in this regulation, the term shall be construed to include the alternate designated representative.

"Draft permit" means the version of a permit for which the board offers public participation under 9 VAC 5-80-270 or affected state review under 9 VAC 5-80-290.

"Emissions allowable under the permit" means a federally and state enforceable or state-only enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally and state enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant. This term is not meant to alter or affect the definition of the term "unit" in 40 CFR Part 72.

"Federal implementation plan" means the plan, including any revision of it, which has been promulgated in Subpart VV of 40 CFR Part 52 by the administrator under § 110(c) of the federal Clean Air Act and which implements the relevant requirements of the federal Clean Air Act.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including the following:

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a. Requirements approved by the administrator pursuant to the provisions of § 111 or § 112 of the federal Clean Air Act;

b. Requirements in the State Implementation Plan;

c. Any permit requirements established pursuant to (i) 40 CFR 52.21 or (ii) ~~Part VIII of these regulations~~ 9 VAC 5-80-10 *et seq.*, with the exception of terms and conditions established to address applicable state requirements; and

d. Any other applicable federal requirement.

"Final permit" means the version of a permit issued by the board under this rule that has completed all review procedures required by 9 VAC 5-80-270 and 9 VAC 5-80-290.

"Fugitive emissions" are those emissions which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"General permit" means a permit issued under this rule that meets the requirements of 9 VAC 5-80-120.

"Hazardous air pollutant" means any pollutant listed in § 112(b)(1) of the federal Clean Air Act.

"Locality particularly affected" means any locality which bears any identified disproportionate material air quality impact which would not be experienced by other localities.

"Major source" means:

a. For hazardous air pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

b. For air pollutants other than hazardous air pollutants, any stationary source that directly emits or has the potential to emit 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary source:

- (1) Coal cleaning plants (with thermal dryers).
- (2) Kraft pulp mills.
- (3) Portland cement plants.
- (4) Primary zinc smelters.
- (5) Iron and steel mills.
- (6) Primary aluminum ore reduction plants.

(7) Primary copper smelters.

(8) Municipal incinerators capable of charging more than 250 tons of refuse per day.

(9) Hydrofluoric, sulfuric, or nitric acid plants.

(10) Petroleum refineries.

(11) Lime plants.

(12) Phosphate rock processing plants.

(13) Coke oven batteries.

(14) Sulfur recovery plants.

(15) Carbon black plants (furnace process).

(16) Primary lead smelters.

(17) Fuel conversion plant.

(18) Sintering plants.

(19) Secondary metal production plants.

(20) Chemical process plants.

(21) Fossil-fuel boilers (or combination of them) totaling more than 250 million British thermal units per hour heat input.

(22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

(23) Taconite ore processing plants.

(24) Glass fiber processing plants.

(25) Charcoal production plants.

(26) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

(27) All other stationary source categories regulated by a standard promulgated under § 111 or 112 of the federal Clean Air Act, but only with respect to those air pollutants that are regulated for that category.

c. For ozone nonattainment areas, any stationary source with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this definition to nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding that requirements under § 182(f) of the federal Clean Air Act (No_x requirements for ozone nonattainment areas) do not apply.

d. For attainment areas in ozone transport regions, any stationary source with the potential to emit 50 tons per year or more of volatile organic compounds.

"Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner that (i) arises from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, (ii) causes an exceedance of a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the failure and (iii) requires immediate corrective action to restore normal operation. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

"Permit," unless the context suggests otherwise, means any permit or group of permits covering a source subject to this rule that is issued, renewed, amended, or revised pursuant to this rule.

"Permit modification" means a revision to a permit issued under this rule that meets the requirements of 9 VAC 5-80-210 on minor permit modifications, 9 VAC 5-80-220 on group processing of minor permit modifications, or 9 VAC 5-80-230 on significant modifications.

"Permit revision" means any permit modification that meets the requirements of 9 VAC 5-80-210, 9 VAC 5-80-220 or 9 VAC 5-80-230 or any administrative permit amendment that meets the requirements of 9 VAC 5-80-200.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is state and federally enforceable.

"Proposed permit" means the version of a permit that the board proposes to issue and forwards to the administrator for review in compliance with 9 VAC 5-80-290.

"Regulated air pollutant" means any of the following:

- a. Nitrogen oxides or any volatile organic compound.
- b. Any pollutant for which an ambient air quality standard has been promulgated.
- c. Any pollutant subject to any standard promulgated under § 111 of the federal Clean Air Act.
- d. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the federal Clean Air Act concerning stratospheric ozone protection.
- e. Any pollutant subject to a standard promulgated under or other requirements established under § 112 of the federal Clean Air Act concerning hazardous air pollutants and any pollutant regulated under Subpart C of 40 CFR Part 68.
- f. Any pollutant subject to a regulation adopted pursuant to a requirement of the Code of Virginia governing a specific subject or category of sources.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Research and development facility" means all the following as applied to any stationary source:

- a. The primary purpose of the source is the conduct of either (i) research and development into new products or processes or into new uses for existing products or processes or into refining and improving existing products or processes or (ii) basic research to provide for education or the general advancement of technology or knowledge.
- b. The source is operated under the close supervision of technically trained personnel.
- c. The source is not engaged in the manufacture of products for commercial sale. An analytical laboratory that primarily supports a research and development facility is considered to be part of that facility.

"Responsible official" means one of the following:

- a. For a business entity, such as a corporation, association or cooperative:

- (1) The president, secretary, treasurer, or vice-president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision making functions for the business entity, or

- (2) A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or (ii) the authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity and the delegation of authority is approved in advance by the board;

- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or

- c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA).

- d. For affected sources:

- (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or the regulations promulgated thereunder are concerned; and

- (2) The designated representative or any other person specified in this definition for any other purposes under this rule.

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"State enforceable" means all limitations and conditions which are enforceable by the board, including those requirements developed pursuant to 9 VAC 5-20-110, requirements within any applicable order or variance, and any permit requirements established pursuant to 9 VAC 5-80-10 et seq.

"State implementation plan" means the plan, including any revision of it, which has been submitted by the Commonwealth and approved in Subpart VV of 40 CFR Part 52 by the administrator under § 110 of the federal Clean Air Act and which implements the relevant requirements of the federal Clean Air Act.

"Stationary source" means any building, structure, facility or installation which emits or may emit any regulated air pollutant. A stationary source shall include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual (see Appendix M). At the request of the applicant, any research and development facility may be considered a separate stationary source from the manufacturing or other facility with which it is co-located.

"Title I modification" means any modification under Parts C and D of Title I or §§ 111(a)(4), 112(a)(5), or 112(g) of the Federal Clean Air Act; under regulations promulgated by the U.S. Environmental Protection Agency thereunder or in 40 CFR 61.07; or under regulations approved by the U.S. Environmental Protection Agency to meet such requirements.

9 VAC 5-80-70. General.

A. No permit may be issued pursuant to this rule until the rule has been approved by the administrator, whether full, interim, partial or otherwise.

B. If requested in the application for a permit or permit renewal submitted pursuant to this rule, the board may combine the requirements of and the permit for a source subject to 9 VAC 5-80-40 with the requirements of and the permit for a source subject to this rule provided the application contains the necessary information required for a permit under 9 VAC 5-80-40.

C. For the purpose of this rule, the phrase "these regulations" means the entire Regulations for the Control and Abatement of Air Pollution, 9 VAC 5-10-10 et seq. through 9 VAC 5-80-10 et seq. For purposes of applicable federal requirements implementing and enforcing those provisions of this rule associated with applicable federal requirements as well as those provisions of this rule intended to implement Title V of the federal Clean Air Act, the phrase "these regulations" means only those provisions of 9 VAC 5-10-10 et seq. through 9 VAC 5-80-10 et seq. that have been approved by EPA as part of the State Implementation Plan or otherwise have been approved by or found to be acceptable by EPA for the purpose of implementing requirements of the federal Clean Air Act. For the purpose of this rule, terms and conditions relating to applicable federal requirements shall be

derived only from provisions of 9 VAC 5-10-10 et seq. through 9 VAC 5-80-10 et seq. that qualify as applicable federal requirements.

9 VAC 5-80-80. Applications.

A. A single application is required identifying each emission unit subject to this rule. The application shall be submitted according to the requirements of this section, 9 VAC 5-80-90 and procedures approved by the board. Where several units are included in one stationary source, a single application covering all units in the source shall be submitted. *Notwithstanding the preceding, upon approval of the board owners of stationary sources that include numerous emitting units may submit more than one application on a case-by-case basis provided that the resulting collection of permits would not interfere with the determination of the applicability of this rule, the determination or imposition of any applicable requirement, or the calculation of permit fees.* A separate application is required for each stationary source subject to this rule.

B. For each stationary source, the owner shall submit a timely and complete permit application in accordance with subsections C and D of this section.

C. Timely application.

1. The owner of a stationary source applying for a permit under this rule for the first time shall submit an application within 12 months after the source becomes subject to this rule, except that stationary sources not deferred under 9 VAC 5-80-50 D shall submit their applications on a schedule to be determined by the department but no later than 12 months following the effective date of approval of this rule by the administrator.

2. New source review.

a. The owner of a source subject to the requirements of § 112(g)(2) (construction, reconstruction or modification of sources of hazardous air pollutants) of the federal Clean Air Act or to the provisions of 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30 shall file a complete application to obtain the permit or permit revision within 12 months after commencing operation. Where an existing permit issued under this rule would prohibit such construction or change in operation, the owner shall obtain a permit revision before commencing operation.

b. The owner of a source may file a complete application to obtain the permit or permit revision under this rule on the same date the permit application is submitted under the requirements of § 112(g)(2) of the federal Clean Air Act or under 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30.

3. For purposes of permit renewal, the owner shall submit an application at least six months but no earlier than 18 months prior to the date of permit expiration.

D. Complete application.

1. To be determined complete, an application shall contain all information required pursuant to 9 VAC 5-80-90.

2. Applications for permit revision or for permit reopening shall supply information required under 9 VAC 5-80-90 only if the information is related to the proposed change.

3. Within 60 days of receipt of the application, the board shall notify the applicant in writing either that the application is or is not complete. If the application is determined not to be complete, the board shall provide (i) a list of the deficiencies in the notice and (ii) a determination as to whether the application contains sufficient information to begin a review of the application.

4. If the board does not notify the applicant in writing within 60 days of receipt of the application, the application shall be deemed to be complete.

5. For minor permit modifications, a completeness determination shall not be required.

6. If, while processing an application that has been determined to be complete, the board finds that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.

7. The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30.

8. Upon notification by the board that the application is complete or after 60 days following receipt of the application by the board, the applicant shall submit three additional copies of the complete application to the board.

E. Duty to supplement or correct application.

1. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

2. An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

F. Application shield.

1. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of this rule until the board takes final action on the application under 9 VAC 5-80-150.

2. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of this section for a renewal permit, except in compliance with a permit issued under this rule.

3. If the source applies for a minor permit modification and wants to make the change proposed under the provisions of either 9 VAC 5-80-210 F or 9 VAC 5-80-220 E, the failure of the source to have a permit modification or the operation of the source without a permit modification shall not be a violation of this rule until the board takes final action on the application under 9 VAC 5-80-150.

4. If the source notifies the board that it wants to make an operational flexibility permit change under 9 VAC 5-80-280 B, the failure of the source to have a permit modification or operation of the source without a permit modification for the permit change shall not be a violation of this rule unless the board notifies the source that the change is not a permit change as specified in 9 VAC 5-80-280 B 1 a.

5. If an applicant submits a timely and complete application under this section for a permit renewal but the board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

6. The protection under subdivisions F 1 and F 5 (ii) of this section shall cease to apply if, subsequent to the completeness determination made pursuant to subsection D of this section, the applicant fails to submit by the deadline specified in writing by the board any additional information identified as being needed to process the application.

G. Signatory and certification requirements.

1. Any application form, report, compliance certification, or other document required to be submitted to the board under this rule shall be signed by a responsible official.

2. Any person signing a document required to be submitted to the board under this rule shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9 VAC 5-80-90. Application information required.

A. The board shall furnish application forms to applicants.

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B. Each application for a permit shall include, but not be limited to, the information listed in subsections C through K of this section.

C. Identifying information.

1. Company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact or both.

2. A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.

D. Emissions-related information.

1. All emissions of pollutants for which the source is major and all emissions of regulated air pollutants.

a. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit with the following exceptions.

(1) Any emissions unit exempted from the requirements of this subsection because the emissions level or size of the unit is deemed to be insignificant under section II B or II C of 9 VAC 5-10-20, Appendix W 9 VAC 5-80-720 B or C shall be listed in the permit application and identified as an insignificant activity. This requirement shall not apply to emissions units listed in section II A of Appendix W 9 VAC 5-80-720 A.

(2) Regardless of the emissions units designated in section II A or II C of 9 VAC 5-10-20, Appendix W 9 VAC 5-80-720 A or C or the emissions levels listed in section II B of Appendix W 9 VAC 5-80-720 B, the emissions from any emissions unit shall be included in the permit application if the omission of those emissions units from the application would interfere with the determination of the applicability of this rule, the determination or imposition of any applicable requirement or the calculation of permit fees.

b. Emissions shall be calculated as required in the permit application form or instructions.

c. Fugitive emissions shall be included in the permit application to the extent quantifiable regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

2. Additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule approved pursuant to Rule 8-6 as required by the board. Identification and description of all points of emissions described in subdivision D 1 of this section in sufficient detail to establish the basis for fees and applicability of requirements of these regulations and the federal Clean Air Act.

3. Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

4. Information needed to determine or regulate emissions as follows: fuels, fuel use, raw materials, production rates, loading rates, and operating schedules.

5. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

6. Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants at the source.

7. Other information required by any applicable requirement (including information related to stack height limitations required under 9 VAC 5-40-20 I or 9 VAC 5-50-20 H).

8. Calculations on which the information in subdivisions D 1 through 7 of this section is based. Any calculations shall include sufficient detail to permit assessment of the validity of such calculations.

E. Air pollution control requirements.

1. Citation and description of all applicable requirements.

2. Description of or reference to any applicable test method for determining compliance with each applicable requirement.

F. Additional information that may be necessary to implement and enforce other requirements of these regulations and the federal Clean Air Act or to determine the applicability of such requirements.

G. An explanation of any proposed exemptions from otherwise applicable requirements.

H. Additional information as determined to be necessary by the board to define alternative operating scenarios identified by the source pursuant to 9 VAC 5-80-110 J or to define permit terms and conditions implementing operational flexibility under 9 VAC 5-80-280.

I. Compliance plan.

1. A description of the compliance status of the source with respect to all applicable requirements.

2. A description as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

c. For applicable requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

3. A compliance schedule as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement or by the board if no specific requirement exists.

c. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or board order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

4. A schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation.

J. Compliance certification.

1. A certification of compliance with all applicable requirements by a responsible official or a plan and schedule to come into compliance or both as required by subsection I of this section.

2. A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods.

3. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the board.

4. A statement indicating the source is in compliance with any applicable federal requirements concerning enhanced monitoring and compliance certification.

K. If applicable, a statement indicating that the source has complied with the applicable federal requirement to register a risk management plan under § 112 (r)(7) of the federal Clean Air Act or, as required under subsection I of this section, has made a statement in the source's compliance plan that the source intends to comply with this applicable federal requirement and has set a compliance schedule for registering the plan.

L. Regardless of any other provision of this section, an application shall contain all information needed to determine or to impose any applicable requirement or to evaluate the

fee amount required under the schedule approved pursuant to Rule 8-6 (9 VAC 5-80-310 et seq.).

9 VAC 5-80-190. Changes to permits.

A. Applicability.

1. Changes to emissions units that pertain to applicable federal requirements at a source with a permit issued under this rule shall be made as specified under subsections B through D of this section and 9 VAC 5-80-200 through 9 VAC 5-80-240 ~~of this rule~~.

2. Changes to emissions units that pertain to applicable state requirements at a source with a permit issued under this rule shall be made as specified under subsection E of this section.

3. Changes to a permit issued under this rule and during its five-year term that pertain to applicable federal requirements may be initiated by the permittee as specified in subsection B of this section or by the board or administrator as specified in subsection C of this section.

B. Changes initiated by the permittee.

1. The permittee may initiate a change to a permit by requesting an administrative permit amendment, a minor permit modification or a significant permit modification. The requirements for these permit revisions can be found in 9 VAC 5-80-200 through 9 VAC 5-80-230.

2. A request for a change by a permittee shall include a statement of the reason for the proposed change.

C. Changes initiated by the administrator or the board. The administrator or the board may initiate a change to a permit through the use of permit reopenings as specified in 9 VAC 5-80-240.

D. Permit term. Changes to permits shall not be used to extend the term of the permit.

E. Changes at a source and applicable state requirements.

1. Exemption from permit revision and reopening requirements. Changes at a source that pertain only to applicable state requirements shall be exempt from the requirements of 9 VAC 5-80-200 through 9 VAC 5-80-240.

2. Criteria for making the change. The permittee may initiate a change pertaining only to applicable state requirements (i) if the change does not violate applicable requirements and (ii) if applicable, the requirements of 9 VAC 5-80-10, 9 VAC 5-80-20 or 9 VAC 5-80-30 have been met.

3. Incorporation of permit terms and conditions into a permit issued under this rule.

a. Permit terms and conditions pertaining only to applicable state requirements and issued under 9 VAC 5-80-10, 9 VAC 5-80-20 or 9 VAC 5-80-30 shall be incorporated into a permit issued under this rule at the time of permit renewal or at an earlier time, if the applicant requests it.

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b. Permit terms and conditions for changes to emissions units pertaining only to applicable state requirements and exempt from the requirements of 9 VAC 5-80-10, 9 VAC 5-80-20 or 9 VAC 5-80-30 shall be incorporated into a permit issued under this rule at the time of permit renewal or at an earlier time, if the applicant requests it.

4. Notification. The source shall provide contemporaneous written notice to the board of the change. Such written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable state requirement that would apply as a result of the change.

5. Permit shield. The change shall not qualify for the permit shield under 9 VAC 5-80-140.

9 VAC 5-80-210. Minor permit modifications.

A. Minor permit modification procedures shall be used only for those permit modifications that:

1. Do not violate any applicable requirement;
2. Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the permit such as a change to the method of monitoring to be used, a change to the method of demonstrating compliance or a relaxation of reporting or record keeping requirements;
3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable federal requirement and that the source has assumed to avoid an applicable federal requirement to which the source would otherwise be subject. Such terms and conditions include:
 - a. A federally enforceable emissions cap assumed to avoid classification as a ~~modification under 9 VAC 5-80-10, 9 VAC 5-80-20, 9 VAC 5-80-30 or § 112 of the federal Clean Air Act Title I modification~~; and
 - b. An alternative emissions limit approved pursuant to regulations promulgated under § 112(i)(5) of the federal Clean Air Act;
5. Are not ~~modifications under 9 VAC 5-80-10, 9 VAC 5-80-20, 9 VAC 5-80-30 or under § 112 of the federal Clean Air Act Title I modifications~~; and
6. Are not required to be processed as a significant modification under 9 VAC 5-80-230; or as an administrative permit amendment under 9 VAC 5-80-200.

B. Notwithstanding subsection A of this section and 9 VAC 5-80-220 A, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit

modification procedures are explicitly provided for in these regulations or a federally-approved program.

C. Application. An application requesting the use of minor permit modification procedures shall meet the requirements of 9 VAC 5-80-90 for the modification proposed and shall include all of the following:

1. A description of the change, the emissions resulting from the change, and any new applicable federal requirements that will apply if the change occurs.
2. A suggested draft permit prepared by the applicant.
3. Certification by a responsible official, consistent with 9 VAC 5-80-80 G, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used.

D. Public participation and EPA and affected state notification.

1. Within five working days of receipt of a permit modification application that meets the requirements of subsection C of this section, the board shall meet its obligation under 9 VAC 5-80-290 A 1 and B 1 to notify the administrator and affected states of the requested permit modification.

The board shall promptly send any notice required under 9 VAC 5-80-290 B 2 to the administrator.

2. The public participation requirements of 9 VAC 5-80-270 shall not extend to minor permit modifications.

E. Timetable for issuance.

1. The board may not issue a final permit modification until after the administrator's 45-day review period or until the administrator has notified the board that he will not object to issuance of the permit modification, whichever occurs first, although the board can approve the permit modification prior to that time.

2. Within 90 days of receipt by the board of an application under minor permit modification procedures or 15 days after the end of the 45-day review period under 9 VAC 5-80-290 C, whichever is later, the board shall do one of the following:

- a. Issue the permit modification as proposed.
- b. Deny the permit modification application.
- c. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures.
- d. Revise the draft permit modification and transmit to the administrator the new proposed permit modification as required by 9 VAC 5-80-290 A.

F. Ability of owner to make change.

1. The owner may make the change proposed in the minor permit modification application immediately after the application is filed.

2. After the change under subdivision F 1 of this section is made, and until the board takes any of the actions specified in subsection E of this section, the source shall comply with both the applicable federal requirements governing the change and the proposed permit terms and conditions.

3. During the time period specified in subdivision F 2 of this section, the owner need not comply with the existing permit terms and conditions he seeks to modify. However, if the owner fails to comply with the proposed permit terms and conditions during this time period, the existing permit terms and conditions he seeks to modify may be enforced against him.

G. Permit shield. The permit shield under 9 VAC 5-80-140 shall not extend to minor permit modifications.

9 VAC 5-80-230. Significant modification procedures.

A. Criteria.

1. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications under 9 VAC 5-80-210 or 9 VAC 5-80-220 or as administrative amendments under 9 VAC 5-80-200.

2. Significant modification procedures shall be used for those permit modifications that:

a. Involve significant changes to existing monitoring, reporting, or record keeping requirements in the permit, such as a change to the method of monitoring to be used, a change to the method of demonstrating compliance or a relaxation of reporting or record keeping requirements.

b. Require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts made under 9 VAC 5-40-10 et seq., 9 VAC 5-50-10 et seq. or 9 VAC 5-60-10 et seq., or a visibility or increment analysis carried out under 9 VAC 5-80-10 et seq.

c. Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable federal requirement and that the source has assumed to avoid an applicable federal requirement to which the source would otherwise be subject. Such terms and conditions include:

(1) A federally enforceable emissions cap assumed to avoid classification as a ~~modification under 9 VAC 5-80-10, 9 VAC 5-80-20, 9 VAC 5-80-30 or § 112 of the federal Clean Air Act Title I modification.~~

(2) An alternative emissions limit approved pursuant to regulations promulgated under § 112(i)(5) of the federal Clean Air Act (early reduction of hazardous air pollutants).

B. Application. An application for a significant permit modification shall meet the requirements of 9 VAC 5-80-80 and 9 VAC 5-80-90 for permit issuance and renewal for the modification proposed and shall include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable federal requirements that will apply if the change occurs.

2. A suggested draft permit prepared by the applicant.

3. Completed forms for the board to use to notify the administrator and affected states as required under 9 VAC 5-80-290.

C. EPA and affected state notification. The provisions of 9 VAC 5-80-290 shall be carried out for significant permit modifications in the same manner as they would be for initial permit issuance and renewal.

D. Public participation. The provisions of 9 VAC 5-80-270 shall apply to applications made under this section.

E. Timetable for issuance. The board shall take final action on significant permit modifications within nine months after receipt of a complete application.

F. Ability of owner to make change. The owner shall not make the change applied for in the significant modification application until the modification is approved by the board under subsection E of this section.

G. Permit shield. The provisions of 9 VAC 5-80-140 shall apply to changes made under this section.

9 VAC 5-80-270. Public participation.

A. Required public comment and public notice. Except for modifications qualifying for minor permit modification procedures and administrative permit amendments, draft permits for initial permit issuance, significant modifications, and renewals shall be subject to a public comment period of at least 30 days. The board shall notify the public using the procedures in subsection B of this section.

B. Notification.

1. The board shall notify the public of the draft permit or draft permit modification (i) by advertisement in a local newspaper of general circulation in the locality particularly affected and in a newspaper of general circulation in the affected air quality control region and (ii) through a notice to persons on a permit mailing list who have requested such information of the opportunity for public comment on the information available for public inspection under the provisions of subsection C of this section.

2. For major sources subject to this rule, the notice shall be mailed to the chief elected official and chief administrative officer and the planning district commission for the locality particularly affected.

C. Content of the public notice and availability of information.

1. The notice shall include, but not be limited to the following:

a. The source name, address and description of specific location.

b. The name and address of the permittee.

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c. The name and address of the regional office processing the permit.

d. The activity or activities for which the permit action is sought.

e. The emissions change that would result from the permit issuance or modification.

f. A statement of estimated local impact of the activity for which the permit is sought, including information regarding specific pollutants and the total quantity of each emitted pollutant and the type and quantity of fuels used.

g. The name, address, and telephone number of a department contact from whom interested persons may obtain additional information, including copies of the draft permit or draft permit modification, the application, air quality impact information if an ambient air dispersion analysis was performed and all relevant supporting materials, including the compliance plan.

h. A brief description of the comment procedures required by this section.

i. A brief description of the procedures to be used to request a hearing or the time and place of the public hearing if the board determines to hold a hearing under subdivision E 3 of this section.

2. Information on the permit application (exclusive of confidential information under 9 VAC 5-20-150), as well as the draft permit or draft permit modification, shall be available for public inspection during the entire public comment period at the regional office.

D. Affected states review. The board shall provide such notice and opportunity for participation by affected states as is provided for by 9 VAC 5-80-290.

E. Opportunity for public hearing.

1. The board shall provide an opportunity for a public hearing as described in subdivisions E 2 through E 6 of this section.

2. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to consider the draft permit or draft permit modification. The request shall be submitted within 30 days of the appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:

a. The name, mailing address and telephone number of the requester.

b. The names and addresses of all persons for whom the requester is acting as a representative.

c. The reason why a hearing is requested, including the air quality concern that forms the basis for the request.

d. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including information on how the

operation of the facility under consideration affects the requester.

3. The board shall review all requests for public hearing filed as required under subdivision E 2 of this section and, within 30 calendar days following the expiration of the public comment period, shall grant a public hearing if it finds both of the following:

a. There is significant public interest in the air quality issues raised by the permit application in question.

b. There are ~~substantial~~, disputed air quality issues relevant to the permit application in question.

4. The board shall notify by mail the applicant and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain the basis for the decision to grant or deny a public hearing. If the public hearing is granted, the notice shall contain a description of procedures for the public hearing.

5. If the board decides to hold a public hearing, the hearing shall be scheduled at least 30 and no later than 60 days after mailing the notification required in subdivision E 4 of this section.

6. The procedures for notification to the public and availability of information used for the public comment period as provided in subsection C of this section shall also be followed for the public hearing. The hearing shall be held in the affected air quality control region.

7. As an alternative to the requirements of subdivisions E 1 through E 6 of this section, the board may hold a public hearing if an applicant requests that a public hearing be held or if, prior to the public comment period, the board determines that the conditions in subdivisions E 3 a and b of this section pertain to the permit application in question.

8. The board may hold a public hearing for more than one draft permit or draft permit modification if the location for the public hearing is appropriate for the sources under consideration and if the public hearing time expected for each draft permit or draft permit modification will provide sufficient time for public concerns to be heard.

9. Written comments shall be accepted by the board for at least 15 days after the hearing.

F. Public comment record.

1. The board shall keep two records of public participation as follows:

a. A record of the commenters.

b. A record of the issues raised during the public participation process so that the administrator may fulfill his obligation under §505(b)(2) of the federal Clean Air Act to determine whether a citizen petition may be granted.

2. Such records shall be made available to the public upon request.

9 VAC 5-80-280. Operational flexibility.

A. The board shall allow, under conditions specified in this section, operational flexibility changes at a source that do not require a revision to be made to the permit in order for the changes to occur. Such changes shall be classified as follows: (i) those that contravene an express permit term, or (ii) those that are not addressed or prohibited by the permit. The conditions under which the board shall allow these changes to be made are specified in subsections B and C of this section, respectively.

B. Changes that contravene an express permit term.

1. General.

a. The board shall allow a change at a stationary source that changes a permit condition with the exception of the following:

~~(1) A modification under 9 VAC 5-80-10, 9 VAC 5-80-20 or 9 VAC 5-80-30 A Title I modification.~~

~~(2) A modification under the provisions of or regulations promulgated pursuant to § 112 of the federal Clean Air Act.~~

~~(3)~~ (2) A change that would exceed the emissions allowable under the permit.

~~(4)~~ (3) A change that would violate applicable requirements.

~~(5)~~ (4) A change that would contravene federally or state enforceable permit terms or conditions or both that are monitoring (including test methods), record keeping, reporting, compliance schedule dates, or compliance certification requirements.

b. The owner shall provide written notification to the administrator and the board at least seven days in advance of the proposed change. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

c. The owner, board and the administrator shall attach the notice described in subdivision B 1 b of this section to their copy of the relevant permit.

d. The permit shield under 9 VAC 5-80-140 shall not extend to any change made pursuant to subsection *subdivision* B 1 of this section.

2. Emission trades within permitted facilities provided for in these regulations.

a. With the exception of the changes listed in subdivision B 1 a of this section, the board shall allow permitted sources to trade increases and decreases in emissions within the permitted facility (i) where these regulations provide for such emissions trades without requiring a permit revision and (ii) where the permit does not already provide for such emissions trading.

b. The owner shall provide written notification to the administrator and the board at least seven days in advance of the proposed change. The written notification shall include such information as may be required by the provision in these regulations authorizing the emissions trade, including at a minimum the name and location of the facility, when the proposed change will occur, a description of the proposed change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of these regulations and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in these regulations and which provide for the emissions trade.

c. The permit shield described in 9 VAC 5-80-140 shall not extend to any change made under subdivision B 2 of this section. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of these regulations .

3. Emission trades within stationary sources to comply with an emissions cap in the permit.

a. If a permit applicant requests it, the board shall issue permits that contain terms and conditions, including all terms required under 9 VAC 5-80-110 to determine compliance, allowing for the trading of emissions increases and decreases within the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable federal requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable. The board shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

b. The board shall not allow a change to be made under subsection B 3 of this section if it is a change listed in subdivision B 1 of this section.

c. The owner shall provide written notification to the administrator and the board at least seven days in advance of the proposed change. The written notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

d. The permit shield under 9 VAC 5-80-140 shall extend to terms and conditions that allow such increases and decreases in emissions.

C. Changes that are not addressed or prohibited by the permit.

1. The board shall allow the owner to make changes that are not addressed or prohibited by the permit unless the

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changes are subject to the following requirements: *Title I modifications.*

~~a. Modifications under 9 VAC 5-80-10, 9 VAC 5-80-20 or 9 VAC 5-80-30.~~

~~b. Modifications under § 112 of the federal Clean Air Act or the regulations promulgated under § 112.~~

2. Each change shall meet all applicable requirements and shall not violate any existing permit term or condition which is based on applicable federal requirements.

3. Sources shall provide contemporaneous written notice to the board and the administrator of each change, except for changes to emissions units deemed insignificant and listed in ~~section II A of Appendix W 9 VAC 5-80-720 A~~. Such written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

4. The change shall not qualify for the permit shield under 9 VAC 5-80-140.

5. The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable federal requirement but not otherwise regulated under the permit, and the emissions resulting from those changes.

Article 2.

Permit Program Fees For Stationary Sources (Rule 8-6).

9 VAC 5-80-310. Applicability.

A. Except as provided in subsection C of this section, the provisions of this rule apply to the following stationary sources:

1. Any major source; .

2. Any source, including an area source, subject to the ~~provisions of Parts IV and V of these regulations adopted pursuant to a standard, limitation, or other requirement under § 111 of the federal Clean Air Act; .~~

3. Any source, including an area source, subject to the ~~provisions of Part VI of these regulations adopted pursuant to a standard, limitation, or other requirement under § 112 of the federal Clean Air Act; .~~

4. Any affected source; .

5. Any other source subject to the permit requirements of Rule 8-5 (9 VAC 5-80-50 et seq.); and .

6. Any source that would be subject to the permit requirements of Rule 8-5 in the absence of a permit issued under 9 VAC 5-80-40.

B. The provisions of this rule apply throughout the Commonwealth of Virginia.

C. The provisions of this rule shall not apply to the following:

1. All sources and source categories that would be subject to this rule solely because they are subject to the provisions of 40 CFR *Part 60*, Subpart AAA (standards of

performance for new residential wood heaters), as prescribed in Rule 5-5; (9 VAC 5-50-400 et seq.).

2. All sources and source categories that would be subject to this rule solely because they are subject to the provisions of 40 CFR ~~61.145 (national emission standard for hazardous air pollutants for asbestos, standard for demolition and renovation)~~, Subpart M, ~~§61.145 (national emission standard for hazardous air pollutants for asbestos, standard for demolition and renovation)~~, as prescribed in Rule 6-1; (9 VAC 5-60-60 et seq.).

3. Any source issued a permit under 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30 that began initial operation during the calendar year preceding the year in which the annual permit program fee is assessed; .

4. That portion of emissions in excess of 4,000 tons per year of any regulated air pollutant emitted by any source otherwise subject to an annual permit program fee; .

5. During the years 1995 through 1999 inclusive, any affected source under § 404 of the federal Clean Air Act (phase I sulfur dioxide requirements); .

6. Any emissions unit within a stationary source subject to this rule that is identified as being an insignificant activity in ~~9 VAC 5-10-20, Appendix W; and Article 4 (9 VAC 5-80-710 et seq.) of this part.~~

7. All sources and source categories that would be subject to this rule solely because they are subject to regulations or requirements under § 112(r) of the federal Clean Air Act.

9 VAC 5-80-340. Annual permit program fee calculation.

A. The annual permit program fee shall not exceed the base year amount as specified in § 10.1-1322 B of the Virginia Air Pollution Control Law and shall be adjusted annually by the Consumer Price Index as provided in § 10.1-1322 B of the Virginia Air Pollution Control Law.

1. The annual permit program fee shall be increased (consistent with the need to cover reasonable costs) each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all urban consumers published by the U.S. Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

2. The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1989 shall be used.

B. The annual permit program fee described in subsection A of this section and the amount billed to the owner as provided in subsection A of 9 VAC 5-80-350 for a given year shall be calculated in accordance with the following formulae:

$$B = (A)(F)$$

$$F = X (1 + \Delta \text{CPI})$$

$$\Delta \text{CPI} = \frac{\text{CPI} - 122.15}{122.15}$$

where:

B = the amount billed to the owner during the year after the year in which the actual emissions occurred, expressed in dollars

A = actual emissions covered by permit fees, expressed in tons

F = the maximum adjusted fee per ton for the calendar year in which the actual emissions occurred, expressed in dollars per ton

X = the base year amount specified in § 10.1-1322 B of the Virginia Air Pollution Control Law 25, expressed in dollars per ton

Δ CPI = the difference between the CPI and 122.15 (the average of the Consumer Price Index for all-urban consumers for the 12-month period ending on August 31, 1989)

CPI = the average of the Consumer Price Index for all-urban consumers for the 12-month period ending on August 31 of the year in which the emissions actually occurred, expressed as a percentage

C. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the department.

D. If the assessment of the annual permit program fee calculated in accordance with subsections A, B, and C of this section results in a total amount of fee revenue in excess of the amount necessary to fund the permit program costs, a lesser annual permit program fee shall instead be calculated and assessed according to the formula specified in subsection E of this section. Any adjustments made to the annual permit program fee shall be within the constraints of 40 CFR 70.9 and § 10.1-1322 of the Virginia Air Pollution Control Law.

E. The lesser annual permit program fee shall be calculated according to the following formula: estimated permit program costs ÷ estimated actual emissions = lesser annual permit program fee. The estimated permit program costs and estimated actual emissions shall be determined from the data specified in subdivisions E 1 and E 2 of this section, incorporating any anticipated adjustments to the data.

1. The current permit program costs shall be determined from the most recent available annual expenditure record of the amount spent by the department on permit program costs.

2. The current actual emissions shall be determined from the most recent available annual emissions inventory of

the actual emissions for each regulated pollutant subject to fees from all sources subject to the annual permit program fee.

Article 3.
Reserved.

9 VAC 5-80-360 through 9 VAC 5-80-700. Reserved.

APPENDIX W.
INSIGNIFICANT ACTIVITIES.

Article 4.
Insignificant Activities.

I. 9 VAC 5-80-710. General.

A. For the purposes of Rules 8-5 (9 VAC 5-80-50 et seq.), 8-6 (9 VAC 5-80-310 et seq.) and 8-7 (9 VAC 5-80-360 et seq.), insignificant activities shall be those activities listed in Section II of this appendix 9 VAC 5-80-720. There are three categories of insignificant activities as follows:

1. Insignificant emissions units. This category includes emissions units that are deemed insignificant because they are sufficiently small so as to be considered insignificant for the purpose of identifying the emissions units in permit applications. Emissions units in this category are not required to be included in permit applications submitted pursuant to Rule 8-5 or Rule 8-7. Insignificant activities falling into this category are listed in section II A of this appendix 9 VAC 5-80-720 A.

2. Emissions units with insignificant emissions levels. This category includes emissions units, other than those in section I subdivision A 1 of this appendix section, that are deemed insignificant because they have emissions levels sufficiently small so as to be considered insignificant for the purpose of quantifying the emissions from the emissions units in a permit application. Emissions units emitting at these insignificant levels are required to be identified by listing them as insignificant emissions units in the permit application submitted pursuant to Rule 8-5 or Rule 8-7. The list of insignificant emissions units shall also specify the pollutant or pollutants emitted at insignificant emissions levels for each emissions unit on the list. However, information on the amount of emissions from these units is not required to be provided. Insignificant activities in this category are listed in section II 9 VAC 5-80-720 B of this appendix.

3. Emissions units of an insignificant size or production rate. This category includes emissions units, other than those in section I A 1 or section I A 2 of this appendix subdivision 1 or 2 of this subsection, that are deemed insignificant because the emissions from these units are considered to be of minimal or no air quality concern for the purpose of quantifying the emissions from the emissions units in a permit application. Emissions units in this category are required to be identified by listing them as insignificant emissions unit in the permit application submitted pursuant to Rule 8-5 or Rule 8-7. The list of insignificant emissions units shall also specify the size or the production rate for each emissions unit on the list. Insignificant activities in this category are listed in section II C of this appendix 9 VAC 5-80-720 C.

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4. Regardless of the emissions units designated in sections II A, II B, or II C of this appendix 9 VAC 5-80-720 A, B, or C, the emissions from any emissions unit should be included in the permit application submitted pursuant to Rule 8-5 or Rule 8-7 if the omission of those emissions units would interfere with the determination of applicability of Rule 8-5 or 8-7, the determination of or imposition of any applicable requirement, or the calculation of permit fees.

B. Definitions.

1. For the purpose of this appendix article and subsequent amendments issued by the board, the words or terms shall have the meaning given them in subsection B subdivision 2 of this section subsection. As used in this appendix article, all terms not defined here shall have the meaning given them in 9 VAC 5-10-10 et seq., unless otherwise required by context.

2. Terms defined.

"Uncontrolled emissions" means the emissions from a source when operating at maximum capacity without air pollution control equipment. Air pollution control equipment includes control equipment which is not vital to its operation, except that its use enables the source to conform to applicable air pollution control laws and regulations. Annual uncontrolled emissions shall be based on the maximum annual rated capacity (based on 8,760 hours of operation per year) of the source, unless the source is subject to state and federally enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of material combusted or processed may be used in determining the uncontrolled emissions of a source. Secondary emissions do not count in determining the uncontrolled emissions of a stationary source.

II- 9 VAC 5-80-720. Insignificant activities.

A. Insignificant emissions units.

1. Gas flares or flares used solely to indicate danger to the public; .
2. ~~Comfort air conditioning~~ or Ventilation systems not used to remove air contaminants generated by or released from specific units of equipment; .
3. Portable heaters which can reasonably be relocated through the manual labor of one person; .
4. Space heaters operating by direct heat or radiant heat transfer, or both; .
5. Office activities and the equipment and implements used to carry out these activities, such as typewriters, printers, and pens; .
6. Interior maintenance activities and the equipment and supplies used to carry out these activities, such as janitorial cleaning products and air fresheners, but not cleaning of production equipment; .
7. Architectural maintenance and repair activities conducted to take care of the buildings and structures at

the facility, including repainting, reroofing and sandblasting, where no structural repairs are made in conjunction with the installation of new or permanent facilities; .

8. Exterior maintenance activities conducted to take care of the grounds of the source, including lawn maintenance; .

9. Bathroom and locker room ventilation and maintenance; .

10. Copying and duplication activities for internal use and support of office activities at the source; .

11. Blueprint copiers and photographic processes used as an auxiliary to the principal equipment at the source; .

12. Equipment used solely for the purpose of preparing food to be eaten on the premises of industrial and manufacturing operations; .

13. Safety devices; .

14. Air contaminant detectors and test equipment; .

15. Brazing, soldering or welding equipment used as an auxiliary to the principal equipment at the source; .

16. The engine of any vehicle, including but not limited to any marine vessel, any vehicle running upon rails or tracks, any motor vehicle, any forklift, any tractor, or any mobile construction equipment, including any auxiliary engine that provides cooling or refrigeration of the vehicle; .

17. Firefighting equipment and the equipment used to train firefighters; .

18. Laboratories used solely for the purpose of quality control or environmental compliance testing that are associated with manufacturing, production or other industrial or commercial facilities; .

19. Laboratories in primary and secondary schools and in schools of higher education used for instructional purposes; .

20. Air compressors and pumps (engines for these emissions units are covered separately under Section II subdivision C 1 of this section); .

21. Dumpster; .

22. Grinding or abrasive blasting for nondestructive testing of metals; .

23. Dryers and distribution systems for instrument air; .

24. Parts washer (water-based); .

25. Dispensing facilities for refueling diesel-powered vehicles or equipment, including any diesel fuel storage tank serving only such dispensing facility; .

26. Laboratory analytical equipment and vents except at stationary sources primarily engaged in research and development; .

- 27. Nonroutine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning; .
- 28. Sampling connections and systems used exclusively to withdraw materials for testing and analysis including air contaminant detectors and vent lines; .
- 29. Maintenance activities such as hand-held or manually-operated maintenance equipment, railroad track maintenance, repair and maintenance cleaning, and maintenance surface preparation activities; .
- 30. Solvent storage cabinet (containers covered); .
- 31. Cooling ponds; .
- 32. Coal pile run-off ponds; .
- 33. Mechanical drive or gear boxes; .
- 34. Equipment for steam cleaning or brushing dust off equipment; .
- 35. Repair of residential units; .
- 36. Farm equipment; .
- 37. Water tanks; .
- 38. Hydroblasting; .
- 39. Process raw water treatment (e.g., phosphate); .
- 40. Water cooling tower except for systems including contact process water or water treated with chromium-based chemicals; .
- 41. Spill collection tanks; .
- 42. Steam vents and leaks from boilers and steam distribution systems; .
- 43. Boiler water treatment operations, except those involving use of hydrazine.
- 44. Herbicide mixing and application activities not involving herbicide manufacture; .
- 45. Internal combustion powered compressors and pumps used for emergency replacement or standby service; .
- 46. Portable or mobile containers; .
- 47. Vent or exhaust system for:
 - a. Transformer vaults and buildings;
 - b. Electric motor and control panel vents; and
 - c. Deaerators and decarbonators.
- 48. Vents or stacks for sewer lines or enclosed areas required for safety or by code; .
- 49. Pump seals; .
- 50. Rupture discs for gas handling systems; .
- 51. Molasses storage tanks; .
- 52. Storage of substances in closed drums, barrels or bottles; .

- 53. Refrigeration systems;
- 54. 53. Purging of natural gas lines; .
- 55. 54. Blanking, chopping, trimming, perforating, repacking, and inspecting in connection with plastics manufacturing processes.
- 55. Sealed batteries such as those used for emergency backup power supplies.
- 56. Activities associated with the maintenance, repair, or resurfacing of facility properties.
- 57. Relief valves.
- 58. Nonhazardous boiler cleaning solutions.

B. Emissions units, other than those listed in section II subsection A of this appendix section, with insignificant emissions levels.

- 1. Emissions units with uncontrolled emissions of less than 10 tons per year of nitrogen dioxide, sulfur dioxide, total suspended particulates or particulate matter (PM10);
- 2. Emissions units with uncontrolled emissions of less than 7.0 tons per year of volatile organic compounds;
- 3. Emissions units with uncontrolled emissions of less than 100 tons per year of carbon monoxide;
- 4. Emissions units with uncontrolled emissions of less than 0.6 tons per year of lead;
- 5. Emissions units with uncontrolled emissions of hazardous air pollutants at or below the de minimis emissions rates set out in the table in 40 CFR 63.44;
- 6. Emissions units with uncontrolled emissions of any pollutant regulated under subpart C of 40 CFR Part 68 at or below the de minimis emissions rates set out in the table in 40 CFR 63.44 or, if the pollutant is not listed in the table in 40 CFR 63.44, at or below the threshold quantity listed in the tables in 40 CFR 68.130 if those emissions are below the threshold levels set forth at 40 CFR 63.44, the accidental release threshold levels set forth at 40 CFR 68.130, or 1,000 pounds per year, whichever is least.

C. Emissions units, other than those listed in section II A or section II B subsection A or B of this appendix section, of an insignificant size or production rate.

- 1. Internal combustion engines, including portable generators, as follows:
 - a. Engines burning diesel fuel (maximum 0.5% sulfur) with 51,800 Btu per hour input (20.3 horsepower) or less;
 - b. Engines burning gasoline with 36,413 Btu per hour input (14.3 horsepower) or less.
- 2. Fuel burning equipment or combustion units with heat input levels less than:
 - a. 10 million Btu per hour rated input, using natural gas;

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- b. 1 million Btu per hour rated input, using distillate oil (maximum 0.5% sulfur).
3. Reservoirs and storage tanks for lubricant or used oil with a capacity of less than 1,000 gallons.

NOTICE: The form used in administering 9 VAC 5-80-50 et seq., Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6) is not being published due to its length. The form is available for public inspection at the State Air Pollution Control Board, 629 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Air Operating Permit Application, DEQ Form 805, 2/15/96

VA.R. Doc. No. R96-283; Filed March 27, 1996, 11:52 a.m.

VIRGINIA RACING COMMISSION

Title of Regulation: 11 VAC 10-180-10 et seq. Medication.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: May 15, 1996 - 9:30 a.m.

Public comments may be submitted through June 14, 1996.

(See Calendar of Events section for additional information)

Basis: The Virginia Racing Commission derives its statutory authority to promulgate regulations from the provisions of § 59.1-369 of the Code of Virginia. The code states, in part in subdivision 4, "The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter."

Purpose: The commission has promulgated this regulation to achieve its statutory function of maintaining horse racing in the Commonwealth of the highest quality. The proposed regulation relating to medication in racehorses places Virginia racing in accord with procedures in the major racing states on the eastern seaboard, namely, Maryland, New Jersey and New York, and would allow for jurisdictional parity in the application of horse racing regulations.

The regulation will allow for the administration of the medication furosemide on race day to horses that have been diagnosed as bleeders. The medication will allow for the normalization of horses suffering from the condition known as exercise-induced pulmonary hemorrhage. The administration of this medication will enhance the health of horses suffering from this condition and allow them to take part in Virginia horse racing. Without this medication, horses that could be potential standouts could have their performance hampered because of this condition while at the Virginia racetrack.

Substance: The regulation provides for the use of medication furosemide in racehorses. The medication will be administered to horses suffering from the condition of exercise-induced pulmonary hemorrhage, a condition that not only causes horses to bleed from the nostrils but also

severely hampers the functioning of the horses lungs. This regulation also sets forth applicable definitions, procedures for the collection of test samples, determination of positive tests, classification of various prohibited drugs, assessment of penalties for violation of these regulations, and rights of participants for testing of split samples.

Issues: The main advantage of the proposed regulation relating to medication in racehorses is that it will allow for the humane treatment of horses as well as normalize the health and performance of horses stricken with exercise-induced pulmonary hemorrhage. The drafting was accomplished with the assistance of veterinarians and horsemen who will be directly affected by their provisions. Furthermore, the key provisions of the regulations are very comparable to regulations in neighboring jurisdictions. These two very important factors should ease their implementation as well as acceptance by the regulated public. Also, these two advantages should make for comparable performances that should alleviate many of the problems encountered by patrons in their handicapping of the races. This regulation creates no disadvantages to the Commonwealth or the public.

Estimated impact: The owners of the racehorses and veterinarians will be directly impacted by these regulations; however, this impact will be at their discretion. If the owner authorizes the treatment of his racehorse with furosemide on race day, then the medication must be administered by a veterinarian who will generally charge the owner a fee ranging from \$10 to \$20. These regulations will probably affect in excess of a dozen veterinarians in private practice in the stable area and the owners of the racehorses treated.

Department of Planning and Budget's Economic Impact Analysis

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply; the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed regulation establishes procedures regarding the medication of racehorses. These procedures pertain to the classification of prohibited drugs, rights and responsibilities of participants, collection of test samples, determination of test results, and applicable sanctions.

Estimated Economic Impact

The proposed regulation will likely increase the number of horses that compete in Virginia horse racing because owners of horses with certain medical problems, who would not risk racing their animals absent medication, will be able to do so

under the provisions of the regulation. In addition, by making plain to all participants the procedures and sanctions involved in the medication of racehorses, the proposed regulation will generally enhance the integrity of Virginia horse racing. For these reasons, the proposed regulation is likely to make Virginia horse racing more attractive to participants and investors, thereby increasing the potential for economic development in this sector of Virginia's economy. Precisely quantifying the amount of economic activity that might be attributable to this effect would be prohibitively difficult however.

Businesses and Entities Particularly Affected

The proposed regulation particularly affects racehorse owners, veterinarians, and racetrack licensees participating in Virginia horse racing.

Localities Particularly Affected

No localities are particularly affected by the proposed regulation.

Projected Impact on Employment

The proposed regulation is not anticipated to have a measurable effect on employment.

Affects on the Use and Value of Private Property

To the extent that the proposed regulation facilitates development of the horse racing sector of Virginia's economy, it may have an effect on the use and value of private property by increasing the value of assets that are employable in that sector.

Summary of Analysis

It is anticipated that the proposed regulation will increase the number of horses that are able to compete in Virginia horse racing and, in addition, generally enhance the integrity of the sport. As a result, the proposed regulation is likely to increase the potential for economic development in this sector of Virginia's economy.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis:

The Virginia Racing Commission has reviewed the economic impact analysis prepared by the Department of Planning and Budget and the agency finds that it is in complete agreement with the analysis.

Summary:

The proposed regulations provide for the use of one medication in racehorses on race day and quantitative levels for two other medications. The regulations also set forth applicable definitions, procedures for the collection of test samples, determination of positive tests, and rights of testing of split samples.

CHAPTER 180. MEDICATION.

11 VAC 10-180-10. Definitions.

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

"Bleeder" means a horse which has been diagnosed as suffering from exercise-induced pulmonary hemorrhage based on external or endoscopic examination by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder.

"Bleeder list" means a tabulation of all bleeders to be maintained by the stewards.

"Commission" means the Virginia Racing Commission.

"Controlled substance" means any substance included in the five classification schedules of the U.S. Controlled Substances Act of 1970 (21 USC § 801 et seq.).

"Injectable substance" means a liquid or solid substance, which may require the addition of a liquid via a needle and syringe to change it from a solid into a liquid, contained in a vial with a rubber top which can be accessed and administered only via a needle and syringe.

"Prescription substance" means any substance which is administered or dispensed by or on the order of a private practitioner, who is a permit holder, for the purpose of medical treatment of an animal patient when a bona fide doctor-patient relationship has been established.

"Primary laboratory" means a facility designated by the commission for the testing of test samples.

"Prohibited substance" means any drug, medication or chemical foreign to the natural horse, whether natural or synthetic, or a metabolite or analog thereof, the use of which is not expressly permitted by the regulations of the commission.

"Race day" means a 24-hour period beginning at midnight before a race.

"Reference laboratory" means a facility designated by the commission for the testing of split samples.

"Substance" means any drug, medication or chemical foreign to the natural horse or human being, whether natural or synthetic, or a metabolite or analog thereof.

"Test sample" means any sample of blood, urine, saliva or tissue obtained from a horse or person for the purpose of laboratory testing for the presence of substances.

"Tubing" means the administration to a horse of any substance via a naso-gastric tube.

11 VAC 10-180-20. Generally.

A. Administration on race day prohibited. No person shall administer any substance to a horse on race day other than furosemide, and then only under the procedures set forth in this chapter.

B. Tubing of horses prohibited. The tubing or dosing of any horse for any reason on race day is prohibited, unless administered for medical emergency purposes by a private practitioner who is a permit holder, in which case the horse shall be scratched. The practice of administration of any substance, via a tube or dose syringe, into a horse's stomach on race day is considered a violation of this chapter.

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C. *Possession of needles prohibited.* No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection of any substance.

D. *Possession of injectables prohibited.* No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure any injectable substance.

E. *Prescription substances for animal use.* No permit holder, except a veterinarian or an assistant under his immediate supervision, shall have in his possession within the enclosure of a horse racing facility any prescription substance for animal use unless:

1. The permit holder actually possesses, within the enclosure of the horse racing facility, documentary evidence that a prescription has been issued to him for the substance by a private practitioner who is a permit holder;
2. The prescription substance is labelled with a dosage for the horse or horses to be treated with the prescription substance; and
3. The horse or horses named in the prescription are then under the care and supervision of the permit holder and are then stabled within the enclosure of the horse racing facility.

F. *Possession of substances.* No veterinarian or permit holder shall possess or administer any substance to a horse stabled within the enclosure:

1. That has not been approved by the U.S. Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC § 30 et seq.); or
2. That is on the U.S. Drug Enforcement Agency's Schedule I or Schedule II of controlled substances as prepared by the Attorney General of the United States pursuant to 21 USC §§ 811 and 812.

G. *Human use of needles and substances.* Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a substance for use on his person, providing the permit holder or veterinarian possesses documentary evidence that a valid medical prescription has been issued to the permit holder or veterinarian.

Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a hypodermic syringe or needle for the purpose of administering to himself a substance, provided that the permit holder has documentary evidence that the substance can only be administered by injection and that the substance to be administered by injection has been prescribed for him.

11 VAC 10-180-30. Bleeders.

A. *Examination of bleeders.* A horse which is alleged to have bled in Virginia must be physically examined by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder in order to confirm the

horse's inclusion on the bleeder list. The veterinarians may conclude a horse is a bleeder under the following circumstances:

1. If the examination takes place immediately following the race or exercise and before the horse leaves the racing surface, a veterinarian may conclude the horse is a bleeder and an endoscopic examination is not required for inclusion on the bleeder list; or
2. If the examination takes place after the horse leaves the racing surface but within 90 minutes following the finish of a race or exercise in which the horse participated, a veterinarian shall require an endoscopic examination for inclusion on the bleeder list.

B. *Confirmation of a bleeder.* The commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder, shall decide, based upon his experience and professional training, whether the horse suffers from exercise-induced pulmonary hemorrhage and should be placed on the bleeder list. The confirmation of a bleeder shall be certified in writing by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder, and the horse shall be placed on the bleeder list. Upon request, a copy of the certification shall be provided to the owner of the horse or his agent.

C. *Posting of bleeder list.* The bleeder list shall be maintained by the stewards, with the assistance of the commission veterinarian, and posted in the office of the racing secretary. No horse shall be removed from the bleeder list without the approval of the stewards.

D. *Restrictions on bleeders.* Horses placed on the bleeder list shall be subject to the following restrictions:

1. For the first occurrence of bleeding, the horse shall be placed on the bleeder list and shall not be eligible to race for at least 10 days;
2. For the second occurrence of bleeding, the horse shall not be eligible to race for at least 30 days;
3. For the third occurrence of bleeding, the horse shall not be eligible to race for at least 90 days; and
4. For the fourth occurrence of bleeding, the horse shall be barred from further racing at race meetings licensed by the commission.

E. *Bleeders from other jurisdictions.* The commission veterinarian may designate a horse as a bleeder from another jurisdiction upon receipt of documentation confirming that the horse is a bleeder, providing that the requirements for inclusion on the bleeder list in Virginia have been satisfied.

11 VAC 10-180-40. Collection of samples.

A. *Test barn.* All test samples shall be collected in the test barn under the supervision of the commission veterinarian. The commission veterinarian, may at his discretion, permit test samples to be collected in the horse's stall or any other location he deems appropriate. Under these circumstances, the commission veterinarian shall inform the stewards of his decision.

B. Horses to be tested. The stewards or commission veterinarian may, at any time, order the taking of test samples from any horse stabled within the enclosure of the horse racing facility, prior to racing or after racing. However, the stewards shall designate at least one horse from each race for the collection of test samples.

C. Collection procedure.

1. The trainer and groom of a horse sent to the test barn for the collection of test samples shall cooperate with the commission veterinarian and the commission's veterinary technicians in the performance of their duties.

2. Horses, from which samples are to be collected, shall be escorted, following the race, directly to the test barn by the commission's veterinary technicians and the horses shall remain in the test barn until released by the commission veterinarian.

3. Stable equipment, other than that which is necessary for washing and cooling out of a horse, is prohibited in the test barn. A private practitioner may attend a horse in the test barn only in the presence of the commission veterinarian or the commission's veterinary technicians.

4. During the collection of test samples, the owner, trainer or an assistant designated by the owner or trainer, shall be present and witness the collection of the test sample, the splitting of the sample and sealing of containers. In the case of a claimed horse, the owner or trainer, or an assistant designated by the owner or trainer in whose name the horse started, shall be present to witness the collection of the test samples.

5. The test and split samples collected from a horse shall have identification tags affixed. One portion of the tag, bearing a printed identification number, shall remain with the sealed test and split samples, and the other portion of the tag bearing the same printed identification numbers shall be detached in the presence of the witness. The commission's veterinary technician shall on the detached portion of the tags identify the horse from which the test and split samples were collected, the race and date, and other information deemed appropriate. The detached portion of the tag shall be witnessed by the owner or trainer, or an assistant designated by the owner or trainer, and shall be delivered to the commission's general business office.

6. A horse's identity shall be confirmed by examining its lip-tattoo number. A horse that has not been lip-tattooed shall be reported immediately to the stewards.

7. If, after a horse remains for a reasonable time in the test barn, a test sample of urine cannot be collected from the horse, the commission veterinarian may, at his discretion, collect a test sample of blood or permit the horse to be returned to its barn where a test sample may be collected under the supervision of the commission veterinarian or the commission's veterinary technicians.

11 VAC 10-180-50. Laboratory findings and reports.

A. Primary testing laboratory. The commission shall designate a primary testing laboratory for the analysis of test

samples collected under the supervision of the commission veterinarian. The commission shall designate a chief racing chemist within the primary testing laboratory who shall have the authority to report his findings to the executive secretary of the commission, the stewards and the commission veterinarian.

B. Reference laboratories. The commission shall designate one or more laboratories, other than the primary testing laboratory, as reference laboratories. These laboratories will conduct confirmatory analysis of split samples as shipped by the commission veterinarian. Any reference laboratory must be accredited by the Association of Racing Commissioners International and be willing to accept split samples for confirmatory testing. Any reference laboratory shall send results to both the person requesting the testing and the commission.

C. Chief racing chemist's responsibilities. The chief racing chemist shall be responsible for safeguarding and analyzing the test samples delivered to the primary testing laboratory. It shall be the chief racing chemist's responsibility to maintain proper equipment, adequate staffing and acceptable procedures to thoroughly and accurately analyze test samples submitted to the primary testing laboratory.

D. Reporting procedures. The chief racing chemist shall submit to the executive secretary of the commission, the stewards and the commission veterinarian a written report as to each test sample analyzed, indicating by identification tag number, whether the test sample was negative or there was a chemical identification.

E. Chemical identifications. If the chief racing chemist determines that there is present in the test sample a substance or metabolites of a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission, he shall submit a report of chemical identification to the executive secretary of the commission, the stewards and the commission veterinarian. In a report of chemical identification, the chief racing chemist shall submit evidence acceptable in the scientific community and admissible in court in support of his determination.

F. Review of chemical identifications. Upon receipt of a report of a chemical identification from the chief racing chemist, the stewards shall conduct a review of the chemical identification which shall include but not be limited to the chief racing chemist, the commission veterinarian and the commission's veterinary-pharmacological consultant. During the review, the following procedures shall apply:

1. All references to the report of a chemical identification shall be only by the identification tag number of the sample collected from the horse;

2. The chief racing chemist shall submit his written report of the chemical identification and the evidence supporting his finding;

3. The commission's veterinary-pharmacological consultant shall submit a written statement to the stewards including but not limited to the classification of the substance, its probable effect on a racehorse, and

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the efficacy of the substance at the levels found in the test sample;

4. The stewards may ask questions at any time and request further documentation as they deem necessary;

5. If the chemical identification involves a Class 1 or Class 2 substance, as specified by this regulation, then the stewards shall determine that the chemical identification constitutes a violation of the regulations of the commission and it is deemed a positive test result;

6. If the chemical identification and quantification involves a Class 3, Class 4 or Class 5 substance, as specified by this regulation, then the stewards shall determine whether the chemical identification does or does not constitute a violation of the regulations of the commission and whether it should be deemed a positive test result;

7. In the event of a positive test result, the stewards shall notify the trainer of the horse, in writing, of his right to send the split sample collected from the horse to one of the reference laboratories, designated by the commission, for confirmatory testing;

8. The stewards shall take no disciplinary action against any permit holder until the results of confirmatory testing are received, and the findings shall be a part of the record of any subsequent informal fact-finding conference; and

9. The chief racing chemist's report of a chemical identification, the commission's veterinary-pharmacological consultant's written statement, the results of confirmatory testing and any other documentation submitted to the stewards shall become part of the record of any subsequent proceedings.

G. Barred from racing. No horse from which a positive test sample was collected shall be permitted to race until the stewards have made a final determination in the matter. Such a horse shall not be immune from resulting disciplinary action by the stewards or the commission.

H. Frozen samples. Unconsumed portions of all test samples tested by the primary testing laboratory will be maintained in a frozen state for a period of six months. In the event of a positive test result involving a Class 1, Class 2 or Class 3 substance, the commission or stewards shall direct that the stored frozen samples collected from the horses raced by the trainer shall be tested for the presence of the identified substance. The results of this testing may be considered by the stewards or commission in assessing any disciplinary actions.

I. Split samples. The commission veterinarian shall determine a minimum test sample requirement for the primary testing laboratory. If the test sample collected is less than the minimum requirement, then the entire test sample shall be sent to the primary laboratory.

If the sample collected is greater than the minimum sample requirement but less than twice that amount, the portion of the test sample that is greater than the minimum test sample requirement shall be secured as the split sample.

If the test sample collected is greater than twice the minimum test sample requirement, a portion of the sample approximately equal to the test sample shipped to the primary testing laboratory shall be secured as the split sample.

J. Storage of split samples. Split samples shall be stored in secured location inside a locked freezer in accordance with the following procedures:

1. Split samples shall be secured in the test barn in the same manner as the portion of the test sample acquired for shipment to the primary laboratory until such time as test samples are packed and secured for shipment to the primary laboratory.

2. Upon shipment of the test samples to the primary laboratory, the split samples shall be transferred to the locked freezer by the commission veterinarian who shall be responsible for securing possession of the keys.

3. The freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of split samples.

4. Whenever the freezer used for storage of split samples is opened, it shall be attended by the commission veterinarian or his designee and a representative of the horsemen.

5. A log shall be maintained each time the freezer used for storage of split samples is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was locked.

6. Any evidence of a malfunction of the freezer used for storage of split samples or evidence that split samples are not in a frozen condition shall be documented in the log and immediately reported to the stewards.

K. Shipment of split samples. The trainer or owner of the horse shall have 48 hours from receipt of the written notice of a positive test result to request that the split sample be shipped to one of the reference laboratories designated by the commission and the split sample shall be shipped to the requested reference laboratory within an additional 48 hours. The cost of shipment and additional testing shall be paid by the permit holder requesting the testing of the split sample.

L. Chain of custody form. The commission veterinarian, or his designee, shall be responsible for the completion of a chain of custody verification form that shall provide a place for recording the following information:

1. Date and time the split sample is removed from the freezer;

2. The test sample number;

3. The address of the reference laboratory;

4. The name and address where the split sample package is to be taken for shipment to the reference laboratory;

5. Verification of retrieval of the split sample from the freezer;

6. Verification that each specific step of the split sample packaging procedure is in accordance with the recommended procedure;

7. Verification of the address of the reference laboratory on the split sample package;

8. Verification of the condition of the split sample package immediately prior to the transfer of custody to the carrier for shipment to the reference laboratory;

9. The date and time custody of the split sample package was transferred to the carrier; and

10. The commission veterinarian, or his designee, and the trainer or owner of the horse, or his designee, shall witness, attest and sign the form, and a copy of the form shall be supplied to the trainer or owner.

M. Packaging the split sample. The following procedures shall apply to the packaging of the split sample:

1. The split sample shall be removed from the freezer by the commission veterinarian, or his designee, in the presence of the trainer or owner, or his designee.

2. The trainer or owner, or his designee, shall pack the split sample, in the presence of the commission veterinarian or his designee, in accordance with the instructions supplied by the reference laboratory.

3. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

4. The package containing the split sample shall be transported in the presence of the commission veterinarian, or his designee, and the trainer or owner, or his designee, to the location where custody is transferred to the delivery carrier for shipment to the reference laboratory.

5. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

6. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall complete the chain of custody verification form.

11 VAC 10-180-60. Medications and substances.

A. Disciplinary actions. The stewards may, at their discretion, refer to the following guidelines in imposing a disciplinary action upon a permit holder for a positive test result for one of the five classifications listed in subsection B of this section. However, the stewards may, at their discretion and in consideration of the circumstances, impose a greater or lesser disciplinary action. The guidelines are:

1. Class 1. One to five years suspension and at least \$5,000 fine and loss of purse;

2. Class 2. Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse;

3. Class 3. Sixty days to six months suspension and up to \$1,500 fine and loss of purse;

4. Class 4. Fifteen to 60 days suspension and up to \$1,000 fine and loss of purse; and

5. Class 5. Zero to 15 days suspension with a possible loss of purse or fine or both.

B. Classes of prohibited substances. The classes of prohibited substances are:

1. Class 1. Drugs found in this class are substances which are potent stimulants of the nervous system and included in this class are opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) Scheduled I and II drugs. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a racehorse is very high.

2. Class 2. Drugs found in this class have a high potential for affecting the outcome of a race. Most drugs in this class are generally not accepted therapeutic agents in the racehorse. Many drugs in this class are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some drugs in this class, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

a. Opiate partial agonists, or agonist-antagonists;

b. Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;

c. Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);

d. Drugs with prominent CNS depressant action;

e. Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;

f. Muscle blocking drugs which have a direct neuromuscular blocking action;

g. Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and

h. Snake venoms and other biological substances which may be used as nerve blocking agents.

3. Class 3. Drugs found in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

a. Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory

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system effects (bronchodilators are included in this class);

b. A local anesthetic which has nerve blocking potential but also a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

c. Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

d. Primary vasodilating/hypotensive agents; and

e. Potent diuretics affecting renal function and body fluid composition.

4. Class 4. This class of drugs is comprised primarily of therapeutic medications routinely used in racehorses. These drugs may influence performance but generally have a more limited ability to do so. The following groups of drugs are in this class:

a. Nonopiate drugs which have a mild central analgesic effect;

b. Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects:

(1) Drugs used solely as topical vasoconstrictors or decongestants;

(2) Drugs used as gastrointestinal antispasmodics;

(3) Drugs used to void the urinary bladder; and

(4) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

c. Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);

d. Mineralocorticoid drugs;

e. Skeletal muscle relaxants;

f. Anti-inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(1) Nonsteroidal Anti-inflammatory Drugs (NSAIDs)--aspirin-like drugs;

(2) Corticosteroids (glucocorticoids); and

(3) Miscellaneous anti-inflammatory agents.

g. Anabolic or androgenic steroids, or both, and other drugs;

h. Less potent diuretics;

i. Cardiac glycosides and antiarrhythmics including:

(1) Cardiac glycosides;

(2) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol);

(3) Miscellaneous cardiotoxic drugs.

j. Topical anesthetics--agents not available in injectable formulations;

k. Antidiarrheal agents; and

l. Miscellaneous drugs including:

(1) Expectorants with little or no other pharmacologic action;

(2) Stomachics; and

(3) Mucolytic agents.

5. Class 5. Drugs found in this class are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically in this class of drugs are agents with very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

11 VAC 10-180-70. Phenylbutazone.

A. Generally. By this regulation, the Virginia Racing Commission specifically permits the use of phenylbutazone in racehorses in the quantities provided for in this chapter.

B. Quantitative testing. Any horse to which phenylbutazone has been administered shall be subject to having test samples taken at the direction of the commission veterinarian to determine the quantitative level of phenylbutazone or the presence of other substances which may be present.

C. Disciplinary actions. The stewards shall take the following disciplinary actions for reports of quantitative testing by the primary testing laboratory for levels of phenylbutazone quantified at levels above 5.0 micrograms per milliliter of serum:

1. A written reprimand shall be issued to the trainer for the first violation of this chapter;

2. A fine of \$500 shall be issued to the trainer for the second violation of this chapter;

3. A 15-day suspension shall be issued to the trainer and the horse shall be disqualified for the third violation of this chapter; and

4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which phenylbutazone is permitted by the commission, regardless of whether or not the same horse is involved.

11 VAC 10-180-80. Furosemide.

A. Generally. By this regulation, the Virginia Racing Commission specifically permits the use of furosemide in only those horses that have been placed on the bleeder list by the stewards.

B. Procedures for usage. The use of furosemide shall be permitted by the commission only on horses already on the bleeder list and under the following circumstances:

1. Furosemide shall be administered intravenously, within the enclosure of the horse race facility, no less than four hours prior to post time for which the horse is entered to race.

2. The furosemide dosage administered shall not exceed 10 ml (500 mg) and shall not be less than 3 ml (150 mg). Dosage levels between each race shall not vary by more than 3 ml (150 mg).

3. The private practitioner, who is a permit holder, administering the furosemide shall deliver to the commission's office at the racetrack no later than one hour prior to post time for the race in which the horse is entered a furosemide treatment form containing the following:

- a. The trainer's name, date, horse's name, and horse's identification number;
- b. The time furosemide was administered to the horse;
- c. The prior dosage level of furosemide administered to the horse and the dosage level administered for this race;
- d. The barn and stall number; and
- e. The signature of the private practitioner, who is a permit holder.

C. Furosemide quantification. Furosemide levels must not exceed 100 nanograms per milliliter (ng/ml) of plasma in horses administered furosemide and with urine specific gravity measuring 1.010 or lower. Furosemide must be present in the plasma of any horse racing in Virginia which has been designated in the program as being treated with the substance.

D. Disciplinary actions.

1. For the first violation of the regulation pertaining to furosemide quantification (subsection C of this section), the stewards shall issue a written reprimand to the trainer.
2. For the second violation of the regulation pertaining to furosemide quantification (subsection C of this section), the stewards shall fine the trainer an amount not to exceed \$500;
3. For the third violation of the regulation pertaining to furosemide quantification (subsection C of this section) within a 12-month period, the stewards shall suspend or fine the trainer or both; and
4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which furosemide is permitted by the commission, regardless of whether or not the same horse is involved.

E. Program designation. The licensee shall be responsible for designating in the program those horses racing on furosemide. The designation shall also include those horses making their first or second starts while racing on furosemide. In the event there is an error, the licensee shall be responsible for making an announcement to be made over

the public address system and taking other means to correct the information published in the program.

F. Removal from the bleeder list. A trainer or owner may remove his horse from the bleeder list with the permission of the stewards prior to entering the horse in a race.

11 VAC 10-180-90. Bicarbonate testing.

A. Generally. By this regulation, the Virginia Racing Commission prohibits the use of any bicarbonate containing substance or any substance which effectively alters the serum or plasma pH or concentration of bicarbonates or carbon dioxide in the horse.

B. Test values. For a test sample collected from a horse one hour following a race in the test barn, the serum total carbon dioxide concentration shall not exceed 36 millimoles per liter for horses not administered furosemide prior to racing or shall not exceed 38 millimoles per liter for horses administered furosemide prior to racing. A serum total carbon dioxide level exceeding these values constitutes a positive test.

C. Testing procedure. The stewards or commission veterinarian may, at their discretion and at any time, order the collection of test samples from any horses present within the enclosure for determination of serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. A sample shall be taken from the horse one hour after racing to determine the serum total carbon dioxide concentration. The procedures for split samples do not apply to bicarbonate testing procedures.

D. Positive test results. Upon receipt of a positive test report, the stewards shall inform the trainer of the horse from which the sample was collected of the result. The stewards shall inform the trainer that he has two options:

1. The trainer shall pay a \$1,000 fine and serve a 45-day suspension, and in addition, the horse will lose any purse money earned; or
2. The trainer shall make arrangements with the stewards to have the horse quarantined within the enclosure of the racetrack for a period of 24 hours under conditions acceptable to the stewards and at the expense of the trainer. At the conclusion of the quarantine period, the horse shall have a workout before and acceptable to the stewards with a post-quarantine test sample collected from the horse one hour after the workout. In addition, the feed and water supplied by the trainer shall be subjected to testing.
3. If the post-quarantine serum total carbon dioxide value exceeds 36/38 mm/L, then there is no positive test and the trainer is not subject to disciplinary action. However, if the post-quarantine total carbon dioxide value does not exceed 36/38 mm/L, then the post-race total carbon dioxide constitutes a positive test and the trainer is subject to disciplinary actions beyond those specified in subdivision 1 of this subsection.

VIRGINIA RACING COMMISSION
Chain of Custody Form

1. Removal Date: _____ Removal Time: _____

2. Sample Number: _____

3. Laboratory Address: _____

4. Shipper Address: _____

Commission Veterinarian Horsemen's Designee

5. Verification of Retrieval: _____ (Initials) _____ (Initials)

6. Verification of Packing: _____ (Initials) _____ (Initials)

7. Verification of Shipper: _____ (Initials) _____ (Initials)

8. Verification of Condition: _____ (Initials) _____ (Initials)

9. Transfer Date: _____ Transfer Time: _____

10. _____ (Commissioner Veterinarian) _____ (Horsemen's Designee)

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 regulation.

DEPARTMENT OF CONSERVATION AND RECREATION

REGISTRAR'S NOTICE: The Department of Conservation and Recreation has claimed in exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 5-50-10 et seq. Flood Prevention and Protection Assistance Fund Regulations (amending 4 VAC 5-50-10, 4 VAC 5-50-20, 4 VAC 5-50-40, 4 VAC 5-50-50, 4 VAC 5-50-60, and 4 VAC 5-50-80 through 4 VAC 5-50-170).

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Effective Date: May 15, 1996.

Summary:

The Flood Prevention and Protection Assistance Fund was established to assist local sponsors in providing required matching funds for flood prevention or protection projects and activities or for flood prevention or protection studies required to plan and initiate local projects and measures. The regulations are intended to provide the proper administration of the Flood Prevention and Protection Fund. They provide information, guidance and assistance to local public bodies applying for a grant or loan under the provisions of the act establishing the fund. The amendments reflect the change in regulatory authority from the Virginia Soil and Water Conservation Board to the Director of the Department of Conservation and Recreation effected by Chapter 510 of the 1995 Acts of Assembly.

Agency Contact: Copies of the regulation may be obtained from Richard O. Dameron, Manager of Floodplain Programs, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor Street, Suite 206, Richmond, VA 23219, telephone (804) 371-6135.

4 VAC 5-50-10. Definitions.

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

"Board" means the Virginia Soil and Water Conservation Board.

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Flood prevention or protection" means the construction of dams, levees, flood walls, channel improvements or diversions, local flood proofing, evacuation of flood-prone areas or land use controls which reduce or mitigate damage from flooding.

"Flood prevention or protection studies" means hydraulic and hydrologic studies of flood plains with historic and predicted floods, the assessment of flood risk and the development of strategies to prevent or mitigate damage from flooding.

"Fund" or *"revolving fund"* means the Flood Prevention and Protection Assistance Fund, established pursuant to Article 1.2 (§ 10.1-603.16 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Local funds" means cash provided for project or study implementation that is not derived from federal or state grants or loans.

"Local public body" means any city, county, town, water authority, service authority or special taxing district.

"Study," "project," or "activity" means those flood prevention or protection measures carried out by the sponsoring local public body that require the provision of nonfederal funds to support the federal effort.

4 VAC 5-50-20. Authority.

A. Section 10.1-603.19 of the Code of Virginia authorizes the board director to make loans and grants from the fund to any local public body for the purpose of assisting the local sponsors in providing required matching funds for public body in the development and implementation of flood prevention or protection projects, or for flood prevention or protection studies, conducted by agencies of the federal government.

B. Section 10.1-603.18 of the Code of Virginia authorizes the board director to promulgate regulations for the administration of the fund.

4 VAC 5-50-40. Introduction.

~~Loan Loans~~ and grants from the fund shall be made for the purpose of assisting local public bodies in providing required matching funds for undertakings conducted by agencies of the federal government. ~~These undertakings may be either~~ flood prevention or protection studies or flood prevention or protection projects and activities.

4 VAC 5-50-50. Eligible flood prevention or protection studies.

Flood prevention or protection studies that are eligible for loans and grants from the fund are those that ~~are carried out by federal agencies to provide information on historic or~~

predicted flood events; to otherwise assist in the assessment of flood risks; or to provide information, support and assistance in the development of strategies and plans to prevent or mitigate damage from flooding, including protection of the environment. Eligible flood prevention or protection studies include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resource development studies specifically authorized by Congress and those studies conducted under the Continuing Authorities program, including, but not limited to, § 205, Flood Control Act of 1948, as amended (Small Flood Control Projects) (33 USC § 701s); § 208, Flood Control Act of 1954, as amended (Snagging and Clearing of Stream Channels) (33 USC § 701g); § 206 of the Flood Control Act of 1960 (Floodplain Management Services) (33 USC § 709a) for provision of floodplain information studies and reports, including restudies; and § 22 of the Water Resources Development Act of 1974 (Technical Assistance to States) (42 USC § 1961d).
2. U.S. Soil Conservation Service water resources development studies under the small watershed protection program (Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566) (16 USC § 1001-1007) and Flood Control Act of 1944 (Pub. L. 78-534) (33 USC § 701-1); the River Basin Program (Flood Control Act of 1944 (Pub. L. 78-534) (33 USC § 701-1), including floodplain management studies; and the Resource Conservation and Development Program (Pub. L. 88-703, § 102 of the Flood and Agriculture Act of 1962).
3. Federal Emergency Management Agency flood insurance studies and restudies and studies required to design and develop disaster preparedness and response programs.
4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection studies including the provision of floodplain information.
5. National Weather Service studies of the feasibility of installing local flood observation and warning systems.
6. U.S. Geological Survey stream flow information on water gauge heights, discharge runoff, historic flood peaks, flood travel times and other information needed for planning.
7. U.S. Department of the Interior, Fish and Wildlife Service environmental studies and impact assessments under the Fish and Wildlife Coordination Act (16 USC § 661-668), National Environmental Policy Act (42 USC § 4321-4370a), and the Clean Water Act (§ 404) (33 USC § 1251-1376).
8. U.S. Department of the Interior, National Park Service assistance to local public bodies in carrying out river corridor assessments and in developing plans to protect greenway values through its State and Local Rivers Conservation Assistance Program.
9. U.S. Environmental Protection Agency technical assistance, through its wetlands program, to local public

bodies for maintaining or restoring the natural and beneficial values of floodplains.

4 VAC 5-50-60. Eligible flood prevention or protection projects and activities.

Flood prevention or protection projects and activities that are eligible for loans and grants from the fund are those that are carried out by or with assistance from federal agencies to reduce or mitigate damage from flooding, such as the construction of dams, levees and floodwalls; channel modifications; flow diversions; flood proofing or retrofitting of structures; flood warning and response systems; floodplain evacuation and relocation; redevelopment, acquisition and open space use; information and education programs; post-flood mitigation; or development and adoption of land use controls. Eligible flood prevention or protection projects and activities include, but are not limited to, the following:

1. U.S. Army Corps of Engineers water resources development projects and activities carried out under the legislation cited under subdivision 1 of 4 VAC 50-40-50.
2. U.S. Natural Resources Conservation Service water resource development projects and activities carried out under the programs cited under subdivision 2 of 4 VAC 50-40-50.
3. Federal Emergency Management Agency disaster preparedness assistance program, under § 201, Pub. L. 93-288, as amended (42 USC § 5131), to assist communities in the preparation of disaster preparedness programs; acquisition of flood damaged properties under § 1362 of the National Flood Insurance Act of 1968 (Pub. L. 90-448) (42 USC § 4103); and other post-flood hazard mitigation measures under § 404, Pub. L. 100-707 (12 USC § 1715).
4. Tennessee Valley Authority assisted local flood damage reduction and floodplain protection projects.
5. National Weather Service local flood warning systems including the Integrated Flood Observing and Warning System (IFLOWS).
6. U.S. Department of the Interior, Fish and Wildlife Service consultation and recommendations for environmental protection and mitigation measures resulting from a proposed project or activity.
7. U.S. Department of the Interior, National Park Service assistance in carrying out plans to protect river corridor greenways through its State and Local Rivers Conservation Assistance Program.
8. U.S. Environmental Protection Agency activities to maintain floodplain natural resources and to restore degraded resources.

4 VAC 5-50-80. Conditions and limitations for loans.

A. Loans from the fund shall be the primary means for providing assistance to local public bodies under this chapter in order to keep the fund viable.

B. ~~No loan shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the~~

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federal agency for the required nonfederal share shall also be approved by the board as the local share of the project.

~~C. At least 75% of all appropriations from the General Assembly to the fund shall be available for loans unless otherwise specified in an appropriation.~~

D. B. No loan from the fund shall be for a period in excess of 20 years.

E. C. Each loan shall bear interest at the rate of 3.0% annually.

~~F. The total outstanding loans to a local public body shall not exceed 25% of the total amount of all appropriations from the General Assembly to the fund, unless otherwise specified in an appropriation.~~

G. D. Previous obligations incurred by a local public body under written agreements and assurances to provide its share of nonfederal funds, which have not been fulfilled or already obligated in the local budget, are eligible loan items.

H. E. A lien shall be created against any real or personal property acquired with the proceeds of a loan from the fund.

I. F. Any real property interest acquired with a loan from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body shall either retain ownership of such property interest, or retain a perpetual floodplain conservation open space easement which limits the use of such property to flood compatible uses.

4 VAC 5-50-90. Conditions and limitations for grants.

A. Grants from the fund may be made under special circumstances to provide assistance to local public bodies. The board director may authorize a grant after examining the fiscal capability of the applicant, including consideration of past studies, projects and activities that have been terminated because of the inability to provide the local share of nonfederal funds.

~~B. No grant shall exceed 50% of the nonfederal share required by a federal agency to be provided by the local sponsor. The composition of local funds approved by the federal agency for the required nonfederal share shall also be approved by the board as being eligible to satisfy the funds to be provided by the local sponsor.~~

~~C. Not more than 25% of all appropriations from the General Assembly to the fund shall be available for grants unless otherwise specified in an appropriation.~~

~~D. The total of all grants to a local public body shall not exceed 25% of the total amount available for grants in the fund, unless otherwise specified in an appropriation.~~

E. B. Any real property interest acquired with a grant from the fund shall be dedicated to public open space and recreation or other compatible uses to prevent reuse incompatible with the flood hazard. The local public body shall either retain ownership of such property interest, or retain a perpetual floodplain conservation open space easement which limits the use of such property to flood compatible uses.

4 VAC 5-50-100. Conditions applicable to all loans and grants.

A. Grants or loans from the fund may match, but shall not exceed the amount of contribution derived from local funds. No grant or loan award, individually or in combination for a single project, shall exceed 25% of the unencumbered balance of the fund as determined at the beginning of the fiscal year.

A. B. No loan or grant may be authorized under this chapter unless the following conditions exist:

1. An application meeting the requirements of Part IV (4 VAC 5-50-110 et seq.) of this chapter has been submitted to the board director.

~~2. The purpose for which the loan or grant is sought is one that is described in this chapter.~~

~~3.~~ 2. The local public body agrees, and furnishes assurance, as the board director may require, that it will satisfactorily maintain any structure financed, in whole or in part, through the loans or grants provided under this chapter.

4. 3. If a purpose of the requested loan or grant is to acquire real property, the board director shall, prior to acting on the request, require satisfactory evidence that the local public body will acquire the real property if the loan or grant is made.

B. C. In addition to the foregoing conditions the board director may require of a local public body such covenants and conditions as the board director deems necessary or expedient to further the purpose of the loan or grant. These additional covenants and conditions need not be identical among local public bodies, and may include, without limitation, any or all of the following, as the board director deems appropriate:

1. The creation and maintenance of special funds for the repayment of principal and interest on loans, or for other purposes.

2. The granting and recording of liens on, or security interests in, real and personal property to secure repayment of principal and interest on loans.

3. The use of designated depositories for funds pending their expenditure.

4. The establishment of schedules for the disbursement of funds and the completion of projects.

5. The collection of rents, fees and charges from projects.

6. The procurement of insurance.

C. D. The board director may, as it he deems appropriate, consent to and approve any modifications in the terms of any loan or grant to any local public body.

E. A local public body is eligible to receive a grant every five years, provided that it has a flood mitigation plan approved by the director and has demonstrated satisfactory evidence of plan implementation. Lacking an approved plan

the local public body is eligible for a grant once every 10 years.

F. The director shall award no grant which would reduce the available balance of the fund below \$200,000; however, the director may provide a loan from the unencumbered balance of the fund.

4 VAC 5-50-110. Local public bodies eligible to apply.

Any city, county, town, water authority, service authority or taxing district serving as a local sponsor and required to provide matching funds for flood prevention or protection studies, projects and other activities ~~conducted by agencies of the federal government~~ may apply for a loan or grant from the fund.

4 VAC 5-50-120. Required conditions before making application.

Prior to applying to the ~~board~~ director the local public body shall:

1. Be participating in the National Flood Insurance Program, so that its residents shall have the opportunity to purchase flood insurance for future flood losses; and have adopted and be administering land-use regulations that, at a minimum, are compatible with the requirements of the National Flood Insurance Program, or be located in a political subdivision meeting the above conditions;
2. Have entered into any necessary written agreement with the federal agency endorsing the study, project or activity, including provisions for cost sharing; or have adopted a resolution of intent to enter into such agreements; and
3. Have formally adopted a resolution requesting assistance from the fund and have satisfactory assurances of local support, funding, property acquisition and use, and project maintenance and management.

4 VAC 5-50-130. Contents of applications.

A. Each application shall specify whether a loan or grant is being requested, the amount requested, how it will be used, and whether a loan will be considered in lieu of a grant.

B. The application shall further describe in detail:

1. The area to be studied or protected including the population and value of the property to be protected or affected;
2. Historic flooding data and hydrologic and hydraulic studies projecting flood frequency and extent of flooding of future flood events;
3. The proposed study, project or activity to be funded;
4. The planning process involved, including alternative flood prevention and protection measures which were considered and evaluated;
5. Locally significant natural and beneficial floodplain resources and values that will be maintained, enhanced or restored by the proposed activity;

6. The estimated benefit-cost ratio of the project or activity;

7. An assessment of the applicant's ability to provide its share of the cost of the federal flood control study, project or activity, along with its ability to repay a loan from the fund, or in a grant request, sufficient information about the applicant's fiscal capability to enable the ~~board~~ director to determine the need for a grant instead of a loan; and

8. Administration of local floodplain management regulations including a copy of the most recent Community Assistance Visit report prepared by or for the Federal Emergency Management Agency, if available.

C. The application shall provide information on the nonfederal funding schedule in sufficient detail for the ~~board~~ director to determine the amounts and dates when approved funds would be applied.

D. The application shall include a formally adopted resolution by the local public body requesting assistance from the fund and providing necessary assurances of local support, funding, property acquisition and use, and maintenance and management.

E. The applicant shall attach to the application:

1. ~~Copies of written agreements or an adopted resolution of intent to enter into an agreement with the assisting federal agency.~~
2. copies of federal, state and local permits required to implement the proposed study, project or activity that have been issued, or a list of permits that were applied for prior to submittal of the application.

F. Assistance in preparing the application is available from the ~~director~~ department upon request.

4 VAC 5-50-140. Application procedures.

A. The ~~board~~ director will consider applications for loans or grants ~~on a semiannual basis at least semiannually~~, in September and March of each year. Applications shall be submitted to the ~~board~~ director at least 60 days prior to the date when the application will be considered. The applicant shall be notified whether the application is complete within 30 days after it is received. The applicant shall be given not less than 15 days written notice prior to consideration of the application by the ~~board~~ director. The applicant shall have an opportunity to discuss the application ~~during with the board meeting~~ director or his designee.

B. Upon receipt of notice by the ~~board~~ director the applicant may submit a written request to delay consideration until a future meeting if more time is needed to prepare to meet with the ~~board~~ director or if the situation has changed since the application was submitted.

4 VAC 5-50-150. Review and action by the board.

A. The ~~board~~ director will consider applications using the following criteria:

1. Whether a loan or grant is requested. Loans will be given priority over grants.

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2. The applicant's ability to pay for the nonfederal share.
3. The amount of local contributions in relation to requested state funding. Priorities will be given to larger local cash contributions as an indicator of local burden.
4. The level of multijurisdictional involvement in the study, project or activity in terms of joint support, commitments and funding, including joint applications to the *board director* for funding.
5. The extent of prior local effort to deal with the problems addressed in the application and with other flood related problems, as evidenced by other measures which the applicant has implemented (e.g., flood warning system, redevelopment, acquisition, public policies, stormwater management).
6. Whether the proposed study or project provide for permanent solutions to existing flood related problems and minimize the need for additional measures or excessive operation, maintenance and repair.
7. Whether the proposal is designed to prevent a flood related problem rather than solving an existing problem.
8. The anticipated achievement of multiple objectives and benefits such as recreational opportunities, open-space preservation, ecological enhancement, water quality improvements, increased water supply, and other environmental and conservation factors and needs.
9. The number of innovative solutions to local problems that can be transferred and utilized elsewhere in the Commonwealth.
10. The number of past studies, projects and activities that have been terminated solely because of the inability of the applicant to provide the required nonfederal share.
11. The level of commitment to the administration of local floodplain regulations as evidenced by the dates that regulations were initially adopted, as well as by the funding, staffing, administration and enforcement of such regulations.
12. The implementation of other state policies and regulations for flood prevention and protection; for environmental protection; and for control of stormwater runoff affecting the waters, floodplains, wetlands and watersheds of the Commonwealth.
13. The flood history of the area to be studied or protected including the extent of the area; the flood-prone population; the value of flood-risk property to be affected or protected; the magnitude and frequency of past flood events; the resultant flood damages and environmental losses; and the threat to public health, safety, and welfare.
14. The estimated benefit-cost ratio and cost effectiveness, including overall benefits in excess of costs. Priority will be given to those studies, projects, and activities having higher ratios, and substantial indirect costs and direct damages prevented.

15. The total amount of the requested loan or grant. Priority will be given to less capital intensive uses of the fund.
16. The future need for a loan or grant to expand the project to include additional areas. Priority will be given to projects that provide a permanent solution to the problem such as floodplain evacuation and relocation.
17. The likelihood for the provision of the federal share of the costs for the study, project, or activity, including whether federal assistance has already been requested.
18. The expected life or duration of the study, project or activity.
19. The overall benefit to the Commonwealth resulting from the study, project or activity.
20. The percentage of required nonfederal contributions. Priority will be given to studies, projects or activities having a higher percentage of federal contributions.

B. Upon receipt of completed applications and consideration of the above criteria the *board director* shall establish a state priority list semiannually for the use of the fund. Loans and grants shall be commingled on the priority list.

C. The *board director* may authorize payments from the fund and may establish a schedule of payments in accordance with this priority list to help local public bodies meet their share of the nonfederal contributions.

D. All authorizations by the *board director* are subject to the following limitations: (i) the availability of money in the fund; (ii) the percentage of funds that may be allocated for grants; (iii) the amount that may be approved for a particular applicant; and (iv) the total amounts approved for the semiannual period.

4 VAC 5-50-160. Written agreements required for loan or grant recipients.

Prior to receiving any funds from an approved loan or grant, the local public body shall enter into a written agreement with the *board director* containing such covenants and conditions as the *board director* may require.

4 VAC 5-50-170. Availability of applications.

A record of each application for a loan or grant and the action taken by the *board director* shall be available for public inspection at the office of the director and shall be presented to the Governor and members of the legislature prior to budgetary sessions of the General Assembly.

VA.R. Doc. No. R96-271; Filed March 22, 1996, 4:20 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: [~~VR 460-04-2-2100~~] 12 VAC 30-110-1200 through 12 VAC 30-110-1240. Part VII, Medical Assistance Eligibility Resulting from Welfare Reform.

Statutory Authority: §§ 32.1-325 and 63.1-133.46 of the Code of Virginia.

Effective Date: June 1, 1996.

Summary:

This regulation provides transitional medical assistance benefits to individuals who lose AFDC cash assistance as mandated by the Virginia Independence Program, Chapter 450, 1995 Acts of Assembly.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-110-1200 through 12 VAC 30-110-1240. Part VII, Medical Assistance Eligibility Resulting from Welfare Reform.

PART VII.

MEDICAL ASSISTANCE ELIGIBILITY RESULTING FROM WELFARE REFORM.

12 VAC 30-110-1200. Definitions.

The following words and terms, when used in this part, shall have the following meanings unless the context indicates otherwise:

"Aid to Families with Dependent Children" or "AFDC" means the public assistance programs authorized in §§ 406 and 407 of the Social Security Act [(42 USC §§ 606 and 607)], and administered by the Virginia Department of Social Services. The term "AFDC" as used in this part includes Aid to Families with Dependent Children - Unemployed Parent (AFDC-UP).

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive assistance as defined in the Virginia Department of Social Services' Virginia Independence Program regulations (22 VAC 40-35-5 et seq.).

"Caretaker-relative" means the natural or adoptive parent or other relative, as specified in 45 CFR 233.90(c)(1)(v), who is responsible for supervision and care of the needy child.

"Child" means an individual who would be considered a child under the AFDC State Plan.

"Family" means those individuals living in the household whose needs and income were included in determining the AFDC eligibility of the assistance unit at the time that the AFDC benefits were terminated and individuals under AFDC sanction whose income but not needs were included. It also includes those individuals whose needs and income would be taken into account in determining the AFDC eligibility of the caretaker-relative's assistance unit under the AFDC State Plan if the family were applying in the current month.

"Family income" means all the earned income, as defined in the AFDC State Plan, of all the members of the family without application of any disregards except the family's cost of child care necessary for the employment of the caretaker-

relative or those disregards required by another federal statute.

"Transitional medical assistance" means extended medical assistance to participants in VIEW whose AFDC has been terminated voluntarily or involuntarily.

"Virginia Initiative for Employment not Welfare" or "VIEW" means the Job Opportunities and Basic Skills Training Program as implemented in the Commonwealth.

12 VAC 30-110-1210. Twelve-month extension of eligibility for medical assistance.

A. Requirements. Notwithstanding any provision of the State Plan for Medical Assistance, each family which was receiving AFDC as a participant in VIEW immediately preceding the month in which such family becomes ineligible for AFDC shall, subject to these provisions and without any reapplication for benefits, remain eligible for medical assistance for up to 12 consecutive months immediately succeeding AFDC termination. Individuals who have been eligible for the entire first six months may be eligible for continuation of transitional medical assistance for the second six months if they meet the additional eligibility requirements listed in subdivision C 2 of this section.

B. Notice of benefits. In the notice of termination of AFDC benefits sent to a family meeting the requirements of subsection A of this section, the local department of social services shall notify the family of its right to transitional medical assistance and include in such notice a description of the reporting requirements of 12 VAC 30-110-1230 B and the circumstances described in this section under which such transitional assistance may be terminated.

C. Eligibility for medical assistance under VIEW.

1. First six-month period. A participant of VIEW whose AFDC is terminated, either voluntarily or involuntarily, shall receive medical assistance, including transitional medical assistance for families with a working parent who becomes ineligible for AFDC financial assistance because of increased earnings, unless:

a. The family ceases to include a child, or

b. The caretaker-relative refuses to apply for health coverage offered by an employer as provided in 12 VAC 30-110-1220 B.

2. Second six-month period. For families who received medical assistance during the entire first six-month period under subdivision C 1 of this section, the following applies.

a. Subject to subdivisions 2 b and c of this subsection, assistance to a family during the second six-month period shall terminate at the close of the first month in which:

(1) No child resides with the family, whether or not the child is (or would, if needy, be) a dependent child under AFDC;

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(2) The family income exceeds 185% of the federal poverty level during the immediately preceding three-month period;

(3) The caretaker-relative fails to meet the reporting requirements specified in 12 VAC 30-110-1230 B. Medical assistance under this provision shall terminate at the close of the sixth, eighth or eleventh month of the 12-month period if the family fails to make the required report to the local department of social services, by the deadline specified in 12 VAC 30-110-1230 B, unless the family has established good cause for the failure to report on a timely basis.

b. *Written notice before termination.* No termination of assistance under these provisions shall become effective until the local department of social services provides the family with notice of the grounds for the termination.

c. *Continuation in certain cases until redetermination.*

(1) If a child is ineligible to receive transitional medical assistance under this section, but may be eligible for assistance under the State Plan for Medical Assistance because the child is described in clause (i) of § 1905(a) of the Social Security Act [(42 USC § 1396d(a))] or clause (i)(IV), (i)(VI), (i)(VII), or (ii)(IX) of § 1902(a)(10)(A) of the Social Security Act [(42 USC § 1396a(a)(10)(A))], the local department of social services shall not discontinue transitional medical assistance until that department has determined that the child is ineligible for medical assistance under the State Plan for Medical Assistance.

(2) If an individual ceases to receive transitional medical assistance under this section, but may be eligible for medical assistance under the State Plan for Medical Assistance because the individual is within a category of person for which medical assistance under the State Plan for Medical Assistance is available under § 1902(a)(10)(A) or (C) of the Social Security Act [(42 USC § 1396a(a)(10)(A) or (C))], the local department of social services shall not discontinue transitional assistance until that department determines that the individual is ineligible for medical assistance under the State Plan for Medical Assistance.

12 VAC 30-110-1220. Scope of coverage.

A. *Subject to subsection B of this section, during the 12-month extension period, the amount, duration, and scope of medical assistance made available to a family shall be the same as if the family were still receiving AFDC.*

B. *The Department of Medical Assistance Services (DMAS), at its option may, pursuant to the requirements of the Health Insurance Premium Payment Program (HIPP) in Part XII (12 VAC 30-130-740 et seq.) of 12 VAC 30-130, pay a family's expenses for premiums, deductibles, coinsurance, and similar costs for health insurance or other health care coverage offered by an employer of the caretaker-relative or*

by an employer of the absent parent of a dependent child. If an employer offers such coverage to the caretaker-relative:

1. *To receive transitional medical assistance coverage for himself and his family, the caretaker-relative shall make application for such employer coverage, but only if:*

a. *The employer does not require the caretaker-relative to make financial contributions for the coverage (whether through payroll deduction, payment of deductibles, coinsurance, or similar costs, or otherwise); and*

b. *DMAS provides, directly or otherwise, payment of any of the premium amount, deductible, coinsurance, or similar expense that the employee is otherwise required to pay; and*

2. *DMAS treats the coverage under the employer plan as a third party liability (as of May 1, 1995, under § 1902(a)(25) of the Social Security Act) [(42 USC § 1396a(a)(25))].*

C. *DMAS shall consider payments for premiums, deductibles, coinsurance, and similar expenses as payments for medical assistance.*

12 VAC 30-110-1230. *Written notice and reporting requirements.*

A. *Notices.* During the third, sixth and ninth months of any transitional assistance DMAS shall notify the family of the reporting requirements.

B. *Reporting requirements.* To receive continued transitional medical assistance, a family shall report the following to the local department of social services, not later than the 21st day of the fourth, seventh, and tenth month in the period of transitional assistance: the family's gross monthly earnings and the family's costs for child care necessary for the employment of the caretaker-relative in each month of the preceding three-month period. The local department of social services may permit continued transitional medical assistance, notwithstanding a failure to report, if the family has established good cause for the failure to report on a timely basis.

C. *Good cause.* The local department of social services may grant an extension regarding the reporting requirements for good cause shown, pursuant to the Medicaid Client Appeals regulations at Part I (12 VAC 30-110-10 et seq.) of this chapter.

D. *Frequency of reporting.* A family receiving transitional assistance shall not be required to report more frequently than as required under subsection B of this section.

E. *Notice before termination.* No termination of assistance shall become effective until the local department of social services provides the family with notice of the grounds for the termination. No termination shall be effective earlier than 10 days after the date of mailing of the notice.

12 VAC 30-110-1240. Appeals.

All appeals regarding the provision of services under this part shall be conducted pursuant to the Medicaid Client

Appeals regulations at Part I (12 VAC 30-110-10 et seq.) of this chapter.

VA.R. Doc. No. R96-272; Filed March 25, 1996, 11:20 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

NOTICE: The addition of 22 VAC 40-35-20 A 6 provides for the repeal of 22 VAC 40-35-20 A 5 upon receipt of appropriate federal authorization. The intent of 22 VAC 40-35-20 A 6 is to clarify the circumstances under which an AFDC recipient is deemed to have cooperated in the establishment of paternity. Because the board believes that this change may be considered substantial, it will accept additional public comment concerning 22 VAC 40-35-20 A 6. Written comments concerning 22 VAC 40-35-20 A 6 may be submitted until June 14, 1996. See Calendar of Events section for additional information.

Title of Regulation: 22 VAC 40-35-5 et seq. The Virginia Independence Program.

Statutory Authority: §§ 63.1-105.1, 63.1-105.3, 63.1-105.4, 63.1-105.6, 63.1-105.7, 63.1-133.43, 63.1-133.46, 63.1-133.49, and 63.1-133.51 of the Code of Virginia.

Effective Date: July 1, 1996.

Summary:

This regulation revises the Aid to Families with Dependent Children (AFDC) and Food Stamp programs and creates a new work program, the Virginia Initiative for Employment Not Welfare (VIEW) in which able bodied recipients must participate. One of the work activities is the Full Employment Program (FEP) in which the participant's AFDC and food stamp benefits are paid to an employer who then pays wages to the participant for hours worked. The regulation amends existing AFDC eligibility rules related to (i) school attendance, (ii) receipt of assistance by minor parents, and (iii) cooperation in establishing and collecting support, and (iv) adds a rule which places a cap on benefits for children born to an AFDC family. The regulation also includes a diversionary assistance component which offers families not on AFDC, but otherwise eligible, the option to receive a single payment of up to four months' assistance to meet an emergency in lieu of receiving ongoing monthly AFDC benefits. Modifications have been made to the regulation in the areas of (i) compulsory school attendance, (ii) minor parent residency, (iii) the family cap, and (iv) VIEW services and hardship exceptions.

No substantial changes were made to the proposed regulation other than the addition of 22 VAC 40-35-10 A 6 which provides for the repeal of 22 VAC 40-35-20 A 5 upon receipt of appropriate federal authorization. The intent of 22 VAC 40-35-20 A 6 is to clarify the circumstances under which an AFDC recipient is deemed to have cooperated in the establishment of paternity.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Carolyn Ellis, Department of Social Services, Division of Benefit Programs, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1730.

CHAPTER 35. VIRGINIA INDEPENDENCE PROGRAM.

PART I. [DEFINITIONS GENERAL PROVISIONS]

[22 VAC 40-35-5. Federal waivers.

The provisions of this regulation requiring additional federal waivers (22 VAC 40-35-20 A 6, 22 VAC 40-35-100 B 1 d and D 2 c, and 22 VAC 40-35-110) shall become effective only upon the receipt of such waivers and completion of the promulgation of these regulations.]

22 VAC 40-35-10. Definitions.

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

"Actively seeking employment" means satisfactorily participating in any assigned job-seeking activity while in the program.

"Adult portion" means the AFDC amount paid on behalf of the parent or other caretaker-relative with whom the AFDC child resides, including a minor parent. This amount is the difference in the standard of assistance for a family size which includes the adult and the standard of assistance for a family size of one less person.

"Aid to Families with Dependent Children Program" or "AFDC" means the program authorized in § 406 of the Social Security Act [(42 USC § 606)] and administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"AFDC-Foster Care" means a federal program authorized under § 472 of the Social Security Act [(42 USC § 672)] and administered by the Virginia Department of Social Services, which provides financial assistance on behalf of qualifying children.

"Aid to Families with Dependent Children-Unemployed Parent" or "AFDC-UP" means the program authorized in § 407 of the Social Security Act [(42 USC § 607)] and administered by the Virginia Department of Social Services, which provides aid to families with dependent children who are deprived of parental support or care by reason of the unemployment of the parent who is the principal wage earner.

"Agreement" means the written individualized Agreement of Personal Responsibility required by § 63.1-133.49 of the Code of Virginia.

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"Allotment" means the monthly food stamp benefit given to a household.

"Applicant" means a person who has applied for AFDC or AFDC-UP benefits and the disposition of the application has not yet been determined.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive assistance.

"Caretaker-relative" means the natural or adoptive parent or other relative, as specified in 45 CFR 233.90(c)(1)(v), who is responsible for supervision and care of the needy child.

"Case management" means the process of assessing, coordinating, monitoring, delivering or brokering activities and services necessary for VIEW participants to enter employment or employment-related activities as quickly as possible.

"Case management services" means services which include, but are not limited to, job development and job placement, community work experience, education, skills training, and support services.

"Case manager" means the worker designated by the local department of social services, a private-sector contractor or a private community-based organization including nonprofit entities, churches, or voluntary organizations that provide case management services.

"Child day care" means those services for which a participant is eligible pursuant to child day care services policy.

"Child day care services/program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of children under the age of 13 (or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or subject to court supervision) for less than a 24-hour period.

"Community work experience" means work for benefits in a public or private organization that serves a community/public function.

"Division of Child Support Enforcement" or "DCSE" means that division of the Virginia Department of Social Services which is responsible under Title IV-D of the Social Security Act [(42 USC §§ 651-669)] to locate noncustodial parents, establish paternity, establish child support and health care orders, enforce payment of delinquent support, and collect and distribute support payments.

"Department" means the Virginia Department of Social Services.

"Diversionary cash assistance" means a one-time lump sum payment to an individual or third-party vendor to prevent long-term receipt of AFDC.

"Family" means an AFDC assistance unit.

"Food Stamp Program" means the program administered through the Virginia Department of Social Services through

which a household can receive food stamps with which to purchase food products.

"Full Employment Program" or "FEP" means subsidized, training-oriented, employment which replaces the AFDC and food stamp benefits of a participant. This component of VIEW is designed to train the recipient for a specific job, increase his self-sufficiency and improve his competitiveness in the labor market.

"Full-time unsubsidized employment" means employment which is considered by the employer to be full time, but in no case less than 30 hours per week, and for which no JOBS, VIEW, AFDC, or food stamp funds are used to pay the individual's salary.

"Grant" means the monthly AFDC benefit payment.

"Hardship exceptions" means prescribed reasons which, if applicable, would allow an extension of receipt of AFDC benefits.

"He" means a male or female as applicable.

"In loco parentis" means an adult relative or other adult who is acting in place of a parent.

"Incapacitated" means a medically verified condition which renders an individual unable to work.

"Job Opportunities and Basic Skills Training Program (JOBS)" means the program authorized by Title IV-F of the Social Security Act [(42 USC §§ 681-687)]. This program provides education, training and work experience to enhance employment opportunities for AFDC recipients who are not exempt from participation.

"Job finding" means identification of available jobs.

"Job matching" means matching a participant's minimum skills or prior work experience to available job openings.

"Job placement" means placing a participant in an unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

"Job search" means a structured, time-limited period in which the participant is required to search for employment. To complete the job search, the participant must search and apply for a set number of jobs.

"Job skills training" means training in technical job skills or required knowledge in a specific occupational area in the labor market.

"Local agency" or "local department" means any one of the local social services or welfare agencies throughout the Commonwealth which administers the VIP program.

"Minor parent" means any parent under 18 years of age.

"On-the-job training" means training which is provided by an employer during routine performance of a job.

"Parent" means a mother or father, married or unmarried, natural, or adoptive following entry of an interlocutory order. The parent may be a minor parent.

"Participant" means an AFDC or AFDC-UP recipient who is participating in the VIEW program.

"Participating family" means an assistance unit including a parent who participates in the Virginia Initiative for Employment Not Welfare (VIEW) Program.

"Part-time unsubsidized employment" means employment of at least eight hours but less than 30 hours per week and for which no JOBS, VIEW, AFDC, or food stamp funds are used to pay the individual's salary.

"Post-secondary education" means formal instruction at an institution of higher education or vocational school leading to the attainment of a certificate, an associate degree, or a baccalaureate degree.

"Recipient" means an individual who is presently receiving an AFDC assistance payment or whose eligibility exists even though the assistance payment is zero.

"Recipient family" means an assistance unit in which the caretaker-relative is a parent of the eligible child and the parent's needs may or may not be included on the grant.

"Sanction" means to reduce or suspend a participant's AFDC grant or food stamp allotment or both, where applicable, for noncompliance with these regulations or the statute.

"School" means (i) any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth; or (ii) any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12.

"Support services" means services such as child care or transportation provided to program participants to enable the participant to work or to receive training or education which are intended to lead to employment.

"Time limitations" means a specified period of time, under the statute, to receive AFDC.

"Transitional support services" means child care, transportation or medical assistance provided to working participants whose AFDC has been terminated either voluntarily although still eligible for AFDC or involuntarily due to time limitations.

"Truant" means a child who [~~is (i) absent, unexcused, for 10 or more days during a month, (ii) absent, unexcused, for at least eight but not more than nine days in each of two consecutive months, fails to report to school for three consecutive school days, or for a total of five scheduled school days per month or an aggregate of seven scheduled school days per school calendar quarter, whichever occurs sooner, and no indication has been received by school personnel that the child's parent or guardian is aware of the child's absence, and a reasonable effort by school personnel to notify the parent or guardian has failed;~~] or [~~(iii) (ii) is~~] not enrolled in school at any time during the month.

"Unsubsidized employment" means employment in which no government funds are used to subsidize directly the wages earned by a participant.

"Virginia Initiative for Employment Not Welfare" or "VIEW" means the Job Opportunities and Basic Skills Training Program as implemented in the Commonwealth.

"Virginia Independence Program" or "VIP" means the program in the Commonwealth of Virginia which is made up of the AFDC Program and the Virginia Initiative for Employment Not Welfare.

"Work activity" means participation in unsubsidized employment, FEP, part-time work, community work experience, or on-the-job training.

PART II. ELIGIBILITY REQUIREMENTS.

22 VAC 40-35-20. Cooperation in [~~identifying the parent obtaining support~~].

[~~A. As a condition of eligibility, the applicant or recipient must identify the parents of the child for whom aid is requested at the time of application. If the applicant is not certain of the child's paternity, he shall identify all individuals with whom the mother had sexual intercourse who may be the father.~~

B. A. As a condition of eligibility, each applicant for or recipient of AFDC shall be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with federal regulations at 45 CFR 233.40 through 233.43). Cooperation shall mean all of the following actions necessary for the [identification and] location of noncustodial parents and the establishment and collection of child support owed to the person applying for or receiving public assistance:

1. [~~Providing identifying the parent of a child for whom aid is requested. The applicant or recipient shall provide, under penalty of perjury,] the first and last name of the individual against whom paternity or an obligation to provide support is sought to be established, modified, or enforced. [~~If the applicant or recipient is not certain of the child's paternity, he shall identify all individuals with whom the mother had sexual intercourse who may be the father.~~]~~

2. Providing [~~, under penalty of perjury,] additional informational items sufficient to verify the parent's identity including, at a minimum, three of the following: the noncustodial parent's social security number; race; date of birth; place of birth; telephone number; address; schools attended; occupation; employer; driver's license number; make and model of motor vehicle; motor vehicle license plate number; places of social contact; banking institutions utilized; and names, addresses or telephone number of parents, friends, or relatives.~~

3. Appearing at an office of the local social services agency or the Division of Child Support Enforcement as necessary to provide verbal or written information or documentary evidence known to, possessed by, or reasonably attainable by the applicant.

4. Appearing as a witness at judicial or administrative hearings or proceedings.

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5. Providing information, or attesting to the lack of information, under penalty of perjury.

[6. 22 VAC 40-35-20 A 5 shall be repealed upon receipt of appropriate waiver or other authorization from the federal government.

G. B.] If the caretaker-relative is not a parent of the child for whom aid is requested or received, subdivisions [B A] 1 and 2 of this section shall not be required.

22 VAC 40-35-30. Cooperation in establishing paternity.

A. As a condition of eligibility, the caretaker-relative shall cooperate, as defined in 22 VAC 40-35-20, with the Division of Child Support Enforcement (DCSE) and the local department of social services in establishing paternity.

B. If the caretaker-relative does not cooperate, the adult portion of the grant shall be denied or terminated until the individual has disclosed the required information.

C. If, after six months of receipt of AFDC, paternity has not been established and the local department determines that the caretaker-relative is not cooperating in establishing paternity, the local department shall terminate the entire grant for a minimum of one month and until cooperation has been achieved. An individual whose AFDC case was terminated due to such noncooperation must cooperate and file a new application for AFDC to receive further benefits.

22 VAC 40-35-40. Diversionary assistance program eligibility criteria.

A. An assistance unit shall be eligible to receive diversionary cash assistance if:

1. Verification is provided to the local department of social services that the assistance unit has a temporary loss of income or delay in starting to receive income resulting in an emergency;

2. The assistance unit meets AFDC requirements specified in § 63.1-105 of the Code of Virginia; and

3. The local department of social services determines that diversionary assistance will resolve the emergency.

B. The amount of assistance provided shall be up to the maximum AFDC amount for 120 days that the family would otherwise be eligible to receive. The amount of the payment is based on immediate needs of the applicant. Local agencies shall strive to provide the most cost-effective solution to the one-time emergency.

C. If an assistance unit receives a diversionary assistance payment, all assistance unit members shall be ineligible for AFDC for 1.33 times the number of days for which assistance is granted, beginning with the date that the diversionary assistance is issued.

D. An assistance unit shall be eligible to receive diversionary assistance once in a 60-month period.

E. Receipt of diversionary assistance is voluntary.

F. Local social services agencies shall determine eligibility for diversionary assistance within five working days of the receipt of the final verification that substantiates eligibility, or

within 45 days of the date of the receipt of the signed application, whichever occurs first.

22 VAC 40-35-50. School attendance.

A. The Virginia Department of Social Services shall develop procedures with the Department of Education to receive notification from local school divisions of any student who is truant. If notification is received from another source, the local department shall verify such truancy by contacting the school.

B. When verified by the school of such truancy, the local social services department shall [do the following:

1. The local department shall] send [a] written notice to the caretaker-relative advising him that the truant recipient is in jeopardy of losing eligibility for AFDC benefits. The caretaker-relative must contact the local department within five days of the notice to cooperate in developing a plan to achieve compliance with compulsory school attendance laws. The notice must also specify that failure to contact the local department [will may] result in the truant recipient's ineligibility for AFDC due to noncooperation.

[2. If the caretaker-relative fails to respond within five days of the notice, the local department shall make a personal contact which may include a direct telephone contact with the caretaker-relative to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement.

3. If the local department is unable to make personal contact, the local department shall mail a written advance notice of proposed action to the caretaker-relative advising that AFDC benefits will be reduced if the caretaker-relative fails to contact the local department to develop a plan to return the child to school.]

C. If the local department of social services denies or terminates AFDC for noncompliance, the caretaker-relative shall notify the local department in writing of the truant individual's compliance with this section and file a new application for AFDC. The local department shall verify compliance by contacting the school.

22 VAC 40-35-60. Minor parent residency requirement.

A. To be eligible to receive AFDC, a minor parent shall reside in the home maintained by his parent or person standing in loco parentis unless he meets the good cause exception outlined in subsection B of this section. The local department shall ensure that the following priority order for the minor parent's living arrangements is [enforced considered]: in a home maintained by a parent, other adult relative, legal guardian, or other adult [determined by the department to be] acting in place of a parent.

B. The minor parent residency requirement shall not apply if the local department of social services determines, by clear and convincing evidence, that the physical or emotional health or safety of the minor parent or his dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent or

person standing in loco parentis. Such a claim shall be corroborated by evidence such as court, medical, criminal, child protective services, psychological, or law-enforcement records.

C. The local department of social services shall maintain a list of available housing to be used to refer a minor parent who is in need of an adult-supervised supportive living arrangement. If the local department of social services makes a referral, it will be deemed that the local department has made diligent efforts to locate such housing.

D. As a condition of eligibility, the minor parent shall reside at the local housing to which he is referred by the local department.

22 VAC 40-35-70. Limitation on AFDC benefits.

A. A recipient family is not entitled to an increase in AFDC benefits if the mother of such recipient family [~~conceives or~~] gives birth to an additional child during the period of the family's eligibility for financial assistance [~~or conceives a child within the six months immediately following case closure~~].

B. Applicants for AFDC financial assistance shall receive notice of the provisions of this section at the time of application. At application or redetermination, such applicant or recipient shall sign a notification acknowledging that they have read and understand the notice.

C. The provisions of this section shall not apply to a child born or adopted during the 10 months following the implementation effective date nor to a child born or adopted during the 10 full calendar months following the month in which the initial assistance check is issued.

D. The provisions of this section shall apply equally to recipient families who adopt a child except that the provision shall be applied using the date of entry of the interlocutory order instead of the child's birthdate.

PART III.

VIRGINIA INITIATIVE FOR EMPLOYMENT NOT WELFARE (VIEW).

22 VAC 40-35-80. Participant eligibility.

A. Individuals unable to participate because of a temporary medical condition that prevents entry into employment or training, as determined by a physician, must provide to the local department a written statement from such physician to specify that he is incapacitated, the nature and scope of the incapacity, and the duration of the incapacity. The worker must reevaluate the participant's incapacity at the time prescribed by the medical statement or every 60 days, whichever comes first. The recipient must provide verification that he continues to be incapacitated.

B. Any individual who is the sole caregiver of another member of the household who is incapacitated, and whose presence is essential for the care of the other member on a substantially continuous basis, shall be exempt from participation in VIEW. Incapacity is determined by receipt of Social Security Disability Benefits or Supplemental Security Income. The sole other condition under which an individual

may be determined incapacitated is by a written medical statement from a physician.

C. AFDC recipients who meet an exemption from participation in VIEW may volunteer for the program.

22 VAC 40-35-90. Services.

A. The participant shall have the primary responsibility to arrange transportation to be employed or participate in activities required by the Agreement of Personal Responsibility. Transportation shall be provided only when the participant is unable to make the necessary arrangements.

B. The local department shall provide transitional medical assistance in accordance with the Department of Medical Assistance Services State Plan and regulations.

C. The local departments may provide those services itemized in § 63.1-133.46 C of the Code of Virginia.

22 VAC 40-35-100. VIEW activities.

A. VIEW recognizes that parents have the obligation to support their children through work/employment.

B. VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients. VIEW shall require an Agreement of Personal Responsibility and the obligation to seek and obtain employment. Refusal to sign the Agreement of Personal Responsibility shall result in termination of AFDC and food stamps. The Agreement of Personal Responsibility shall be written for each nonexempt participant specifying, among other applicable requirements, the following:

1. The participant's obligations and responsibilities:

a. That it is the participant's responsibility to seek employment to support his own family.

b. That it is the participant's responsibility to participate in assignments made by the case manager.

c. That it is the participant's responsibility to notify the case manager of any change in the participant's circumstances which would impact the participant's ability to satisfactorily participate in the program.

d. That it is the participant's responsibility to accept [a job offer offers of suitable employment]. Refusal to accept [a job offer offers of suitable employment] will result in the loss of the participant household's AFDC and food stamps. Loss of food stamps for refusal to accept [a job offer offers of suitable employment] will result in the entire household's food stamp allotment being terminated when the participant is the head of household. If the participant is not the head of the household, only the participant's prorata share shall be removed from the allotment.

e. That it is the participant's responsibility to arrange and find transportation and day care. The [case manager will assist the participant in those instances in which the participant has tried but has been unable to find transportation agency will provide for transportation and day care, to the extent funding is

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available, only when the participant is unable to make his own arrangements].

2. Explanation of the two-year time limit.

C. Modification of the Agreement of Personal Responsibility shall not impact or change the two-year time limit for receipt of AFDC benefits.

D. A VIEW participant who does not meet an exemption and who is not employed in unsubsidized employment within 90 days of receipt of AFDC shall be required to participate in a work activity. The department shall ensure that participants are assigned to one of the following employment categories in priority order not less than 90 days after AFDC eligibility determination:

1. Unsubsidized private sector employment (full-time, part-time or temporary) is the preferred employment category. A participant shall be required to accept any offers of suitable employment as defined in § 60.2-618 of the Virginia Unemployment Compensation Act.

2. Subsidized [~~full-time~~] employment as follows:

a. The department shall conduct a work activity which shall be known as the Full Employment Program (FEP), which shall replace AFDC and food stamp benefits with subsidized employment.

b. The local department, employer and the full employment participant shall sign a written agreement. At the expiration of this full employment agreement or when the participant leaves FEP, he will be reassessed and a modified Activity and Service Plan will be developed to reassign the participant to an appropriate employment category.

c. The employer is reimbursed for the wages paid to the participant up to the combined value of the participant's AFDC and food stamps as contained in the agreement signed between the department and the employer.

(1) The employer subsidy will be based on the actual hours the participant works.

(2) The value of the participant's AFDC and food stamp benefits will be based on the benefits received over the period of assignment to a Full Employment Program placement.

3. Community work experience.

a. If the participant cannot be placed into an unsubsidized job or Full Employment Program, the participant must be placed into community work experience. The department and local departments shall expand the community work experience program authorized under the Job Opportunity and Basic Skills Training Program (JOBS) to include job placement in community work experience programs which serve a useful public purpose as provided in § 482 (f) of the Social Security Act [(42 USC § 682 F)].

b. The department and local departments shall work with other state, regional, and local agencies and

governments in developing job placements. Placements shall be selected to provide skills that will make the participant more employable and serve a public function. Participation in community work experience shall be for an initial period of six months. Program participants shall not displace regular workers.

c. At the expiration of the community work experience assignment or when the participant leaves community work experience, he will be reassessed and a modified Activity and Service Plan will be developed to reassign the participant to an appropriate employment category.

d. There shall be no sick leave benefit attached to this component since participants work in exchange for their AFDC and food stamp benefits. Participants who are ill or incapacitated will continue to receive their benefits.

4. [In order to be considered a work activity in VIEW,] on-the-job training must be provided by [a specific an] employer [~~in order to be considered a work activity in VIEW~~]. [This is typically employer-required unpaid training by an employer which must be completed before an individual will be hired.]

E. Other VIEW activities in conjunction with work:

1. Education.

a. Education may only be provided in conjunction with work-related activities during the participant's two-year time period.

(1) Only eight hours per week of community work experience hours can be provided for educational activities during the participant's initial six-month placement in community work experience. After six months of participation in community work experience, the number of hours required in the work activity can be reduced to allow participation in education to further the participant's employability.

(2) Participants who enroll into education or training programs prior to coming in VIEW shall be required to meet the requirements of the program.

b. Post-secondary education. Participants assigned to post-secondary education should have demonstrated the capability to successfully complete the educational activity in the prescribed time period in an occupational area for which there is demand in the community.

2. Job skills training may only be provided in conjunction with work-related activities during the participant's two-year time period. The choice of occupational skills training offered will vary in each jurisdiction depending upon local labor market conditions. However, skills training must be related to the types of jobs which are available or are likely to become available in the community.

22 VAC 40-35-110. Sanctions [(§ 63.1-133.49 of the Code of Virginia)].

Local departments of social services shall be authorized to sanction participants in the Food Stamp Program as allowed pursuant to 7 CFR 273.7(g) and in the AFDC Program up to the full amount of the AFDC grant for noncompliance, without good cause as defined by the JOBS State Plan, as follows:

1. A participant assigned to the Full Employment Program who does not work the required hours will only be paid for the actual hours worked. Participants that are terminated from FEP by the employer due to problems with attendance or performance or both will be sanctioned the full amount of the AFDC and food stamp benefits.
2. A recipient assigned to VIEW who is determined to be in noncompliance with the VIEW Program shall be sanctioned as follows:
 - a. For the first offense, the full amount of AFDC benefits for the family shall be suspended for at least one calendar month or until the individual complies with the program requirements, whichever is longer.
 - b. For the second offense, the full amount of AFDC benefits for the family shall be suspended for at least three calendar months or until the individual complies with the program requirements, whichever is longer.
 - c. For the third or subsequent offenses, the full amount of AFDC benefits for the family shall be suspended for at least six calendar months or until the individual complies with the program requirements, whichever is longer.

22 VAC 40-35-120. Hardship exceptions.

A. In certain circumstances, hardship exceptions may be made to the time limitations for receipt of AFDC benefits. If the participant requests a hardship exception, the local department shall make an evaluation of participation while in VIEW. This evaluation will determine if a hardship exception may be granted to allow the participant to continue receiving AFDC and to continue to participate in VIEW. [~~A participant may apply for only one hardship exception. Once a participant has exhausted the time limit extended to him under a hardship exception, he may not apply for another extension based upon the same hardship.~~]

A participant is not eligible for a hardship exception unless he has complied with the requirements of the program, which are satisfactory participation in assigned program activities, not having been sanctioned more than once during the two-year period for failing to comply with the requirements of the program, and not leaving a job, without good cause as defined by the JOBS State Plan, at any time during the program.

B. If the above criteria are met, a hardship exception may be granted [by the local agency for up to one year] if one of the following conditions exists:

- ~~1. If the participant has been actively seeking employment by engaging in job-seeking activities required pursuant to § 60.2-612 of the Code of Virginia~~

~~and is unable to find employment. The local department may extend benefits for up to three months to allow the participant to find employment.~~

~~2. If the unemployment rate in the participant's locality for the two most recent quarters for which data is available from the Virginia Employment Commission prior to the individual's two-year time limit elapsed was 10% or greater. In order to qualify for this exception the participant must also be actively seeking employment as defined in subdivision 1 of this subsection.~~

~~3. If the program participant loses his job as a result of factors unrelated to his job performance. Factors unrelated to job performance are defined as those situations in which the Virginia Employment Commission would determine that the individual would be eligible for unemployment compensation if the participant had worked sufficient hours to qualify. The local department may extend benefits for up to three months to allow the participant to find employment.~~

~~4. If extension of benefits for up to one year will enable a participant to complete employment-related education or training and the participant had been making satisfactory progress per program requirements.~~

1. If the unemployment rate in the participant's locality for the two most recent quarters for which data is available from the Virginia Employment Commission prior to the individual's two-year time limit elapsed was 10% or greater. In order to qualify for this exception the participant must also be actively seeking employment as defined in § 60.2-612 of the Code of Virginia.

2. If extension of benefits for up to one year will enable a participant to complete employment-related education or training and the participant had been making satisfactory progress per program requirements.

Participants granted a hardship exception under this subsection shall be reevaluated at least every 90 days to determine if a basis for the hardship exception continues to exist. If a hardship exception is granted, the participant must continue to participate in the program and work activities.]

~~[C. For hardships as provided in subdivisions B-1 and B-3 of this section, the locality shall refer the case to a panel composed of the Commissioner of the Virginia Department of Social Services, the Commissioner of the Virginia Employment Commission, and the Executive Director of the Governor's Employment and Training Department. The panel shall evaluate each request individually and grant or deny the request for an extension.~~

~~D. Participants granted a hardship exception under subdivisions B-2 and B-4 of this section shall be reevaluated at least every 90 days to determine if a basis for the hardship exception continues to exist. If a hardship exception is granted, the participant must continue in the program and work activities.~~

C. A hardship exception shall be granted, if the local department determines that the participant meets all criteria, for up to 90 days if the following conditions exist:

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1. If the participant has been actively seeking employment by engaging in job-seeking activities required pursuant to § 60.2-612 of the Code of Virginia and is unable to find employment that would, in combination with any other income sources of assistance that the individual is receiving, pay an amount equal to or exceeding the case's AFDC cash benefits and standard work deduction. The local department may extend benefits for up to three months to allow the participant to find employment.

2. If the program participant loses his job as a result of factors unrelated to his job performance. Factors unrelated to job performance are defined as those situations in which the Virginia Employment Commission would determine that the individual would be eligible for unemployment compensation if the participant had worked sufficient hours to qualify. The local department may extend benefits for up to three months to allow the participant to find employment.

Extensions of hardship exceptions will be granted in this subsection in very limited circumstances and only to those persons who demonstrate an extreme hardship. The local department shall refer the case to a panel composed of the Commissioner of the Virginia Department of Social Services, the Commissioner of the Virginia Employment Commission, and the Executive Director of the Governor's Employment and Training Department. The panel shall evaluate each request individually and grant or deny the request for an extension. The panel will reevaluate the individual's case as it determines necessary, but at least every 90 days, in order to determine whether the conditions justifying the exception continue to exist.]

PART IV. APPEALS.

22 VAC 40-35-130. Appeals process.

A participant aggrieved by the decision of a local board granting, denying, changing, or discontinuing assistance may appeal such decision pursuant to § 63.1-116 of the Code of Virginia. A participant cannot appeal the provisions of the Agreement of Personal Responsibility which was mutually developed by the participant and the local agency.

DOCUMENT INCORPORATED BY REFERENCE

Title IV-F, JOBS, State Plan Preprint, Department of Social Services, eff. October 1, 1994

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
VIEW PROGRAM

VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

This agreement lists your responsibilities as a participant in the VIEW program. If you refuse to sign this Agreement of Personal Responsibility, you will lose your AFDC benefits.

VIEW PROGRAM RESPONSIBILITIES

I understand that AFDC is a temporary assistance program and that I am responsible for:

- Recognizing that because AFDC is temporary assistance, I need to work to become self-sufficient and support my family;
- Looking for and accepting employment;
- Participating in assignments from my case manager;
- Notifying my case manager immediately of changes in my circumstances;
- Answering all letters and calls from my case manager in a timely fashion;
- Keeping appointments with my case manager in a timely manner;
- Arranging child day care and transportation to allow me to participate in the VIEW program. If I am unable to arrange child day care and transportation, my case manager may be able to assist with these services.

VIP/VIEW PROGRAM RULES

To continue to receive AFDC benefits, I must enroll in the VIEW Program.

Once enrolled in the VIEW Program, I can receive up to 24 months of AFDC benefits.

I will be assigned to work activities during my 24-month eligibility period.

I may choose to stop receiving AFDC and Food Stamps at any time and apply at a later date, but I will not receive more than 24 months of AFDC benefits in a 60 month period.

If I do not participate in the VIEW Program, I will lose my household's AFDC grant and may lose my Food Stamp benefits. This is considered a sanction.

Any month that I am sanctioned for not participating will count as one of my 24 benefit months.

If I refuse a job offer without good cause, I will be sanctioned and lose my household's AFDC benefits.

If I quit a job without a good cause, I will be sanctioned and lose my household's AFDC and Food Stamp benefits.

VIEW OPPORTUNITIES AND REQUIREMENTS

Because the rules for counting income and rewarding work have changed, I may be able to keep more of my AFDC benefits when I get a job.

When I find employment and leave AFDC, I may be eligible for up to 12 months of child day care, transportation and medical assistance.

I may receive valuable work experience and/or training through the VIEW Program.

I may own a vehicle with a value of \$7,500 without its value affecting my benefits.

I understand that it is my responsibility to take advantage of the opportunities afforded me by the VIP/VIEW program. By taking advantage of these opportunities, I will be assisting my family in achieving economic independence.

I understand that I must sign this agreement to continue to receive AFDC benefits. Refusal to sign this agreement will result in the loss of my AFDC benefits.

Signing this agreement will cause my 24-month eligibility agreement to begin on _____ with a scheduled end date of _____.

Hardship exceptions may be granted in very limited circumstances to extend the 24 month eligibility period to persons who demonstrate an extreme hardship, if I have met the following conditions:

1. I attended and participated in all of the activities to which I was assigned;
2. I did not receive more than one sanction during the 24 months of VIEW program participation; and
3. I did not leave employment without good cause during my VIEW program participation.

FAIR HEARING RIGHTS:

I have the right to file an appeal for any agency action which results in a decision which terminates, reduces, or suspends my household's AFDC and/or Food Stamp benefits.

PLEASE CHECK ONE:

- I choose to participate in the VIEW Program.
- I will not sign this agreement and choose not to participate in the VIEW Program, thereby relinquishing any right to AFDC for myself and my family.

Participant Date

Case Manager Date

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
VIEW PROGRAM

Participant: _____
Case ID #: _____
Date: _____

VIEW ACTIVITY AND SERVICE PLAN

PLANNED COMPONENT ASSIGNMENT	Planned Begin date	Planned End Date	Planned Weekly Hrs.
Currently employed full-time	_____	_____	_____
Currently employed part-time	_____	_____	_____
Job Search	_____	_____	_____
Job Readiness	_____	_____	_____
Job Development/Job Placement	_____	_____	_____
Full Employment Program	_____	_____	_____
On-The-Job-Training	_____	_____	_____
Community Work Experience	_____	_____	_____
Education	_____	_____	_____
Job Skills Training	_____	_____	_____
Other Work Activity	_____	_____	_____

CURRENT PROGRAM ACTIVITY ASSIGNMENT

(For initial Assessment participant must at minimum be placed into Job Search for 30 days)

Program Activity Assignment	Description/Location	Planned Begin date	Planned End Date	Planned Weekly Hrs.

Pending Inactive

List reasons for assignment to Pending or Inactive and the steps necessary to resolve problem.

SUPPORTIVE SERVICES

Day Care Transportation Other (please describe)

PARTICIPANT RESPONSIBILITIES FOR CURRENT COMPONENT ASSIGNMENT(S)

AGENCY RESPONSIBILITIES

PARTICIPANT OBLIGATIONS

I understand that I am responsible for keeping the agency informed of my progress and needs. I agree to call the worker/case manager whose name is listed at the bottom of this page if I have a problem that makes it impossible to keep an appointment or if I wish to discuss or change an activity. I agree to continue in my current activity until I have discussed any problem I may have with my worker/case manager.

I understand that if I fail to participate without a good reason my welfare benefits will be stopped.

FOR PARTICIPANTS ASSIGNED TO COMPONENTS

I will carry out the responsibilities as agreed.

FOR PARTICIPANTS ASSIGNED TO PENDING

I understand that I am not actively participating at this time, but the months assigned to this component will count toward my two year time period.

FOR PARTICIPANTS ASSIGNED TO INACTIVE

I understand that I will not actively participate at this time. I also understand that I must answer all calls and letters from agency staff since I may be required to participate in the future.

PARTICIPANT'S SIGNATURE _____ DATE _____

CASE MANAGER'S SIGNATURE _____ PHONE _____

SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in *The Virginia Register of Regulations* on July 11, 1994 (10:21 VA.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in *The Virginia Register of Regulations*. This section of the *Virginia Register* has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

DEPARTMENT OF SOCIAL SERVICES

Pursuant to Executive Order Number Fifteen (94), the Department of Social Services is currently reviewing VR 615-00-01 [22 VAC 4-10-10 et seq.], Public Participation Guidelines, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Fifteen (94) and in the department's Plan for Review of Existing Agency Regulations.

The Virginia Department of Social Services, Division of Service Programs, will be reviewing the following regulation per Executive Order Number Fifteen (94), which requires a review of all existing agency regulations.

Regulation: VR 615-46-01 [22 VAC 40-740-10 et seq.]: Adult Protective Services.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Public comments will be received through May 15, 1996. Comments will be received by Joy Duke, Adult Protective Services Consultant, Virginia Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1260.

Written comments may be submitted until May 15, 1996, to Lynette W. Isbell, Division of Management and Customer Services, Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, or by facsimile transmission to (804) 692-1808.

Pursuant to Executive Order Number 15 (94), the Department of Social Services is publishing this notice to inform the public that the Foster Care regulation listed below will be reviewed to determine if it should be continued, amended, or repealed.

Regulation: VR 615-42-03 [22 VAC 40-210-10 et seq.]: Foster Care-Assessing the Client's Service Needs

Procedures for Submitting Comments

Written comments on the above regulation must be received no later than May 15, 1996, to be considered in the regulation review. Please identify the regulation by VR number and regulation title when submitting comments.

Please mail comments to Rick Pond, Foster Care, Adoptions, and Family Preservation Manager, Division of Service Programs, Virginia Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849. Comments may also be submitted by facsimile transmission (FAX number: 804-692-1284).

The department contact for any questions about this notice is Leslie Anderson, Foster Care, Division of Service Programs, Virginia Department of Social Services, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1272.

GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

SECRETARY OF COMMERCE AND TRADE

† Notice of Implementation of the Virginia Biotechnology Research Act

In accordance with the provisions of § 2.1-769 of the Code of Virginia, I have designated the Virginia Department of Agriculture and Consumer Services as the state agency to implement the Virginia Biotechnology Research Act.

/s/ Robert T. Skunda
Secretary of Commerce and Trade
March 14, 1996

For further information contact: Christopher D. Lloyd, Special Assistant, Office of the Secretary of Commerce and Trade, P.O. Box 1475, Richmond, VA 23212, or the Virginia Department of Agriculture and Consumer Services, Division of Policy and Planning, P.O. Box 1163, Richmond, VA 23209.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Notice of Application to Obtain Interim Funding

The Department of Criminal Justice Services has submitted an application to the Bureau of Justice Assistance, U.S. Department of Justice, to obtain interim FY 1996 funding available through the Edward Byrne Memorial Formula Grant Program. The application requests a total of \$3,834,000 in federal funds. The department and the Criminal Justice Services Board anticipate using these funds during the fiscal year starting on July 1, 1996, to support local and state agency projects in drug enforcement and prosecution, crime prevention, training and technical assistance and other criminal justice system improvements which have previously received funding through this grant program.

The application is available for public review at the department's offices at 805 East Broad Street, Richmond, Virginia 23219. Comments from the public are welcome. Inquiries should be directed to Joe Marshall, Grants Administrator.

For more information contact Joseph Marshall, Grants Administrator, Department of Criminal Justice Services, 805 East Broad Street, 10th Floor, Richmond, VA 23219, telephone (804) 786-1577 or FAX (804) 371-8981.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notices of Changes to the Virginia Medicaid Income Eligibility Levels

The Department of Medical Assistance Services hereby publishes notice of changes to the Virginia Medicaid Income

Eligibility Levels as defined in Attachment 2.6 A Supplement 1 of the State Plan for Medical Assistance (VR 460-03-2.6101:1 (12 VAC 30-40-220)). These changes are effective April 1, 1996.

Section 430.12 of the Code of Federal Regulations requires that state plans for medical assistance be kept up to date with federal requirements, as in the new Federal Poverty Income Guidelines. The Health Care Financing Administration (HCFA) published its 1996 guidelines in the Federal Register (Vol. 61, No. 43, page 8286) on March 4, 1996.

Sections 1902(l), 1902(l)(1)(D), 1902(m), and 1905(s) of the Social Security Act require states to base Medicaid eligibility on percentages of the Federal Poverty Guidelines for certain categories of eligible individuals. The Federal Register notice provided updated guidelines which are effective on the date of the register publication.

This notice identifies those categories of eligible individuals whose eligibility must be based on a percentage of the Federal Poverty Income Guidelines, and the percentages required.

1902(a)(10)(E)(iii)	Special Low Income Medicare Beneficiaries	120%
1902(l)	Pregnant Women and Children Under Age 6	133%
1902(l)(1)(D)	Children born after 9/30/83 who have attained age 6 but have not attained age 19	100%
1902(m)	Qualified Medicare Beneficiaries	100%
1905(s)	Qualified Disabled and Working Individuals	200%

Each year when the annual Federal Poverty Income Guidelines (FPIGs) are published, states must revise the financial eligibility income standards for the affected categories. The standards must be effective no later than April 1 each year.

Family Size	Income Level			
	Based on 100% of FPIGs	Based on 120% of FPIGs	Based on 133% of PSIGs	Based on 200% of FPIGs
1	\$7,740	\$9,288	\$10,294	\$15,480
2	\$10,360	\$12,432	\$13,779	\$20,720
3	\$12,980	\$15,576	\$17,283	\$25,960
4	\$15,600	\$18,720	\$20,748	\$31,200
5	\$18,220	\$21,864	\$24,233	\$36,440

General Notices/Errata

VIRGINIA MILITARY INSTITUTE

1996 Summer Session Catalogue

Title: 1996 Summer Session Catalogue
Virginia Military Institute

Statutory Authority: § 23-9.213 of the Code of Virginia

Effective Date: May 20, 1996.

The 1996 Summer Session Catalogue at the Virginia Military Institute sets forth both academic and nonacademic regulations for students during the 1996 VMI summer session. It also contains summer session dates, admission requirements, registration procedures, summer session fees, a description of the VMI honor code, motor vehicle regulations, and course offerings.

Contact: John L. Rowe, Jr., Office of the Business Executive, Virginia Military Institute, Lexington, VA 24450-0304, telephone (540) 464-7321.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

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 OBJECTIONS -
RR08

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

April 22, 1996 - 10 a.m. -- Open Meeting

April 23, 1996 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

GOVERNOR'S ADVISORY BOARD ON AGING

† **April 18, 1996 - 2 p.m.** -- Open Meeting

† **April 19, 1996 - 9 a.m.** -- Open Meeting

Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: M. T. Grund, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2801, FAX (804) 371-8381, toll-free 1-800-552-3402, or (804) 225-2271/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

May 10, 1996 - 11 a.m. -- Open Meeting

Northern Virginia 4-H Educational Center, 600 4-H Center Drive, Library, Front Royal, Virginia. ♿

The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Virginia Sweet Potato Board

† **June 6, 1996 - 8 p.m.** -- Open Meeting

Eastern Shore Agricultural and Extension Center, Research Drive, Painter, Virginia. ♿

A meeting to include discussion of programs regarding promotion, research and education, the annual budget, and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867.

Calendar of Events

STATE AIR POLLUTION CONTROL BOARD

May 3, 1996 -- Public 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 Air Pollution Control Board intends to adopt regulations entitled: **9 VAC 5-150-10 et seq. Regulation for Transportation Conformity.** The regulation establishes criteria and procedures for the transportation planning organization to use when determining whether federally-funded transportation plans, programs, and projects are in conformance with air quality plans before they are adopted. In addition, highway or transit projects which are funded or approved by the Federal Highway Administration or the Federal Transit Administration must be found to conform before they are approved or funded by U.S. Department of Transportation or a Metropolitan Planning Organization. This will apply in the Northern Virginia, Richmond, and Hampton Roads nonattainment areas. "Conformity" means that the activity will not (i) cause or contribute to any new violation of any standard in any area, (ii) will not increase the frequency or severity of any existing violation of any standard in any area, or (iii) will not delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

A transportation activity must not adversely affect implementation of the state implementation plan or the timely attainment and maintenance of the National Ambient Air Quality Standards. This integration of transportation activities and air quality planning is intended to ensure that emissions growth projections are not exceeded, emissions reduction targets are met, and maintenance efforts are not undermined.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: The localities affected by the proposed regulation are as follows:

1. The Northern Virginia Ozone Nonattainment Area: Arlington County, Fairfax County, Fauquier County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park.
2. The Richmond Ozone Nonattainment Area: Charles City County, Chesterfield County, Hanover County, Henrico County, the City of Colonial Heights, the City of Hopewell, and the City of Richmond.
3. The Hampton Roads Ozone Nonattainment Area: James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg.
4. Maintenance areas, i.e., the above areas when redesignated to attainment.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m., Friday, May 3, 1996 to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Mary E. Major, Policy Analyst Senior, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4423.

May 3, 1996 -- Public 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 Air Pollution Control Board intends to adopt regulations entitled: **9 VAC 5-160-10 et seq. Regulation for General Conformity.** The regulation establishes criteria and procedures for federal agencies to use when determining whether their nontransportation actions conform with air quality plans before they are adopted. It will apply in the Northern

Virginia, Richmond, and Hampton Roads nonattainment areas. "Conformity" means that the activity will not (i) cause or contribute to any new violation of any standard in any area, (ii) will not increase the frequency or severity of any existing violation of any standard in any area, or (iii) will not delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

A federal activity must not adversely affect implementation of the state implementation plan or the timely attainment and maintenance of the National Ambient Air Quality Standards. This integration of federal activities and air quality planning is intended to ensure that emissions growth projections are not exceeded, emissions reduction targets are met, and maintenance efforts are not undermined.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: The localities affected by the proposed regulation are as follows:

1. The Northern Virginia Ozone Nonattainment Area: Arlington County, Fairfax County, Fauquier County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park.
2. The Richmond Ozone Nonattainment Area: Charles City County, Chesterfield County, Hanover County, Henrico County, the City of Colonial Heights, the City of Hopewell, and the City of Richmond.
3. The Hampton Roads Ozone Nonattainment Area: James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg.
4. Maintenance areas, i.e., the above areas when redesignated to attainment.

Location of Proposal: The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the Department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (703) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m., Friday, May 3, 1996 to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 762-4426.

† **May 21, 1996 - 10 a.m.** -- Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

† **June 14, 1996** -- Public 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-80-50 et seq. Part II: Federal Operating Permits and Permit Program Fees for Stationary Sources (Rules 8-5 and 8-6).** The regulation amendments concern provisions covering federal operating permits for stationary sources and permit program fees for stationary sources and are summarized as follows: (1) source applicability has been cited directly to federal law; (2) a definition of "Title I modification" has been added; (3) the definition of state regulations considered federally enforceable has been clarified; (4) the fee calculation formula has been changed to specify a fee of \$25; and (5) certain provisions pertaining to insignificant activities have been modified.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Calendar of Events

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (540) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. June 14, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413.

State Advisory Board on Air Pollution

May 8, 1996 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. 

The board will meet three times to discuss air quality topics and develop recommendations for the State Air Pollution Control Board on (i) what could and should be considered by the board in making regulatory changes; (ii) guidelines for small businesses in conducting environmental audits; and (iii) electronic information sharing between DEQ and the public. These recommendations will be presented to the board in the fall.

Contact: Kathy Frahm, Policy Analyst, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4376 or FAX (804) 698-4346.


ALCOHOLIC BEVERAGE CONTROL BOARD

April 15, 1996 - 9:30 a.m. -- Open Meeting

April 29, 1996 - 9:30 a.m. -- Open Meeting

May 13, 1996 - 9:30 a.m. -- Open Meeting

May 29, 1996 - 9:30 a.m. -- Open Meeting


Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

A meeting to receive and discuss reports from and activities of staff members. Other matters have not yet been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

AUCTIONEERS BOARD

April 17, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

May 16, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting will follow the 9:30 a.m. public hearing regarding licensure fee reductions. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Lisa Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

May 16, 1996 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

June 1, 1996 -- Public 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology.** The board proposes to lower its fees for initial applications for licensure, verifications and renewal of licensure.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Contact: Lisa J. Russell Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

VIRGINIA AVIATION BOARD

April 23, 1996 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A workshop for the board. No formal actions will be taken.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

April 24, 1996 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

† April 17, 1996 - 10 a.m. -- Open Meeting
April 18, 1996 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

Contact: Florence E. Jackson Dickerson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee


April 19, 1996 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the committee meeting; however, written comments are welcome.

Contact: Florence E. Jackson Dickerson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Calendar of Events


CHILD DAY-CARE COUNCIL

May 2, 1996 - 9:30 a.m. -- Open Meeting
Department of Social Services, Theater Row Building, 730 East Broad Street, Lower Level Conference Room, Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment period will be at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1775.


VIRGINIA STATE CHILD FATALITY REVIEW TEAM

April 26, 1996 - 10 a.m. -- Open Meeting
State Corporation Commission, 1300 East Main Street, Conference Room, 3rd or 5th Floor, Richmond, Virginia. 

A meeting to discuss the status of funding, recent legislative actions, and to update the status of educational endeavors and receive preliminary data on one class of violent deaths of children that will be studied this year. The second part of the meeting will be closed for specific case discussion.

Contact: Marcella F. Fierro, M.D., Chief Medical Examiner, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1033, FAX (804) 371-8595, or toll-free 1-800-447-1706.

VIRGINIA COLLEGE BUILDING AUTHORITY

† April 16, 1996 - 2 p.m. -- Open Meeting
Department of the Treasury, James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 


A regular meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

STATE BOARD FOR COMMUNITY COLLEGES


† May 15, 1996 - 2:30 p.m. -- Open Meeting
Southside Virginia Community College, Christanna Campus, 109 Campus Drive, Alberta, Virginia.

State board committee meetings. This is a tentative location.


Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD 

† May 16, 1996 - 8:30 a.m. -- Open Meeting
Emporia-Holiday Inn Hotel, I-95 and U. S. 58, Emporia, Virginia.


A regularly scheduled board meeting. This is a tentative location.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD 

COMPENSATION BOARD

April 25, 1996 - 1 p.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, Room 913/913A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A routine business meeting.


Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23206-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD 

DEPARTMENT OF CONSERVATION AND RECREATION


Virginia Cave Board

† April 27, 1996 - 8:30 a.m. -- Open Meeting
State Capitol, Capitol Square, Senate Room A, Richmond, Virginia.

A regularly scheduled meeting of the board to discuss issues relating to cave and karst conservation.

Contact: Lawrence R. Smith, Natural Area Protection Manager, Division of Natural Heritage, 1500 E. Main St., Suite 312, Richmond, VA 23219, telephone (804) 786-7951 or (804) 371-2674/TDD 

BOARD FOR CONTRACTORS

April 25, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least two weeks in advance.

Contact: Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8582 or (804) 367-9753/TDD ☎

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

BOARD OF CORRECTIONAL EDUCATION

† **April 19, 1996 - 4 p.m.** -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.

† **May 17, 1996 - 1 p.m.** -- Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia.

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

BOARD OF CORRECTIONS

April 17, 1996 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia ☎

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Administration Committee

April 17, 1996 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia ☎

A meeting to discuss administrative matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

April 16, 1996 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia ☎

A meeting to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Advisory Board

† **May 1, 1996 - 10 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1100 Bank Street, 11th Floor, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the advisory board. Public comment will be received with advance notice.

Contact: Gloria L. Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 (V/TTY), FAX (804) 371-7882, or (804) 225-2570/TDD ☎

BOARD OF DENTISTRY

April 19, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

The Informal Conference Committee will hold conferences. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

† **April 26, 1996 - 9 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Rooms 103 and 105, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

April 26, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

The Informal Conference Committee will hold conferences on endorsement applicants and informals on continuances. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER COUNTY

April 24, 1996 - 6:30 p.m. -- Open Meeting
Gloucester County Administration Building, Conference Room, Gloucester, Virginia ☎ (Interpreter for the deaf provided upon request)

Calendar of Events

A meeting to discuss the annual exercise, appointments to the committee, amendments to the bylaws, and a briefing on the recently updated County Emergency Operations Plan.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042 or (804) 693-1479/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

† April 15, 1996 - 1:30 p.m. -- Open Meeting
One County Complex Court, Potomac Conference Room,
Prince William, Virginia. ☎

A multi-jurisdictional local emergency planning committee meeting to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, One County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Work Group on Ammonia, Mercury, Lead and Copper with Respect to Water Quality Standards

May 2, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
6th Floor Conference Room, Richmond, Virginia. ☎

The department has established a work group on four topics with respect to the water quality standards program: mercury, ammonia, lead, and copper. The work group will, upon completion, advise the Director of Environmental Quality. Other meetings of the work group have been tentatively scheduled for June 6, July 11, August 8, and September 12, 1996. Persons interested in the meetings should confirm meeting date, time and location with Alan J. Anthony.

Contact: Alan J. Anthony, Chairman, Work Group on Ammonia, Mercury, Lead and Copper, 629 E. Main St., P.O. Box 10009, Room 205, Richmond, VA 23240-0009, telephone (804) 698-4114, FAX (804) 698-4522, or toll-free 1-800-592-5482.

Virginia Groundwater Protection Steering Committee

† May 21, 1996 - 9 a.m. -- Open Meeting
State Corporation Commission, 1300 East Main Street,
Richmond, Virginia. ☎

A bimonthly meeting of the committee. For additional information or an agenda, contact Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

Technical Advisory Committee for Solid Waste Management Regulations

April 26, 1996 - 10 a.m. -- Open Meeting
May 31, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
First Floor Training Room, Richmond, Virginia. ☎ (Interpreter
for the deaf provided upon request)

A meeting to discuss desirable amendments to the current Virginia Solid Waste Management Regulations (VR 672-20-10) [9 VAC 20-80-10 et seq.]

Contact: Dr. Wladimir Gulevich, Office of Technical Assistance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4218, FAX (804) 698-4327 or (804) 698-4021/TDD ☎

VIRGINIA FIRE SERVICES BOARD

April 18, 1996 - 7:30 p.m. -- Public Hearing
Onancock Volunteer Fire Department, Onancock, Virginia.

A public hearing to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

April 19, 1996 - 9 a.m. -- Open Meeting
Wallops Island Flight Facility Base, Eastern Shore, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Executive Committee

April 17, 1996 - 10 a.m. -- Open Meeting
Norfolk Fire and Paramedical Services, 540 East City Hall
Avenue, Chief Wakeham's Office, Norfolk, Virginia.

A general business meeting.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire/EMS Education and Training Committee

April 18, 1996 - 10 a.m. -- Open Meeting
Wallops Island Flight Facility Base, Eastern Shore, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

April 18, 1996 - 9 a.m. -- Open Meeting
Wallops Island Flight Facility Base, Eastern Shore, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

April 18, 1996 - 1 p.m. -- Open Meeting
Wallops Island Flight Facility Base, Eastern Shore, Virginia.


A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.


BOARD OF FUNERAL DIRECTORS AND EMBALMERS

April 30, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes. Informal hearings will follow.

Contact: Lisa Russell Hahn, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD 

BOARD OF GAME AND INLAND FISHERIES

April 25, 1996 - 10 a.m. -- Open Meeting
April 26, 1996 - 8 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet and review relevant 1996 General Assembly actions and agency needs. The board will also address amendments to regulations proposed at its January 18, 1996, board meeting pertaining to foxhound

training preserves, the live-trapping of foxes for the purpose of stocking such preserves, and the amount of the fee to be charged for permitting a foxhound training preserve, and will determine whether the proposed regulations will be adopted as final regulations.

The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board will also hear the results of three public input meetings held March 11, 12, and 14, 1996, for the purpose of providing the public with an opportunity to review and comment on the proposed regulations pertaining to foxhound training preserves. The board reserves the right to expand or restrict the proposed regulation amendments, as necessary, for the proper management of fish and wildlife resources. These changes may be more liberal than, or more stringent than, the regulations currently in effect, or the regulation amendments proposed at the January 18, 1996, meeting.

In addition, general and administrative issues may be discussed by the board. The board may hold an executive session beginning at 9 a.m. on April 25, and chairmen of various board committees may request committee meetings in conjunction with this meeting or thereafter.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

DEPARTMENT OF HEALTH (STATE BOARD OF)

May 20, 1996 - 7 p.m. -- Public Hearing
Loudoun County Government Center, Market Street, Leesburg, Virginia.
For more information contact: Larry Yates (703) 777-0234

May 20, 1996 - 7 p.m. -- Public Hearing
Franklin County Board of Supervisors Meeting Room, Main Street, Rocky Mount, Virginia.
For more information contact: Tim Baker (540) 638-2311

May 21, 1996 - 7 p.m. -- Public Hearing
Juvenile Court Building, 701 Princess Anne Street, Fredericksburg, Virginia.
For more information contact: Gary Switzer (540) 899-4797

May 21, 1996 - 7 p.m. -- Public Hearing
Eastern Shore Community College, Melfa, Virginia.
For more information contact: Artie Miles (804) 787-5886

May 22, 1996 - 7 p.m. -- Public Hearing
Newport News Health Department Auditorium, 416 J. Clyde Morris Boulevard, Newport, News, Virginia.
For more information contact: Larry Nycum (804) 253-4813

May 22, 1996 - 7 p.m. -- Public Hearing
Lord Fairfax Community College Meeting Room, Woodstock, Virginia.
For more information contact: Kelly Vanover (540) 722-3480

Calendar of Events

May 23, 1996 - 7 p.m. -- Public Hearing
Central Library Auditorium, Virginia Beach, Virginia.
For more information contact: Frank "Skip" Scanton (804) 491-5940

May 23, 1996 - 7 p.m. -- Public Hearing
Augusta County Government Center, Route 11, Verona, Virginia.
For more information contact: Allen Gutshall (540) 332-7830

May 28, 1996 - 7 p.m. -- Public Hearing
Board of Supervisors Room, Richmond, Virginia.
For more information contact: Mike Campbell (804) 672-4530

May 29, 1996 - 7 p.m. -- Public Hearing
Farmville Area Bus Station, Farmville, Virginia.
For more information contact: Wayne Lynhart (804) 392-3984

May 29, 1996 - 7 p.m. -- Public Hearing
Blacksburg Municipal Building, 300 South Main Street, Blacksburg, Virginia.
For more information contact: Bruce Hicks (540) 676-5520

May 30, 1996 - 7 p.m. -- Public Hearing
Washington County Library, Oak Hill and Valley Street, Abingdon, Virginia.
For more information contact: Bruce Hicks (540) 676-5520


May 31, 1996 -- Public 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 Health intends to amend regulations entitled: **12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.** The purpose of the proposed amendments is to (i) increase the separation distance to a water table below a drainfield from two to 20 inches to 18 or 24 inches; (ii) increase the separation distance to bedrock below a drainfield from 12 inches to 18 inches; (iii) encourage the use of new and innovative onsite wastewater technologies by granting provisional approval to promising new systems; (iv) increase ground water protection standards for large onsite systems (mass drainfields); (v) reduce the installation depth for conventional systems from 18 inches to six to 12 inches; (vi) add provisions that will make it easier for homeowners to know when to pump their septic tank; and (vii) make administrative changes designed to revise cumbersome portions of the regulations and make it easier for the public to comply with the regulations (i.e., reduced "red tape").


Statutory Authority: §§ 32.1-12 and 32.1-164 of the Code of Virginia.

Contact: Donald J. Alexander, Director, Division of Onsite Sewage and Water Services, P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750 or FAX (804) 225-4003.


BOARD OF HEALTH PROFESSIONS

April 16, 1996 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A board meeting to receive reports from committees dealing with the study of the disclosure of disciplinary information, the need to regulate utilization review agents, legislation passing the 1996 General Assembly, reports of the director and deputy director, and to discuss other business as may be scheduled. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9966, FAX (804) 662-9943 or (804) 662-7197/TDD 


Compliance and Discipline Committee

April 16, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to review the work dealing with an overview of the law and practice governing the availability and use of disciplinary information and to receive a report from the Enforcement Division. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9966, FAX (804) 662-9943 or (804) 662-7197/TDD 

Practitioner Self-Referral Committee

April 16, 1996 - 2:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to consider any cases or requests for opinions or exceptions which may be made, if any. The meeting will begin immediately upon adjournment of the full board meeting, which begins at 1:30 p.m. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9966, FAX (804) 662-9943 or (804) 662-7197/TDD 

Regulatory Research Committee

April 16, 1996 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to receive draft reports dealing with alternative medicine and the need to regulate pharmacy technicians and to consider other business that may come before the committee. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9966, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Task Force on Utilization Review Agents

April 16, 1996 - 11:15 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to review a workplan to consider the need to regulate utilization review agents. Brief public comment will be received at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9966, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 23, 1996 - 9:30 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. ☎

A monthly meeting.

Contact: Richard L. Walker, Director of Administration, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371, FAX (804) 371-0284 or (804) 786-6371/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

† **May 13, 1996 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 2, Richmond,
Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507 or (804) 367-9753/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 7, 1996 - 9 a.m. -- Open Meeting
Hopewell Community Center, Second and City Point Road,
Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

April 22, 1996 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia.

A regular monthly business meeting of the board will immediately follow a 10 a.m. public hearing. Public comment will be received.

Contact: Stephen W. Calhoun, CPA, Manager, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7097, or (804) 371-7089/TDD ☎

NOTE: CHANGE IN PUBLIC HEARING DATE

April 22, 1996 - 10 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia.

May 3, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to repeal regulations entitled: **13 VAC 5-110-10 et seq. Virginia Enterprise Zone Program Regulations** and adopt regulations entitled: **13 VAC 5-111-10 et seq. Virginia Enterprise Zone Program Regulations**. The purpose of the proposed regulation is to implement and administer new incentives and provisions of the Virginia Enterprise Zone Program provided in 1995 legislation. Amendments will also implement greater flexibility for businesses in qualifying for the use of these incentives. Amendments reflect an increase in number of zones statewide and greater flexibility for localities to have multiple zones.

Calendar of Events

Statutory Authority: § 59.1-278 of the Code of Virginia.

Contact: M. Shea Hollifield, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219, telephone (804) 371-7030.

April 22, 1996 - 10 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia.

May 20, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **13 VAC 5-70-10 et seq. Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code/1993**. The purpose of the proposed amendments is to establish standards for automatic sprinkler systems in patient rooms and other areas customarily used for patient care in hospitals, regardless of when such facilities were constructed.

Statutory Authority: § 36-99.9:1 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. Second St., Richmond, VA 23219-1321, telephone (804) 371-7170.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

April 19, 1996 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board hears administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

April 16, 1996 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A regular meeting of the Board of Commissioners. The Board of Commissions will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

April 16, 1996 - 1 p.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor, Speaker's Conference Room, Richmond, Virginia.

A regular meeting to discuss such matters as may be presented.

Contact: Adele MacLean, Secretary, Advisory Commission on Intergovernmental Relations, 8th Street Office Building, Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD

LIBRARY BOARD

† May 6, 1996 - 9:30 a.m. -- Open Meeting
Sheraton Inn Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia.

A meeting to review and comment on the draft assessment of the Strategic Management Plan for January 1995 through December 1996, and the revision for the 1996-98 biennium.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

† June 17, 1996 - Time to be announced -- Open Meeting
† June 18, 1996 - Time to be announced -- Open Meeting
Location to be announced.

A meeting to discuss administrative matters of the library board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

April 17, 1996 - 11 a.m. -- Open Meeting

May 15, 1996 - 11 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, Richmond, Virginia ☎

A regular meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting to ascertain whether or not the meeting is to be held as scheduled.

Contact: Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

COMMISSION ON LOCAL GOVERNMENT

† May 6, 1996 - 11 a.m. -- Open Meeting

City of Manassas; site to be determined.

Oral presentations regarding the City of Manassas - Prince William County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† May 6, 1996 - 7 p.m. -- Public Hearing

City Hall, 9027 Center Street, Council Chambers, Manassas, Virginia.

A public hearing regarding the City of Manassas - Prince William County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† May 7, 1996 - 9 a.m. -- Open Meeting

City of Manassas; site to be determined.

A regular meeting of the commission to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† June 3, 1996 - 10:30 a.m. -- Open Meeting

Town of Bowling Green/Caroline County area; site to be determined.

Oral presentations regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† June 3, 1996 - 7 p.m. -- Public Hearing

Town of Bowling Green/Caroline County area; site to be determined.

A public hearing regarding the Town of Bowling Green - Caroline County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

† April 19, 1996 - Noon -- Open Meeting

Hills Tavern, South Boston, Virginia.

A meeting with community leaders in South Boston, Virginia.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† April 20, 1996 - 9:30 a.m. -- Open Meeting

Longwood College, Lancaster Building, Farmville, Virginia. ☎

A meeting of the Academic/Student Affairs Committees, and Finance/Facilities and Services Committees to conduct routine business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† April 20, 1996 - 12:30 p.m. -- Open Meeting

Longwood College, Ruffner Building, Farmville, Virginia. ☎

A meeting of the Executive Committee to conduct routine business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

Calendar of Events

† April 20, 1996 - 2:30 p.m. -- Open Meeting
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting of the full board to conduct routine board business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

MARINE RESOURCES COMMISSION

† April 23, 1996 - 9:30 am. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be 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: Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll-free 1-800-541-4646 or (804) 247-2292/TDD ♿

BOARD OF MEDICAL ASSISTANCE SERVICES

† April 23, 1996 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300 (Board Room), Richmond, Virginia.

A meeting to discuss medical assistance service and to take action on issues pertinent to the board.

Contact: Cynthia Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 4, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations

entitled: 12 VAC 30-50-100, Inpatient Hospital Services; 12 VAC 30-50-140, Physician's Services; and 12 VAC 30-70-50, Hospital Reimbursement System. The purpose of this proposal is to make permanent policies to reduce the lengths of inpatient and obstetric stays when medically appropriate in compliance with amendments to the budget. By reducing the average Medicaid length of stay in inpatient hospitals to levels similar to that of patients of private insurance, DMAS estimated that the Commonwealth could generate significant cost savings in Medicaid expenditures. These changes enhance the economical performance of Virginia's Medicaid Program by preventing reimbursement for services that are not medically necessary. DMAS completed an analysis of inpatient hospital claims which showed that the length of stay for inpatient services among Medicaid patients in Virginia, by admission diagnosis and procedure performed, is higher than the lengths of stay among patients covered by private insurance. Based on this analysis, the Governor included in his 1995 amendments to the 1994-96 Appropriations Act two amendments reducing the Medicaid budget by decreasing the average length of stay for inpatient hospital services from six days to five days and by decreasing the length of stay for obstetric services to one day.

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

Public comments may be submitted until May 4, 1996, to Margot Fritts, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 East Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

May 17, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: 12 VAC 30-120-450 through 12 VAC 30-120-480. Part VII: Assisted Living Services for Individuals Receiving Auxiliary Grants Residing in Adult Care Residences. The proposed regulation will allow the Department of Medical Assistance Services (DMAS) to establish coverage criteria for two types of assisted living to recipients of auxiliary grants residing in licensed adult care residences: (i) regular assisted living for those individuals who do not meet the criteria for waiver services but who require at least a moderate level of assistance with activities of daily living, and (ii) intensive assisted living for those individuals who meet the criteria for waiver services. This regulation was originally begun in 1994. It was delayed because the Department of Social Services (DSS) had to promulgate regulations prior to DMAS developing its program.

These DMAS regulations have been revised to conform to the DSS regulations now in place.

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

Public comments may be submitted until May 17, 1996, to Cindi Bowling, LTC Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

BOARD OF MEDICINE

Credentials Committee

April 27, 1996 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ☎

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Executive Committee

April 26, 1996 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. ☎

The committee will meet in open and closed session to:
(i) review disciplinary files requiring administrative action;
(ii) adopt amendments for approval of promulgation of regulations as presented; and (iii) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 10 minutes following adoption of the agenda.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Informal Conference Committee

April 18, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.

April 19, 1996 - 9:30 a.m. -- Open Meeting
Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

April 23, 1996 - 9:30 a.m. -- Open Meeting
The Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

May 16, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **May 17, 1996 - 9:30 a.m.** -- Open Meeting
Fort Magruder Inn and Conference Center, Route 60, Williamsburg, Virginia.

† **May 21, 1996 - 9:30 a.m.** -- Open Meeting
Department of Transportation, 86 Deacon Road, Falmouth, Virginia.

The Informal Conference Committee, composed of three members of the board, 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. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Occupational Therapy

† **May 2, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of VR 465-08-1 (18 VAC 85-80-10 et seq.), Regulations for Certification of Occupational Therapists, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Physical Therapy

† **May 3, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of VR 465-03-1 (18 VAC 85-30-10 et seq.),

Calendar of Events

Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Physicians Assistants

† May 3, 1996 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of VR 465-05-1 (18 VAC 85-50-10 et seq.) Regulations Governing the Practice of Physicians Assistants, and such other issues which may be presented. The committee will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Board on Respiratory Therapy

† May 2, 1996 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of VR 465-04-1 (18 VAC 85-40-10 et seq.), Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 15, 1996 - 4 p.m. -- Open Meeting

Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor Street, Conference Room, 13th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss Public Participation Guidelines for Developing and Promulgating Regulations; Rules and Regulations to Assure the Rights of Clients in

Community Programs; Rules and Regulations to Assure the Rights of Residents of Hospitals and Other Facilities Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services; and Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23236, telephone (804) 786-6431 or FAX (804) 371-0091.

April 16, 1996 - 8:30 a.m. -- Open Meeting

Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor Street, Conference Room, 13th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss Rules and Regulations for the Licensure of Facilities and Programs Serving Mentally Ill, Mentally Retarded, and Substance Abusing Persons; Regulations for the Certification of Case Management Services; Regulations Establishing Procedures for Voluntarily Admitting Persons who are Mentally Retarded to State Mental Retardation Facilities; and Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23236, telephone (804) 786-6431 or FAX (804) 371-0091.

April 17, 1996 - 9 a.m. -- Open Meeting

James Madison Building, 109 Governor Street, 13th Floor, Board Room, Richmond, Virginia.

A regular meeting of the board. The agenda will be published one week in advance of the meeting.

Contact: Jane V. Helfrich, Board Administrator, Department of Mental Health, Mental Retardation and Substance Abuse Services, James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 786-7945 or FAX (804) 371-2308.

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

April 18, 1996 - 9 a.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Koger Center, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regularly scheduled bimonthly meeting with public comment at 11 a.m.

Contact: Jim Hobgood, Program Coordinator, Department for Rights of Virginians with Disabilities, Ninth Street Office Building, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042 (Voice and TDD), FAX (804) 225-3221 or toll-free 1-800-552-3962.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† **May 13, 1996 - 8:30 a.m.** -- Open Meeting
Smith Hall Board Room, Virginia Military Institute, Lexington,
Virginia. ☎

A regular meeting of the Board of Visitors to receive committee reports; discuss budget approval; approve awards, distinctions and diplomas; discuss personnel changes, and elect president pro tem. Public comment will not be received at this meeting.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (540) 464-7206.

GOVERNOR'S MINED LAND RECLAMATION ADVISORY BOARD

April 18, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent interstate mining compact commission issues associated with the coal industry.

Contact: Danny Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

DEPARTMENT OF MINES, MINERALS AND ENERGY

Board of Mineral Mining Examiners

April 23, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Division of Mineral Mining, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss pertinent changes in the mine safety law, review new certification course outlines, and discuss exam development and revisions.

Contact: Randy DeVaul, Technical Instruction Supervisor, P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 961-5008, FAX (804) 979-8544, or toll-free 1-800-828-1120 (VA Relay Center)

Virginia Reclamation Fund Advisory Board

May 15, 1996 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review and discuss the current status and administration of the reclamation fund.

Contact: Danny R. Brown, Division Director, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (540) 523-8163 or toll-free 1-800-828-1120 (VA Relay Center).

VIRGINIA MUSEUM OF FINE ARTS

Exhibitions Committee

April 16, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ☎

The Exhibitions Committee of the Board of Trustees will meet for a review of proposed exhibitions and update on scheduled exhibitions. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

April 27, 1996 - 9 a.m. -- Open Meeting
Blacksburg Marriott, 900 Prices Fork Road, Blacksburg, Virginia. ☎

A meeting to include reports from the development, executive, finance, legislative, marketing, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the January meeting.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Development Committee

April 27, 1996 - 8 a.m. -- Open Meeting
Blacksburg Marriott, 900 Prices Fork Road, Blacksburg, Virginia. ☎

A meeting to discuss development issues.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Calendar of Events

Marketing Committee

April 27, 1996 - Noon -- Open Meeting
Blacksburg Marriott, 900 Prices Fork Road, Blacksburg, Virginia. ☎

A meeting to discuss marketing issues.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

Research and Collections Committee

April 27, 1996 - 7 a.m. -- Open Meeting
Blacksburg Marriott, 900 Prices Fork Road, Blacksburg, Virginia. ☎

A meeting to discuss appointment/reappointment of research associates.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

BOARD OF NURSING

May 17, 1996 -- Public 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 Nursing intends to adopt regulations entitled: **18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing.** The purpose of the proposed amendment is to replace an emergency regulation, which established a biennial renewal fee of \$20 for certified nurse aides.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

Special Conference Committee

† **April 17, 1996 - 9 a.m.** -- Open Meeting
† **April 18, 1996 - 9 a.m.** -- Open Meeting
† **April 29, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A Special Conference Committee, comprised of two members of the Virginia Board of Nursing, will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the Board of Nursing. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

May 29, 1996 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Lisa Russell Hahn, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

BOARD OF OPTOMETRY

† **May 2, 1996 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general board meeting and regulatory review regarding the transfer of TPA certification from the Board of Medicine to the Board of Optometry and other related issues will be conducted. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

† **May 2, 1996 - 2:30 p.m.** -- Open Meeting
† **May 13, 1996 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A Special Conference Committee, comprised of two members of the Board of Optometry, will conduct informal conferences with licensees to determine what, if any, actions should be recommended to the board. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

† **May 13, 1996 - 1:30 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A formal hearing. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

VIRGINIA OUTDOORS FOUNDATION

Board of Trustees

† **April 19, 1996 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting to discuss foundation business and acceptance of conservation easements.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 420, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

BOARD OF PHARMACY

† **April 17, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A meeting to conduct informal conferences. Public comment will not be received.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

† **April 18, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A board meeting and formal hearing. There will be a 15-minute public comment period beginning at 9:15 a.m.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911.

May 17, 1996 - Public 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations of the Board of Pharmacy.** The purpose of the proposed amendments is to permit more flexibility in the use of technology for the transmittal and delivery of prescription drugs, to relax its requirements for continuing education, and to conform with state and federal law. The board also proposes requirements for

the compounding of sterile products consistent with recognized industry standards.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Contact: Scotti W. Milley, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† **May 10, 1996 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

Beginning at 8 a.m., there will be an Executive Committee meeting to review credentials. Public comments will not be heard. At 8:30 a.m. an informal conference will be held pursuant to § 9-6.14:11 of the Code of Virginia. Public comments will not be heard. At 10 a.m. there will be a regular meeting of the board to conduct general board business; consider committee reports, correspondence and any other matters under the jurisdiction of the board; and to conduct regulatory review. There will be a 30-minute general public comment period beginning at 10:15 a.m.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

BOARD OF PSYCHOLOGY

April 16, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular board meeting. Public comments will be received beginning at 9:15 a.m.

Contact: La Donna Duncan, Administrative Assistant, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

Examination Committee

† **April 26, 1996 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

A meeting to conduct general committee business. No public comment will be received.

Contact: La Donna Duncan, Administrative Assistant, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

Calendar of Events

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

April 18, 1996 - 10 a.m. -- Open Meeting

Department of Information Technology, Richmond Plaza Building, 110 South 7th Street, 1st Floor East, Richmond, Virginia.

A quarterly meeting. The agenda will include a legislative update, contract and grant allocations for FY 96-97, the Planning Committee report, and updates on other items of interest.

Contact: Judy Garnett, Executive Secretary Senior, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-5601.

REAL ESTATE APPRAISER BOARD

† May 21, 1996 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 2 weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

REAL ESTATE BOARD

May 3, 1996 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Continuing Education Committee

May 3, 1996 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 2 weeks prior to the meeting. The

department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Education Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

April 18, 1996 - 11 a.m. -- Open Meeting

State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

A meeting to continue work on developing and monitoring a plan to strengthen Virginia's recycling infrastructure and markets; setting forth strategies primarily designed to improve the supply, quantity, and quality of recyclables; and providing strategies for increasing the demand for recycled products and expanding the capacity of collectors, processors, and manufacturers to handle and use specified recyclable materials. The annual report will be considered for approval. The meeting will be dependent on a quorum of 10. Subcommittee meetings will be held prior to or after the general council meeting. Call Paddy Katzen for details at (804) 698-4488 or e-mail, pmkatzen@deq.state.va.us.

Contact: Paddy Katzen, Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488 or FAX (804) 698-4453.

VIRGINIA RESOURCES AUTHORITY

May 14, 1996 - 9:30 a.m. -- Open Meeting

The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

† **April 25, 1996 - 4 p.m.** -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor,
Classroom, Richmond, Virginia. ♿

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

April 24, 1996 - 10 a.m. -- Open Meeting
Ramada Inn, Allegheny Room, 1130 Motel Drive, Woodstock,
Virginia. ♿

The board will hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and 12 VAC 5-610-10 et seq.

Contact: Beth B. Dubis, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4236.

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **April 17, 1996 - 9 a.m.** -- Open Meeting
Department of Economic Development, Riverfront Towers West, 901 East Byrd Street, 19th Floor Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The advisory board advises the Virginia Department of Economic Development, Secretary of Commerce and Trade, and the Governor on small business issues. Members will discuss current concerns of small businesses in their districts; the board will develop clear statements of these concerns, and make recommendations for resolving them.

Contact: Anne Godfrey, Administrative Assistant, Department of Economic Development, 901 E. Byrd St., Suite 1800, Richmond, VA 23219-0798, telephone (804) 371-8100, FAX (804) 225-3384, or (804) 371-0327/TDD ♿

Loan Committee

† **April 23, 1996 - 10 a.m.** -- Open Meeting
† **May 28, 1996 - 10 a.m.** -- Open Meeting
Department of Economic Development, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review applications for loans submitted to the authority for approval.

Contact: Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., Suite 1800, Richmond, VA 23219, telephone (804) 371-8256, FAX (804) 225-3384, or (804) 371-0327/TDD ♿

STATE BOARD OF SOCIAL SERVICES

† **April 17, 1996 - 9 a.m.** -- Open Meeting
† **April 18, 1996 - 9 a.m. (if necessary)** -- Open Meeting
Comfort Inn, Route 29 at Oddfellows Road, Lynchburg, Virginia. ♿

A work session and formal business meeting of the board.

Contact: Ray C. Goodwin, Deputy Commissioner, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, FAX (804) 692-1949, toll-free 1-800-552-7096 or 1-800-552-3431/TDD ♿


† **June 14, 1996** -- Written comments may be submitted through this date.

Notice is hereby given in accordance with §§ 9-6.14:7.1 and 9-6.14:9.1 of the Code of Virginia that the State Board of Social Services has adopted as final the regulation entitled: **22 VAC 40-35-5 et seq. [VR 615-01-57]. Virginia Independence Program.** No substantial changes were made to the proposed regulation other than the addition of 22 VAC 40-35-20 A 6, which provides for the repeal of 22 VAC 40-35-20 A 5 upon receipt of appropriate federal authorization. The intent of 22 VAC 40-35-20 A 6 is to clarify the circumstances under which an Aid to Families with Dependent Children (AFDC) recipient is deemed to have cooperated in the establishment of paternity. Because the board believes that this change may be considered substantial, it will accept additional public comment. Accordingly, additional written comment concerning 22 VAC 40-35-20 A 6 may be submitted until June 14, 1995, to Carolyn Ellis.


Contact: Carolyn Ellis, Department of Social Services, Division of Benefit Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1738.

Calendar of Events

BOARD OF SOCIAL WORK


April 19, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Room 1, Richmond, Virginia. 

A regular meeting. Fee amendment to the regulation for the Board of Social Work will be discussed. Public comment will be received at 9:15 a.m.

Contact: Evelyn Brown, Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943, or (804) 662-7197/TDD 

TELECOMMUNICATIONS RELAY SERVICE ADVISORY BOARD


NOTE: CHANGE IN MEETING DATE

† **April 18, 1996 - 10 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1100 Bank Street, 11th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting open to the public. Public comment will be permitted with advance notice.

Contact: Gloria L. Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 (V/TTY) or FAX (804) 225-2570.


GOVERNOR'S TOURISM AND TRAVEL SERVICES ADVISORY BOARD

† **April 18, 1996 - 12:30 p.m.** -- Open Meeting
Department of Economic Development, 901 East Byrd Street, 19th Floor Conference Room, Richmond, Virginia. 

A meeting to review 1995 tourism activities and 1996 marketing plans, and to review legislation that will create the Virginia tourism corporation and prepare recommendations on its operation to the Virginia Economic Development Partnership.


Contact: Patrick A. McMahon, Director of Tourism, 901 E. Byrd St., Richmond, VA 23219, telephone (804) 786-2051 or FAX (804) 786-1919.

COMMONWEALTH TRANSPORTATION BOARD

April 17, 1996 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.


Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

April 18, 1996 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.


TRANSPORTATION SAFETY BOARD

† **May 8, 1996 - 1:30 p.m.** -- Open Meeting
Hyatt Richmond-Brookfield, 6624 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the board to review traffic safety issues in the Commonwealth.

Contact: Angelisa C. Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026 or FAX (804) 367-6031.


TREASURY BOARD

April 17, 1996 - 9 a.m. -- Open Meeting
May 15, 1996 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. 

A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA RACING COMMISSION

† **April 17, 1996 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

A regular commission meeting including a progress report by Colonial Downs and a discussion of advisory panels.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363.

† **May 15, 1996 - 9:30 a.m.** -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia.

† **June 14, 1996** -- 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 Virginia Racing Commission intends to adopt regulations entitled: **11 VAC 10-180-10 et seq. Medication.** The purpose of the proposed regulation is to establish procedures regarding the medication of racehorses. The Virginia Racing Commission authorizes the use of one medication in racehorses on race day and establishes quantitative levels on two other medications.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363 or FAX (804) 371-6127.

BOARD FOR THE VISUALLY HANDICAPPED

April 20, 1996 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Administrative Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD or toll-free 1-800-622-2155.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

April 20, 1996 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The committee meets quarterly to advise the Board for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth. A portion of the meeting will be conducted jointly with the Board for the Visually Handicapped.

Contact: Barbara G. Tyson, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155.

Vocational Rehabilitation Advisory Council

† **June 8, 1996 - 10 a.m.** -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140/TDD or toll-free 1-800-622-2155.

VIRGINIA VOLUNTARY FORMULARY BOARD

† **June 27, 1996 - 10:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to review product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, Monroe Bldg., 101 N. 14th St., S-45, Richmond, VA 23219, telephone (804) 786-4326.

STATE WATER CONTROL BOARD

April 22, 1996 -- Public comments may be submitted until 4 p.m. on this date.

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: **9 VAC 25-260-10 et seq. Water Quality Standards.** The purpose of the proposed amendments is to amend the Water Quality Standards as part of the state's triennial review of the regulation and to meet federal requirements.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Calendar of Events

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mrs. Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, or by telephone at (804) 698-4111 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mrs. Daub no later than 4 p.m. on Thursday, March 7, 1996.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Ms. Eleanore Daub at the address below.

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

Contact: Eleanore Daub, Office of Environmental Research and Standards, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

April 22, 1996 -- Public comments may be submitted until 4 p.m. on this date.

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 adopt regulations entitled: **9 VAC 25-415-10 et seq. Policy for the Potomac River Embayments.** The purpose of the proposed regulation is to establish effluent limits for sewage treatment plants discharging into the Potomac River in Virginia from the Chain Bridge in Arlington County to Route 301 Bridge in King George County.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mr. Tom Faha, Department of Environmental Quality, 1519 Davis Ford Road, Suite 14, Woodbridge, VA, 22192, or by telephone at (703) 490-8922 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Mr. Faha no later than 4 p.m. on Thursday, March 7, 1996.

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

Contact: Tom Faha, Department of Environmental Quality, Northern Regional Office, 1519 Davis Ford Road, Suite 14, Woodbridge, VA 22192, telephone (703) 490-8922.

April 15, 1996 - 2 p.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia.

May 6, 1996 -- Public 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-110-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day.** The purpose of the proposal is to readopt, with amendments, the general VPDES permit for discharges of treated wastewater from individual home treatment works and other small volume sources of domestic sewage.

Question and Answer Period: A question and answer period will be held one-half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Accessibility to Persons with Disabilities: The public hearing will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact Mr. Richard W. Ayers at the address below. Persons needing interpreter services for the deaf should notify Mr. Ayers no later than April 5, 1996.

Request for Comments: The board is seeking written comments from interested persons on both the proposed regulatory action and the draft permit. Also, comments regarding the benefits of the stated alternative or any other alternatives are welcome.

Other Information: The department has conducted analyses on the proposed regulation related to the basis, purpose, substance, issues and estimated impacts. These are available upon request from Mr. Ayers at the address below.

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

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

† April 30, 1996 - 7 p.m. -- Public Hearing
Marshall Middle School, 4048 Zulla Road, Marshall, Virginia.

A public hearing to receive comments from the public on the proposed reissuance of a Virginia Pollutant Discharge Elimination System (VPDES) permit for Marshall Wastewater Treatment Plant, Fauquier County Water and Sanitation Authority.

Contact: Tom Faha, Department of Environmental Quality, Northern Regional Office, 1549 Old Bridge Rd., Suite 108, Woodbridge, VA 22192, telephone (703) 490-8922.

† May 2, 1996 - 7 p.m. -- Public Hearing
Hampton City Council Chambers, City Hall Building 22 Lincoln Street, 8th Floor, Hampton, Virginia.

A public hearing to receive comments from the public on the proposed reissuance of a Virginia Pollutant Discharge Elimination System (VPDES) permit for Newport News Shipbuilding, 4101 Washington Avenue, Newport News.

Contact: David A. Mashaw, Department of Environmental Quality, Tidewater Regional Office, 287 Pembroke Office Park, Pembroke No. 2, Suite 310, Virginia Beach, VA 23462, telephone (804) 552-1840.


† **May 22, 1996 - 9 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD OF YOUTH AND FAMILY SERVICES

NOTE: CHANGE IN MEETING DATE AND LOCATION


April 18, 1996 - 9 a.m. -- Open Meeting
Natural Bridge, Virginia. 

Beginning at 9 a.m., committees will meet to review secure and nonsecure services; at 10 a.m. the full board will meet to act on certifications, policy matters, and other business that may come before the board.

Contact: Donald R. Carignan, Policy Analyst, Department of Youth and Family Services, 700 Centre, 700 E. Main St., P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

INDEPENDENT

STATE LOTTERY BOARD


† **April 24, 1996 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. A period for public comment is scheduled.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

JUDICIAL

VIRGINIA CRIMINAL SENTENCING COMMISSION


† **April 15, 1996 - 10 a.m.** -- Open Meeting
† **June 24, 1996 - 10 a.m.** -- Open Meeting
Supreme Court Building, 100 North 9th Street, 3rd Floor, Judicial Conference Room, Richmond, Virginia. 

A regular quarterly meeting of the commission to review sentencing guidelines, compliance rates, and the work of commission subcommittees.

Contact: Dr. Richard Kern, Director, Virginia Criminal Sentencing Commission, 100 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 225-4565 or (804) 225-4398, or FAX (804) 786-3934.


LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

† **April 16, 1996 - 1 p.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting with the patrons of bills referred to the committee for study and for other general purposes.


Contact: Lyn Hammond, Program Coordinator, Division of Legislative Services, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

† **May 21, 1996 - 11 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss the ongoing studies of the committee and for general purposes.

Contact: Lyn Hammond, Program Coordinator, Division of Legislative Services, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

VIRGINIA CODE COMMISSION

April 25, 1996 - 10 a.m. -- Open Meeting
May 16, 1996 - 10 a.m. -- Open Meeting
June 27, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, Speaker's Conference Room, 6th Floor, 910 Capitol Square, Richmond, Virginia. 

A regularly scheduled meeting to continue the recodification of Title 15.1.

Contact: E. M. Miller, Director, or Jane Chaffin, Deputy Registrar, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 15
Alcoholic Beverage Control Board
† Criminal Sentencing Commission, Virginia

Calendar of Events

† Emergency Planning Committee - Local, Prince William County, Manassas City, and Manassas Park City Mental Health, Mental Retardation and Substance Abuse Services Board, State

April 16

† Administrative Law Advisory Committee
† College Building Authority, Virginia
Corrections, Board of
- Correctional Services Committee
Health Professions, Board of
- Compliance and Discipline Committee
- Practitioner Self-Referral Committee
- Regulatory Research Committee
- Task Force on Utilization Review Agents
Housing Development Authority, Virginia
Intergovernmental Relations, Advisory Commission on
Mental Health, Mental Retardation and Substance Abuse Services Board, State
Museum of Fine Arts, Virginia
- Exhibitions Committee
Psychology, Board of

April 17

Auctioneers Board
† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Corrections, Board of
- Administration Committee
Fire Services Board, Virginia
- Executive Committee
Local Debt, State Council on
Mental Health, Mental Retardation and Substance Abuse Services Board, State
† Nursing, Board of
† Pharmacy, Board of
† Small Business Advisory Board, Virginia
† Social Services, State Board of
Transportation Board, Commonwealth
Treasury Board
† Virginia Racing Commission

April 18

† Aging, Governor's Advisory Board on
Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
† Correctional Education, Board of
Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
Medicine, Board of
Mental Illness Advisory Council, Protection and Advocacy for Individuals with
Mined Land Reclamation Advisory Board, Governor's
† Nursing, Board of
† Pharmacy, Board of
Public Telecommunications Board, Virginia
Recycling Markets Development Council, Virginia
† Social Services, State Board of
† Telecommunications Relay Services Advisory Board
† Tourism and Travel Services Advisory Board,
Governor's
Transportation Board, Commonwealth

Youth and Family Services, Board of

April 19

† Aging, Governor's Advisory Board on
Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
Dentistry, Board of
Fire Services Board, Virginia
Housing and Community Development, Department of
- State Building Code Technical Review Board
† Longwood College
- Board of Visitors
Medicine, Board of
† Outdoors Foundation, Virginia
- Board of Trustees
Social Work, Board of

April 20

† Longwood College
- Board of Visitors
Visually Handicapped, Board for the
Visually Handicapped, Department for the
- Advisory Committee on Services

April 22

Accountancy, Board for
Housing and Community Development, Board of

April 23

Accountancy, Board for
Aviation Board, Virginia
Health Services Cost Review Council, Virginia
† Marine Resources Commission
† Medical Assistance Services, Board of
Medicine, Board of
Mines, Minerals and Energy, Department of
- Board of Mineral Mining Examiners
† Small Business Financing Authority Loan Committee,
Virginia

April 24

Aviation Board, Virginia
Emergency Planning Committee - Local, Gloucester
† Lottery Board, State
Sewage Handling and Disposal Appeals Review Board

April 25

Compensation Board
Contractors, Board for
Game and Inland Fisheries, Board of
† Richmond Hospital Authority
- Board of Commissioners

April 26

Child Fatality Review Team, Virginia State
Dentistry, Board of
Environmental Quality, Department of
- Technical Advisory Committee for Solid Waste
Management Regulations
Medicine, Board of
- Executive Committee
† Psychology, Board of
- Examination Committee

Calendar of Events

April 27

- † Conservation and Recreation, Department of
 - Virginia Cave Board
- Medicine, Board of
 - Credentials Committee
- Natural History, Virginia Museum of
 - Board of Trustees
 - Development Committee
 - Marketing Committee
 - Research and Collections Committee

April 29

- Alcoholic Beverage Control Board
- † Nursing, Board of

April 30

- Funeral Directors and Embalmers, Board of
- † Water Control Board, State

May 1

- † Deaf and Hard-of-Hearing, Department of
 - Advisory Board

May 2

- Child Day-Care Council
- Environmental Quality, Department of
 - Work Group on Ammonia, Mercury, Lead and Copper with respect to Water Quality Standards
- † Medicine, Board of
 - Advisory Board on Occupational Therapy
 - Advisory Board on Respiratory Therapy
- † Optometry, Board of

May 3

- † Medicine, Board of
 - Advisory Board on Physical Therapy
 - Advisory Committee on Physician's Assistants
- Real Estate Board
 - Continuing Education Committee

May 6

- † Library Board
- † Local Government, Commission on

May 7

- Hopewell Industrial Safety Council
- † Local Government, Commission on

May 8

- † Transportation Safety Board

May 10

- Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
- † Professional Counselors and Marriage and Family Therapists, Board of

May 13

- Alcoholic Beverage Control Board
- † Hearing Aid Specialists, Board for
- † Military Institute, Virginia
 - Board of Visitors
- † Optometry, Board of

May 14

- Resources Authority, Virginia

May 15

- † Community Colleges, State Board for
- Local Debt, State Council on
- Mines, Minerals and Energy, Department of
 - Virginia Reclamation Fund Advisory Board
- Treasury Board

May 16

- Audiology and Speech-Language Pathology, Board of
- † Community Colleges, State Board for
- Medicine, Board of

May 17

- † Correctional Education, Board of
- † Medicine, Board of

May 21

- † Administrative Law Advisory Committee
- † Environmental Quality, Department of
 - Virginia Groundwater Protection Steering Committee
- † Medicine, Board of
- † Real Estate Appraiser Board

May 22

- † Water Control Board, State

May 28

- † Small Business Financing Authority Loan Committee, Virginia

May 29

- Alcoholic Beverage Control Board
- Nursing Home Administrators, Board of

May 31

- Environmental Quality, Department of
 - Technical Advisory Committee for Solid Waste Management Regulations

June 3

- † Local Government, Commission on

June 6

- † Agriculture and Consumer Services, Department of
 - Virginia Sweet Potato Board

June 8

- † Visually Handicapped, Department for the
 - Vocational Rehabilitation Advisory Council

June 17

- † Library Board

June 18

- † Library Board

June 24

- † Criminal Sentencing Commission, Virginia

June 27

- † Voluntary Formulary Board, Virginia

PUBLIC HEARINGS

April 15

- Water Control Board, State

Calendar of Events

April 18

Fire Services Board, Virginia

April 22

Housing and Community Development, Board of

May 2

† Water Control Board, State

May 6

† Local Government, Commission on

May 15

† Virginia Racing Commission

May 16

Audiology and Speech-Language Pathology, Board of

May 21

† Air Pollution Control Board, State

June 3

† Local Government, Commission on