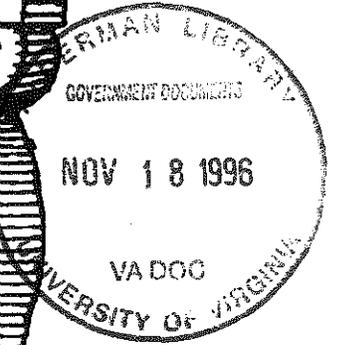
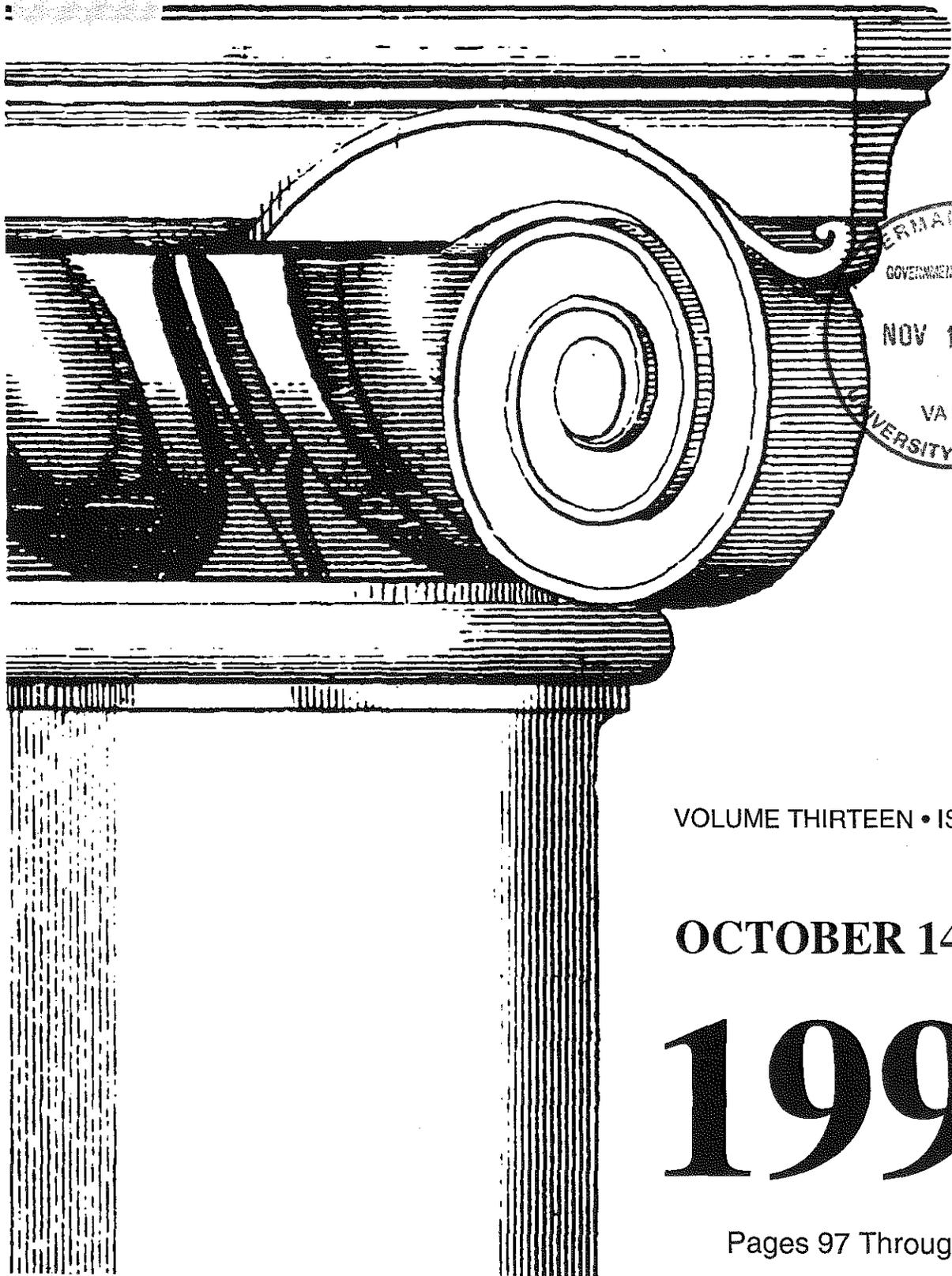


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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME THIRTEEN • ISSUE TWO

OCTOBER 14, 1996

# 1996

Pages 97 Through 212

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.

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**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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# PUBLICATION DEADLINES AND SCHEDULES

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September 1996 through September 1997

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By Noon Wednesday**

**Will Be Published On**

**Volume 13**

September 25, 1996

October 14, 1996

October 9, 1996

October 28, 1996

October 23, 1996

November 11, 1996

November 6, 1996

November 25, 1996

November 19, 1996 (Tuesday)

December 9, 1996

December 4, 1996

December 23, 1996

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**January 1997**

December 17, 1996 (Tuesday)

January 6, 1997

December 31, 1996 (Tuesday)

January 20, 1997

January 15, 1997

February 3, 1997

January 29, 1997

February 17, 1997

February 12, 1997

March 3, 1997

February 26, 1997

March 17, 1997

March 12, 1997

March 31, 1997

**INDEX 2 - Volume 13**

**April 1997**

March 26, 1997

April 14, 1997

April 9, 1997

April 28, 1997

April 23, 1997

May 12, 1997

May 7, 1997

May 26, 1997

May 21, 1997

June 9, 1997

June 4, 1997

June 23, 1997

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June 18, 1997

July 7, 1997

July 2, 1997

July 21, 1997

July 16, 1997

August 4, 1997

July 30, 1997

August 18, 1997

August 13, 1997

September 1, 1997

August 27, 1997

September 15, 1997

**FINAL INDEX - Volume 13**

**October 1997**

# TABLE OF CONTENTS

## NOTICES OF INTENDED REGULATORY ACTION

Board for Accountancy.....	99
Charitable Gaming Commission .....	99
Department of Labor and Industry .....	99
Department of Medical Assistance Services.....	100
Department of Mines, Minerals and Energy.....	100
Department of Social Services (State Board of) .....	100
State Water Control Board.....	101

## PROPOSED REGULATIONS

### STATE MILK COMMISSION

Rules and Regulations for the Control, Regulation, and Supervision of the Milk Industry in Virginia (amending 2 VAC 15-20-80). .....	102
--	-----

### THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

Disposition of Unclaimed Property. (8 VAC 115-20-10 et seq.).....	106
---	-----

## FINAL REGULATIONS

### BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

Virginia Lead-Based Paint Activities Regulations. (18 VAC 15-30-10 et seq.).....	109
--	-----

### STATE MILK COMMISSION

Rules and Regulations for the Control, Regulation, and Supervision of the Milk Industry in Virginia (amending 2 VAC 15-20-80). .....	137
--	-----

### DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Virginia Energy Assistance Program (amending 22 VAC 40-680-10 and 22 VAC 40-680-50; adding 22 VAC 40-680-65 and 22 VAC 40-680-66). .....	140
--	-----

### STATE WATER CONTROL BOARD

Toxics Management Regulation (REPEALED). (9 VAC 25-50-10 et seq. [VR 680-14-03]) .....	143
--	-----

## STATE CORPORATION COMMISSION

### ORDER APPROVING AMENDED PLAN OF OPERATION

Virginia Birth-Related Neurological Injury Compensation Program .....	144
---	-----

Notice to Interested Persons Regarding Changes to Rules Promulgated under the Securities Act and Retail Franchising Act .....	144
---	-----

## GOVERNOR

### EXECUTIVE ORDER

Declaration of a State of Emergency Throughout the Commonwealth Arising From Hurricane Fran. (66-96).....	145
---	-----

### GOVERNOR'S COMMENTS

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

Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations. (18 VAC 10-20-10 et seq.) .....	147
--	-----

### DEPARTMENT OF CORRECTIONS

Regulations Governing Certification and Inspection. (6 VAC 15-20-10 et seq.) .....	148
--	-----

### DEPARTMENT OF HEALTH (STATE BOARD OF)

Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations. (12 VAC 5-220-10 et seq.).....	148
State Medical Facilities Plan: Nursing Home Services. (12 VAC 5-360-10 et seq.).....	148

### DEPARTMENT OF MINES, MINERALS AND ENERGY

Coal Surface Mining Reclamation Regulations. (4 VAC 25-130-10 et seq.) .....	148
--	-----

### MOTOR VEHICLE DEALER BOARD

Motor Vehicle Dealer Fees. (24 VAC 22-20-10 et seq.) ....	148
---	-----

## THE LEGISLATIVE RECORD

Commission on Early Childhood and Child Day Care Programs .....	149
SJR 74: Joint Subcommittee Studying Virginia's Drug Laws .....	152
HJR 165: Joint Subcommittee Studying the Efficacy and Appropriateness of Creating a School Incentive Reward Program in the Commonwealth .....	154
HJR 100: Joint Subcommittee to Study Ways to Enhance the Supply of Vital Organs Available for Transplantation in Virginia.....	155
SJR 128: Use of Incentives for Joint Activities by Localities .....	157
SJR 92: Rappahannock River Basin Commission Study	

---

# Table of Contents

---

Panel.....	157
HJR 195: Joint Subcommittee on Science and Technology .....	159
HJR 164: House Committee on Education--Special Subcommittee on Access to Public Schools by Nonpublic School Students.....	160
HJR 174: Commission Studying Creative Solutions for Funding for the Arts in the Commonwealth.....	161
HJR 167: Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.....	163
SJR 223 (1993) Standing Joint Subcommittee on Block Grants .....	164
HJR 221: Joint Subcommittee Studying the Future of Virginia's Environment.....	165
HJR 193: Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites .....	166
HJR 55/SJR 36: Joint Subcommittee Studying the Creation of an Insurance Fraud Bureau .....	167
HJR 149: Joint Subcommittee Studying Funding Mechanisms for Channel Maintenance Dredging.....	168
HJR 34: Small Business Commission Subcommittee Examining Rural Capital Access Issues .....	169
SJR 86/HJR 198: Joint Subcommittee Studying Handicapped Parking .....	170

## GENERAL NOTICES/ERRATA

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Agricultural Stewardship Act Proposed Guidelines.....	173
---	-----

### STATE BOARD OF HEALTH

Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1997.....	183
---	-----

### DEPARTMENT OF LABOR AND INDUSTRY

Notice of New Procedures of the Boiler Safety Compliance Division .....	184
---	-----

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice for Demonstration Waiver.....	184
--------------------------------------	-----

## STATE WATER CONTROL BOARD

Enforcement Action - Proposed Consent Decree - Town of Crewe .....	184
Enforcement Action - Proposed Consent Special Order - The Burruss Company; Lynn Leasing, Inc.; and Williamsburg Court Sewer Company .....	185
Enforcement Action - Proposed Consent Special Order - AlliedSignal Inc.....	185
Enforcement Action - Proposed Special Orders - Town of Independence Sewage Treatment Plant, Tiger Car Wash, Ducky's Hand Car Wash, Jonesville Car Wash, Petro Stopping Center.....	185
Enforcement Action - Proposed Consent Special Order Amendment - Town of Blackstone.....	186
Enforcement Action - Proposed Consent Special Order - Charlottesville Oil Company .....	186
Enforcement Action - Proposed Consent Special Order - Skyline Swannanoa, Inc. ....	186

## VIRGINIA CODE COMMISSION

Notice To State Agencies .....	187
Forms for Filing Material on Dates for Publication in <i>The Virginia Register of Regulations</i> .....	187

## CALENDAR OF EVENTS

### EXECUTIVE

Open Meetings and Public Hearings .....	188
---	-----

### INDEPENDENT

Open Meetings and Public Hearings .....	208
---	-----

### LEGISLATIVE

Open Meetings and Public Hearings .....	208
---	-----

### CHRONOLOGICAL LIST

Open Meetings .....	208
Public Hearings .....	210

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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### BOARD FOR ACCOUNTANCY

#### 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 for Accountancy intends to consider amending regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations**. The purpose of the proposed action is to establish an efficient staggered system for collection of renewal fees. Each regulant would be given a particular month in which to renew. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public comments may be submitted until October 31, 1996.

**Contact:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474, or (804) 367-9753/TDD ☎

VA.R. Doc. No. R97-18; Filed September 11, 1996, 11:27 a.m.

### CHARITABLE GAMING COMMISSION

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission intends to consider promulgating regulations entitled: **11 VAC 15-11-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to promulgate regulations that provide procedures to be used for soliciting input of interested persons in the formation and development, amendment or repeal of regulations in accordance with the Administrative Process Act. These regulations will replace interim regulations which expire June 30, 1997. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7, 18.2-340.18, and 18.2-340.38 of the Code of Virginia.

Public comments may be submitted until November 15, 1996.

**Contact:** James H. Ingraham, Regulatory Coordinator, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238.

VA.R. Doc. No. R97-36; Filed September 25, 1996, 12:05 p.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission

intends to consider promulgating regulations entitled: **11 VAC 15-21-10 et seq. Rules and Regulations of the Charitable Gaming Commission**. The purpose of the proposed action is to prescribe the conditions under which charitable gaming shall be conducted in the Commonwealth. These regulations will replace interim regulations which expire June 30, 1997. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-340.18 and 18.2-340.38 of the Code of Virginia.

Public comments may be submitted until November 15, 1996.

**Contact:** James H. Ingraham, Regulatory Coordinator, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238.

VA.R. Doc. No. R97-37; Filed September 25, 1996, 12:06 p.m.

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider repealing regulations entitled: **16 VAC 15-20-10 et seq. Regulation Establishment of a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages**. This regulation provides the exact monetary amount of disposable earnings that is subject to garnishment. As the result of regulatory review, it was determined that this regulation needs to be extensively revised. The purpose of this repeal is to replace it with a new regulation showing the method to calculate the amounts subject to garnishment based on the federal minimum hourly wage in effect. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

**Contact:** Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎.

VA.R. Doc. No. R97-17; Filed September 11, 1996, 9:50 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider promulgating regulations entitled: **16 VAC 15-21-10 et seq. Wages Exempt from Garnishment**. This regulation will provide a method to calculate the maximum amount of disposable earnings that is subject to

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## Notices of Intended Regulatory Action

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garnishment. The purpose is to set forth, for pay periods other than a week, the maximum amount of disposable earnings that is subject to garnishment, based on the federal hourly minimum wage in effect. This regulation regarding wages exempt from garnishment is mandated by § 34-29 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

**Contact:** Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎.

VA.R. Doc. No. R97-16; Filed September 11, 1996, 9:51 a.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider amending regulations entitled: **16 VAC 15-30-10 et seq. Virginia Rules and Regulations Declaring Hazardous Occupations.** As a result of regulatory review of this regulation, it was determined that the regulation needs to be amended to clarify requirements and Code of Virginia references and take into account changing technology. As part of the amendment process, the agency intends to change the regulation title to "Hazardous Occupations for Minors" to accurately reflect the subject of the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 40.1-100 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

**Contact:** Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TTD ☎.

VA.R. Doc. No. R97-15; Filed September 11, 1996, 9:51 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### † Notice of Intended Regulatory Action

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 consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services (Supplement 1 to Attachment 3.1 A and B); 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care (Attachment 3.1 C); and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care (Attachment 4.19 B).** The purpose of the proposed action is to establish Medicaid coverage policies for licensed clinical psychologists, licensed clinical social workers, and licensed professional counselors

and to make technical corrections. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until November 13, 1996, to Sally Rice, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 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 or FAX (804) 371-4981.

VA.R. Doc. No. R97-33; Filed September 25, 1996, 10:07 a.m.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining.** The purpose of the proposed action is to amend the regulation to protect the health and safety of persons on mineral mining sites, and the public and property in the vicinity of the mines. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.294, and 45.1-161.305 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

**Contact:** Conrad Spangler, Director, Division of Mineral Mining, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 961-5000, FAX (804) 979-8544, toll-free 1-800-828-1120 (VA Relay Center)

VA.R. Doc. No. R97-10; Filed September 5, 1996, 11:10 a.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

### 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 Social Services intends to consider promulgating regulations entitled: **22 VAC 40-675-10 et seq. Performance Standards for Local Superintendents/Directors of Social Services.** The purpose of the proposed action is to develop performance standards for evaluation of local directors and superintendents for use by the Commissioner of the Department of Social Services. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-26, 63.1-37, 63.1-61 and 63.1-62 of the Code of Virginia.

Public comments may be submitted until October 16, 1996.

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## Notices of Intended Regulatory Action

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**Contact:** Wayne D. Wolfe, Manager, Classification and Compensation, Department of Social Services, 730 E. Broad St., 5th Floor, Richmond, VA 23219, telephone (804) 692-1560, FAX (804) 692-1599, or toll-free 1-800-828-1120.

VA.R. Doc. No. R96-552; Filed August 28, 1996, 10:04 a.m.

### STATE WATER CONTROL 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 State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-120-10 et seq. General VPDES Permit Regulation for Cleanup of Underground Storage Tanks.** This rulemaking is proposed in order to reissue the existing general permit which expires on February 24, 1998. The general permit will establish limitations and monitoring requirements for discharges of treated ground water at sites contaminated by petroleum products. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the committee will be to develop recommendations to the board for the content of the reissued general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on November 15, 1996, and provide name, address, telephone number and the organization represented (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the proposed general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

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

Public comments may be submitted until 4:30 p.m. on November 15, 1996.

**Contact:** Richard Ayers, Technical Services Administrator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075 or FAX (804) 698-4032.

VA.R. Doc. No. R97-35; Filed September 25, 1996, 11:32 a.m.

# 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 MILK COMMISSION

**REGISTRAR'S NOTICE:** The State Milk Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 7 of the Code of Virginia, which exempts the Milk Commission in promulgating regulations regarding (i) producers' license and base; (ii) classification and allocation of milk, computation sales and shrinkage; and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

**Title of Regulation:** 2 VAC 15-20-10 et seq. **Rules and Regulations for the Control, Regulation, and Supervision of the Milk Industry in Virginia (amending 2 VAC 15-20-80).**

**Statutory Authority:** §§ 3.1-430 and 3.1-437 of the Code of Virginia.

**Public Hearing Date:** N/A -- Public comments may be submitted until November 13, 1996.

**Basis:** The State Milk Commission may promulgate this order under the authority granted by §§ 3.1-430 and 3.1-437 of the Code of Virginia. Section 3.1-430 of the Code of Virginia provides that the commission is vested with the power to make, adopt and enforce all rules, regulations or orders necessary to carry out the purposes of Article 2 of Title 3.1 of the Code of Virginia.

Section 3.1-437 of the Code of Virginia provides in part that the commission may fix prices paid to producers or associations of producers by distributors after a public hearing is held to consider such matters. This section also provides that the commission may adopt a formula incorporating all pertinent economic factors relevant to the production, processing and distribution of milk within Virginia, to automatically adjust the prices paid to milk producers or associations of producers by distributors.

The language of Temporary Order No. 20 permits amendments by a majority vote of the commission. The commission, by majority vote, authorized the solicitation of additional public comment for 30 days prior to making final determination to promulgate the order as a permanent regulation.

The amendment will enable the commission to receive additional public comment prior to making final determination to promulgate the order as a permanent regulation.

**Purpose:** The issuance of the order is necessary as the indexes of prices paid, prices received on a 1977=100 basis and the average price per ton for 16% dairy feed are no longer available from the USDA. Also, the Virginia Department of Labor and Industry no longer is publishing the average cost of the Market Basket for Richmond-Norfolk-Virginia Beach-Portsmouth. Therefore, in order to continue to calculate the monthly Class I formula producer price for milk

the commission was required to employ relevant economic factors which would either directly substitute for or move the economic factors identified in 2 VAC 15-20-80. This action will provide for the continuance of orderly marketing of milk in the Commonwealth of Virginia thus maintaining an adequate supply of milk within Virginia which is in the public interest.

**Substance:** This order provides for a means of utilizing appropriate and relevant economic factors in the formula which calculates the monthly Class I producer price as certain factors specified in 2 VAC 15-20-80 are no longer available. In order that the commission use relevant and pertinent economic data in its formula as required by the Code of Virginia the following amendments are necessary:

1. The index of prices paid on a 1977=100 basis is no longer available from USDA. The commission will use the movement of the index of prices paid 1910-14=100 basis and 1990-92=100 basis to move the 1977=100 basis index.
2. The index of prices received on a 1977=100 basis is no longer available from USDA. The commission will use the movement of the index of prices received 1910-14=100 basis and 1990-92=100 basis to move the 1977=100 basis index.
3. The commission will utilize the average cost of the Market Basket as published by the Virginia Department of Agriculture and Consumer Services, as the Virginia Department of Labor and Industry no longer publishes this information.
4. The average price per ton of 16% dairy feed is no longer available from USDA. The commission will use the movement of the average price paid, complete feeds, Appalachian area to move the average price per ton of 16% dairy feed index.

**Issues:** The primary advantage of this regulatory action is to enable the commission to receive additional public comment prior to making final determination to promulgate the order as a permanent regulation in order to maintain price stability and an orderly marketing structure for milk in the Commonwealth of Virginia.

### Summary:

*The proposed amendment removes a sunset provision so that certain modifications to the indexes used in determining the monthly composite index utilized in calculating the Class I price for Virginia Class Milk Commission marketing areas will continue to be used.*

# Proposed Regulations

**2 VAC 15-20-80. Class prices for producer's milk time and method of payment butterfat testing and differential.**

**A. Class prices.**

1. Class I	July through February	March through June
Eastern Virginia Market	\$8.46/cwt.	\$8.26/cwt.
Southwest Virginia Market	\$7.96/cwt.	\$7.76/cwt.
Western Virginia Market	\$8.16/cwt.	\$7.96/cwt.

The above established Class I prices shall be adjusted automatically in accordance with the following procedure, provided:

(1) a. The Eastern Market Class I price shall not exceed the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5 base zone by more than \$0.80 per hundredweight, nor be less than \$0.30 per hundredweight above the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5 base zone;

b. The Southwest Market Class I price shall not exceed the prevailing Class I price of Federal Order No. 11 by more than \$0.60 per hundredweight nor be less than \$0.30 per hundredweight above the prevailing Class I price of Federal Order No. 11 and;

c. The Western Market Class I price shall not exceed the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5, Northwest Zone by more than \$0.60 per hundredweight nor be less than \$0.30 per hundredweight above the prevailing Class I price of Federal Order No. 4 and Federal Order No. 5, Northwest Zone:

(2) Class I prices shall be increased by an amount determined by multiplying the number of two point brackets that the average bi-monthly composite index exceeds 101.0 by \$.20; and

(3) Class I prices shall be decreased by an amount determined by multiplying the number of two point brackets that the average bi-monthly composite index descends below 99.0 by \$.20.

(4) The average bi-monthly composite index brackets shall be in accordance with the following schedule:

Average Bi-monthly Composite Index Brackets	Amount of Adjustment
Nos. through Nos. Continued	Cents Continued
96.9 - 98.9	- 20
99.0 - 101.0	- 0
101.1 - 103.1	+ 20
103.2 - 105.2	+ 40
105.3 - 107.3	+ 60
107.4 - 109.4	+ 80

109.5 - 111.5	+100
111.6 - 113.6	+120
113.7 - 115.7	+140
115.8 - 117.8	+160
117.9 - 119.9	+180
120.0 - 122.0	+200
122.1 - 124.1	+220
124.2 - 126.2	+240
126.3 - 128.3	+260
128.4 - 130.4	+280
130.5 - 132.5	+300
132.6 - 134.6	+320
134.7 - 136.7	+340
136.8 - 138.8	+360
138.9 - 140.9	+380
141.0 - 143.0	+400
143.1 - 145.1	+420
145.2 - 147.2	+440
147.3 - 149.3	+460
149.4 - 151.4	+480
151.5 - 153.5	+500
153.6 - 155.6	+520
155.7 - 157.7	+540
157.8 - 159.8	+560
159.9 - 161.9	+580
162.0 - 164.0	+600
164.1 - 166.1	+620
166.2 - 168.2	+640
168.3 - 170.3	+660
170.4 - 172.4	+680
172.5 - 174.5	+700
174.6 - 176.6	+720
176.7 - 178.7	+740
178.8 - 180.8	+760
180.9 - 182.9	+780
183.0 - 185.0	+800
185.1 - 187.1	+820
187.2 - 189.2	+840
189.3 - 191.3	+860
191.4 - 193.4	+880
193.5 - 195.5	+900
195.6 - 197.6	+920
197.7 - 199.7	+940
199.8 - 201.8	+960
201.9 - 203.9	+980
204.0 - 206.0	+1000
206.1 - 208.1	+1020
208.2 - 210.2	+1040
210.3 - 212.3	+1060
212.4 - 214.4	+1080
214.5 - 216.5	+1100
216.6 - 218.6	+1120
Continued	Continued

(5) A monthly composite index shall be determined by dividing the sum of the index numbers of the six factors shown in subsections (a x 1), (b x 1), (c x 1), (d x 1), (e x 1), (f x 2) of this subparagraph by seven. The latest available published monthly data for any of the above six factors shall be used in determining the monthly index number.

# Proposed Regulations

(a) The U.S. Index of prices paid, taxes, and farm wage rates as published in "Agricultural Prices" by the U.S.D.A.

(b) The U.S. Index of prices received as published in "Agricultural Prices" by the U.S.D.A.

(c) The average price per ton paid by Virginia farmers for 16% dairy feed, as published in "Agricultural Prices" by the U.S.D.A.

(d) The average cost of the market basket for Richmond-Norfolk-Virginia Beach-Portsmouth, as published in "The Market Basket and Retail Food Prices" by the Virginia Department of Labor and Industry.

(e) The average weekly earnings of workers in Virginia manufacturing industries, as published in "Trends in Employment Hours and Earnings Virginia and Statistical Metropolitan Areas" by the Virginia Department of Labor and Industry.

(f) An average of the prevailing Class I prices in North Carolina, Federal Milk Marketing Order No. 4 and Federal Milk Marketing Order No. 11.

(6) The six month average, November 1973 through April 1974, shall equal 100 for each of the above factors for the purpose of determining the monthly index number for each factor.

(7) The current month's Class I price adjustment, if any, shall be determined by a bi-monthly composite-index which shall be a simple average of the monthly composite indices of the second and third preceding months.

(8) On or before the seventh day of each month the commission shall determine the Class I prices for the following month and announce same to all licensed processing general distributors.

Effective May 1, 1995, and continuing until November 1, 1996, unless amended or terminated by a majority vote of the commission the following modifications to the indexes will be utilized in determining the monthly composite index used in calculating the Class I price for Virginia State Milk Commission marketing areas pursuant to subdivisions A 1 (1) through A 1 (7) of this section:

The U.S. Index of prices paid, taxes, and farm wage rates as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the reweighted and reconstructed prices paid index (PPITW) as published by the U.S.D.A. The monthly movement of the new prices paid index (PPITW) will be applied each month to the preceding month's revised index of prices paid, taxes, and farm wage rates using December 1994 as the base month.

The U.S. Index of prices received as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the reweighted and reconstructed prices received index as published by the U.S.D.A. The monthly movement of the new prices received index will be applied each month to the

preceding month's revised index of prices received using December 1994 as the base month.

The average price per ton paid by all Virginia farmers for 16% dairy feed as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the index of prices paid, production items, complete feeds as published by the U.S.D.A. The monthly movement of this index will be applied each month to the preceding month's index of 16% dairy feed, Appalachian using April 1995 as the base month.

The authoritative publisher of the Market Basket for Richmond-Norfolk-Virginia Beach-Portsmouth will be the Virginia Department of Agriculture and Consumer Services. The resultant index numbers derived from the above calculations will be utilized as specified in the cited regulation.

2. Class I-A. The price used in computing each distributor's obligation for producer milk (of 3.5% butterfat) allocated to Class I-A shall be the Class II price.

3. Class II. The price per cwt. for all markets shall be the monthly Class II price announced by the Market Administrator of the Tennessee Valley Marketing Area (Federal Order No. 11).

4. The total value of base deliveries made in accordance with 2 VAC 15-20-50 B (2) shall be discounted in accordance with the following procedure to reflect the cost savings of transporting, storing and handling of producer milk on a uniform daily bases:

(a) Subtract from each cooperative association's total pounds of base deliveries allocated to Class I sales for each delivery period an amount equal to twice the sum of the differences between the pounds of assigned daily base and the pounds of daily base deliveries which are less than the pounds of assigned daily base for each day during the delivery period.

(b) The net hundredweight (not less than zero) resulting from the above procedure multiplied by \$0.11 will be the amount of discount for base deliveries during the delivery period.

5. Producers or their agents shall not sell milk or offer milk for sale at prices other than those established.

B. Butterfat differential. In making payments to producers and/or cooperative associations of producers required pursuant to this section, each general distributor shall add for each one-tenth of one percent of average butterfat content above 3.5%, and shall deduct for each one-tenth of one percent of average butterfat content below 3.5% as a butterfat differential an amount per hundredweight announced each month by the Market Administrator of the Tennessee Valley Marketing Area (Federal Order No. 11).

C. Butterfat testing. Butterfat testing shall be conducted in accordance with the following procedure:

1. General distributors shall determine the average butterfat content of all assigned producer milk delivered by each producer who is not a member of a cooperative

association, as defined in 2 VAC 15-20-10 by four or more tests made at approximately equal intervals during each delivery period.

2. All assigned producer milk accompanied by a bill of lading that is delivered by a cooperative association to a licensed distributor and is accepted by the distributor shall be paid for by the distributor at a rate that is determined by the butterfat test specified on the bill of lading accompanying the load of milk.

3. The butterfat content of all assigned cooperative association milk delivered by methods other than specified in subdivision C 2 above, shall be determined in accordance with procedures specified by the commission, if mutual agreement between the cooperative association and the distributor cannot be reached as to the butterfat content of such deliveries.

4. All sampling and testing shall be conducted by persons licensed by the Virginia Department of Agriculture and Consumer Services. These tests shall be made by the Babcock Test, or other tests approved by that department and shall, as directed by the commission, be subject to check tests made by a licensed tester.

#### D. Time of payment.

1. On or before the last day of a delivery period general distributors shall make a partial payment to producers or cooperative associations of producers for base deliveries received during the first 15 days of the delivery period. The partial payment shall be not less than an amount determined by multiplying the previous month's Class II price for 3.5% milk by the hundredweight of base deliveries for the first 15 days of the delivery period; provided full and final payment for the preceding delivery period was made in accordance with subdivision D 2 of this section, otherwise the partial payment shall be not less than an amount determined by multiplying the current Class I price for 3.5% milk by the hundredweight of base deliveries for the first 15 days of the delivery period.

2. On or before the 15th day following the close of a delivery period general distributors shall make full and final payment to producers or cooperative associations of producers for deliveries received during such delivery period pursuant to this chapter.

3. Certified or registered mail may be required for all U.S. Postal Service deliveries of producer payments made by general distributors pursuant to subdivisions D 1 and D 2 of this section when directed in writing by the commission.

4. The commission may, after a hearing, require individual general distributors to make settlement with producers or cooperative associations of producers for deliveries at intervals other than provided in subdivisions D 1 and D 2 of this section.

5. All licensed producers or association of producers supplying base deliveries to processing general distributors located in Norfolk, Portsmouth, Hampton,

Newport News or Chesapeake shall be allocated \$0.10 per hundredweight from the total monthly Eastern Market Class I producer payments. This allocation shall be made prorata in accordance with the monthly base deliveries to the processing general distributors located in the aforementioned cities.

6. Before the 15th day of each month the commission shall determine the required monthly equalization payments and give written notice to all affected parties of the amounts payable. The monthly equalization payments shall be made to the Milk Commission Equalization Fund no later than the 25th day of the month subsequent to the end of each delivery period. On or before the last day of each month the commission shall disburse all funds (less a balance necessary to pay all bank charges) paid in during the current month in accordance with subdivision D 5 of this section.

E. Redistribution of producer losses. When the commission is satisfied that when one or more licensed distributor(s) is/are unable, due to bankruptcy or receivership, to fulfill the financial obligation to producers and/or cooperative associations of producers for base deliveries, the commission may authorize the establishment of a temporary producer redistribution fund to reallocate a distributor's deficient financial obligation.

1. When it is determined that an obligation for base milk deliveries cannot be satisfied, the distributor(s), producer(s) or cooperative associations of producers involved shall notify the commission within five working days of a voluntary filing or adjudication of bankruptcy or receivership, or within five working days of the effective date of this regulation for licensed distributors currently in bankruptcy or receivership. This notification shall be in writing accompanied by copies of pertinent court documents.

2. The producer funded redistribution of losses of an unfulfilled obligation of base deliveries shall be limited to an amount not to exceed the unsecured value of base deliveries calculated in accordance with this chapter.

3. A producer funded redistribution rate shall be established which will be the lesser of the actual dollar loss under subdivision E 2 or the dollars generated by a rate not in excess of .10/cwt., levied on producer's and/or cooperative associations of producers monthly Class I allocated base deliveries for a period not to exceed 12 months for each bankruptcy.

Each distributor shall remit to the Milk Commission no later than the 15th of each month the amount collected in accordance with this subdivision, applicable to the prior months delivery period at the rate established by the commission.

4. The Milk Commission shall disburse all redistribution funds, net of applicable bank charges, collected each month for the redistribution fund by the last day of the month. Funds will be disbursed prorata in relationship to the loss incurred by producers and/or cooperative associations of producers, less applicable bank charge.

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# Proposed Regulations

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5. Producers or cooperative associations of producers shall assign to the commission that portion of their loss claim which pertains to the value of redistributed funds paid on Virginia base deliveries by the commission in order to participate in the producer redistribution fund.

6. Any overpayment or recovery of loss claims assigned to the commission by producers or cooperative associations of producers to the producer redistribution fund shall be disbursed to producers or cooperative associations of producers on a prorata basis of payments made to the fund.

V.A.R. Doc. No. R97-32; Filed September 24, 1996, 11:31 a.m.

## THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

Title of Regulation: 8 VAC 115-20-10 et seq. Disposition of Unclaimed Property.

Statutory Authority: § 23-4.2 of the Code of Virginia.

Summary:

Section 23-4.2 of the Code of Virginia provides that the Board of Visitors of every institution of higher education may provide by regulation for the care, restitution, sale, destruction or disposal of unclaimed personal property in its possession, whether lost or abandoned. This regulation makes provision for the disposition of unclaimed personal property now or hereafter in the possession of The College of William and Mary in Virginia.

### CHAPTER 20. DISPOSITION OF UNCLAIMED PROPERTY.

#### 8 VAC 115-20-10. Definitions.

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

"Campus" means all lands and buildings under the control of The College of William and Mary in Virginia.

"Intangible personal property" includes, by way of illustration, money, checks, drafts, deposits, interest, credit balances, overpayments, security deposits, refunds, unpaid wages, redeemable tickets or coupons, stocks, bonds and other securities. See § 55-210.2 of the Code of Virginia for a more inclusive listing of items of intangible property.

"Motor vehicle" includes trailers, semitrailers and parts thereof, but does not include bicycles and mopeds.

"Personal property" means any tangible, moveable item of whatsoever nature other than motor vehicles.

#### 8 VAC 115-20-20. Applicability.

This regulation governs the disposition of all personal and intangible property and motor vehicles lost or abandoned on the campus of The College of William and Mary in Virginia and thereafter being and remaining unclaimed.

#### 8 VAC 115-20-30. Lost property.

A. Lost or abandoned personal property found on the campus or in any building thereon by students, faculty or other employees shall be turned over to the lost and found office maintained by the campus police in the campus police station. The campus police may store the items elsewhere if space or other conditions dictate. Each item shall be tagged or placed in an envelope, as appropriate, marked with the finder's name, the date and place found, and the date turned in. A description of the item and the date turned in shall be entered in an inventory of items on hand in lost and found.

B. The lost and found custodian shall examine every item upon its receipt to determine whether the item bears the name of the owner or some means by which the owner can be ascertained. If so, then the custodian shall make a reasonable effort to determine the last known address of the owner and advise the owner in writing that unless the item is claimed within 120 days after the date of its receipt, then the item shall be subject to sale or, in the alternative, to use by the institution, to dispose as a gift to charity, or to discard or destroy.

C. An inventory of all items held by the custodian for less than 120 days shall, from time to time, be posted on campus for inspection by students, faculty, and employees of the institution. The advice stated in subsection B of this section shall be prominently displayed at the top of the posted inventory.

D. A claimant may establish entitlement to an item of personal property at any time prior to its disposition as hereinafter provided. If an item claimed is disposed of by sale prior to the claim being made, then the net proceeds of the sale of the item may be claimed during the 90-day period following the date of the sale, but no later.

E. The custodian shall hear all claims for items and net proceeds of sale and receive proofs of ownership offered by claimants. If the custodian finds that the claimant reasonably appears to be the owner of the item claimed, then the custodian shall place a notice in the same place or places where inventories are posted. The notice shall state the custodian's intent to turn over the item to the claimant unless, within 10 days, a superior claim to the item is presented. The claimant shall give a receipt for an item or the net proceeds of its sale which shall state the claimant's local and permanent addresses.

F. Perishable property which cannot reasonably be preserved, property which cannot be lawfully sold or used, and property which is inherently dangerous may be retained by the institution for its use, donated to an appropriate charitable organization, or destroyed as may be appropriate under the circumstances. The custodian shall preserve a record of any such disposition.

G. Personal property held by the custodian for 120 days without claim may be sold by the custodian or an agent at auction or by sealed bid. The highest bid for any or all property may be declined if deemed insufficient, and the property may thereafter be offered for sale.

H. The net proceeds of sales of personal property shall be held for 90 days after each sale and during this period shall be subject to claims as provided in subsection E of this section. Upon the expiration of the 90-day period, the net proceeds of sale, less any sums paid to claimants, shall be credited to the college's operating fund.

I. Every sale shall be preceded by reasonable notice determined by reference to the type and value of the property to be offered. Minimum notice for a sale of common items of modes value consists of posting a notice of the sale on student and other bulletin boards as well as publication of the notice in the school newspapers. By the same time that the posting and publication of the notice is made, a copy of the notice shall be mailed to the last known address of any person or persons who the custodian reasonably believes to be the owner or owners of an item or items to be offered at the sale.

#### 8 VAC 115-20-40. Disposition of abandoned motor vehicles.

A. Disposition of motor vehicles abandoned on campus shall be conducted by local authorities acting pursuant to an ordinance providing for the disposition of such vehicles in accordance with the requirements of § 46.2-1200 et seq. of the Code of Virginia. The net proceeds of the sale of any motor vehicle abandoned on campus shall be remitted to the college by the local authorities and credited to the institution's operating fund. See § 23-4.2 B of the Code of Virginia.

B. It shall be the responsibility of the campus police department to report the presence of abandoned motor vehicles found on campus to the appropriate local officials. For the purpose of this section, "abandoned motor vehicle" means a motor vehicle as defined in 8 VAC 115-20-10 that:

1. Is inoperable and is left unattended on campus for more than 48 hours;
2. Has remained illegally on campus for more than 48 hours;
3. Has been left unattended on campus for more than 10 days; or
4. Lacks either a current license plate, a current county, city or town sticker, and has been in the same specific location for more than four days without being moved.

The term "inoperable," as used in this section, means a motor vehicle which is inoperable and whose fair market value is less than the cost of its restoration to an operable condition.

C. The campus police department, in addition to carrying out the responsibility imposed by subsection A of this section, shall maintain contact with the appropriate official to determine the disposition of abandoned motor vehicles removed from campus and secure to the college the net proceeds of sale of any such vehicle.

#### 8 VAC 115-20-50. Intangible personal property.

A. Any intangible personal property in the possession of or under the control of the college but owned by another shall be presumed abandoned if unclaimed by the owner within one year after the same came into the possession or control

of the college or was otherwise transferable to the owner by the college.

B. Prior to November 1 of each year, the chief fiscal officer shall file a verified report of all intangible personal property presumed abandoned as provided in subsection A of this section with the State Treasurer. The report, if such property is held or controlled by the college during any given reporting period, shall provide the following information:

1. The name and social security or federal identification number, if known, and last known address, including zip code, if any, of each person appearing from the records of the holder to be the owner of any property of the value of \$25 or more presumed abandoned under subsection A of this section;
2. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due to another, except that items of value under \$25 each may be reported in the aggregate;
3. The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property, if any; and
4. Any other information which the State Treasurer prescribes by rule for this report.

If the college is a successor to other persons who previously held the property for the owner, the report shall include all known names and addresses of each prior holder of the property.

C. The chief financial officer or a designee shall exercise due diligence in the 60-day period prior to the submission of the report specified in subsection B of this section to ascertain the whereabouts of each owner if (i) the records of the college contain an address for an apparent owner which, from the records, is disclosed to be inaccurate and (ii) the property of any given owner has a value of at least \$25. The exercise of due diligence shall include mailing a letter by first class mail to the last known address of the owner as indicated by the records of the college. Other steps to locate an owner shall be undertaken as may be deemed reasonable in terms of the value held and the degree of probability of success.

D. Any intangible personal property held or controlled unclaimed by the college for less than a year may be reported or included in the report to the State Treasurer, provided that it shall have been so held or controlled for at least 60 days prior to submission of the report and the requirement of subsection C of this section has been met.

E. Not later than June 1 following the submission of the report, the chief fiscal officer shall, except as provided to the contrary below, deliver or pay over to the State Treasurer all property listed in the report. If, subsequent to the submission of the report but prior to delivery or payment of the property described therein to the State Treasurer, an owner or owners appear to claim reported property, then the chief fiscal officer may honor the claim or claims upon satisfactory evidence of ownership of the property claimed. In this event, the chief

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## Proposed Regulations

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*fiscal officer shall file a verified written explanation of the proof of claim with the State Treasurer in lieu of the property claimed. Likewise, if it appears that property was erroneously included in the report, then that property shall not be delivered or paid to the State Treasurer, but the chief fiscal officer shall file a certified written explanation of the error with the State Treasurer.*

VA.R. Doc. No. R97-20; Filed September 16, 1996, 12:11 p.m.

# 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.

## BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Board for Asbestos Licensing and Lead Certification will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 18 VAC 15-30-10 et seq. Virginia Lead-Based Paint Activities Regulations.

**Statutory Authority:** § 54.1-501 of the Code of Virginia.

**Effective Date:** November 13, 1996.

### Summary:

*These final regulations specify those individuals and firms who must be certified; define terms used in the regulations to assure clarity; establish entry and renewal standards for individuals, contractors and training programs; establish training and retraining curricula for individuals; and create standards for conducting lead-based paint activities as well as standards of practice and conduct.*

**Agency Contact:** Copies of the regulation may be obtained from David E. Dick, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8507.

### CHAPTER 30. VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS.

#### PART I. SCOPE.

##### 18 VAC 15-30-10. Scope.

*This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18 VAC 15-30-20, except persons who perform these activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted.*

#### PART II.

#### DEFINITIONS AND GENERAL REQUIREMENTS.

##### 18 VAC 15-30-20. Definitions.

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

*"Abatement" means any set of measures designed to eliminate lead-based paint hazards in accordance with the United States Environmental Protection Agency standards under Title IV of TSCA. Such term includes:*

1. *The removal of lead-based paint and lead-contaminated dust, the containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil.*

2. *All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. Abatement shall be presumed for projects:*

a. *For which there is a written contract stating that a firm will be conducting activities in or to a dwelling unit that will eliminate lead-based paint hazards.*

b. *Involving the elimination of lead-based paint or lead-contaminated soil.*

c. *Involving the elimination of lead-based paint or lead-contaminated soil and conducted by firms or individuals who, through their company name, promotional literature, or otherwise advertise or hold themselves out to be a certified firm.*

3. *Abatement shall include activities where an inspection has determined that lead-based paint is present and that sanding, scraping or abrading of lead-contaminated surfaces is likely to occur.*

4. *Abatement does not include renovation and remodeling, or landscaping activities whose primary intent is not to permanently eliminate lead-based paint hazards, but is instead to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction in lead-based paint hazards.*

*"Accredited training program" means a course of instruction which has been approved by the department to provide training for individuals pertinent to lead-based paint activities.*

*"Applicant" means any person, as defined by § 54.1-500 of the Code of Virginia, who has applied for but not been granted an interim certification, a certification or an accredited training program by the department.*

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## Final Regulations

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"Area" means a portion of a unit such as a room, closet, pantry, hall, or portion of a room (such as the dining area of a kitchen/dining room).

"Available" means reachable by telephone, either directly or through a pager or answering service, at all times when abatement activities are being conducted and able to be present at the work site in no more than two hours.

"Board" means the Virginia Board for Asbestos Licensing and Lead Certification.

"Certified contractor" means a firm which has been issued an authorization by the department permitting the firm to enter into contracts to perform abatement activities.

"Certified inspector/risk assessor for target housing and public buildings" means an individual who has been issued a certification by the department to perform inspections and risk assessments for target housing and public buildings.

"Certified inspector technician for target housing and public buildings" means an individual who has been issued a certification by the department to perform inspections in target housing and public buildings.

"Certified lead worker for commercial buildings and superstructures" means an individual who has been issued a certification by the department to perform deleading, lead removal, and demolition activities under the supervision of a certified supervisor on commercial buildings and superstructures.

"Certified lead worker for target housing and public buildings" means an individual who has been issued a certification by the department to perform deleading, lead removal, and demolition activities under the supervision of a certified supervisor on target housing and public buildings.

"Certified planner/project designer for target housing and public buildings" means an individual who has been issued a certification by the department to plan and design abatement projects in target housing and public buildings.

"Certified supervisor for commercial buildings and superstructures" means an individual who has been issued a certification by the department to supervise lead-based paint abatement, to identify the presence of lead-based paint, and to design abatement projects on commercial and superstructures.

"Certified supervisor for target housing and public buildings" means an individual who has been issued a certification by the department to supervise lead-based paint abatement projects on target housing and public buildings, and to design abatement projects involving fewer than 10 units on target housing and public buildings.

"Commercial building" means any building used primarily for commercial or industrial activity, which is generally not open to the public, or occupied or visited by children including, but not limited to, warehouses, factories, storage facilities, aircraft hangers, garages, and wholesale distribution facilities.

"Common area" means a portion of a building generally accessible to all residents/users including, but not limited to,

hallways, stairways, laundry and recreational rooms, playgrounds, community centers, and boundary fences.

"Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling which are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings; crown molding; walls; chair rails; doors; door trim; floors; fireplaces; radiators and other heating units; shelves; shelf supports; stair treads; stair risers; stair stringers; newel posts; railing caps; balustrades; windows and trim, including sashes, window heads, jambs, sills, and stools; built-in cabinets; columns; beams; bathroom vanities; counter tops and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, facias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes and wells, and air conditioners.

"Course test blue print" means written documentation of the proportion of course test questions devoted to each major topic in the course curriculum.

"Deleading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities in commercial buildings, bridges, or other structures or superstructures.

"Demolition" means the act of pulling down or destroying any building or structure.

"Department" means the Department of Professional and Occupational Regulation or any successor agency.

"Deteriorated paint" means paint which is cracking, flaking, chipping, or peeling from a building component.

"Discipline" means one of the specific types or categories of lead-based paint activity enumerated in this chapter for which individuals must become certified by the department. For example, "lead worker in commercial buildings and superstructures" is a discipline.

"Distinct painting history" means the record of application, over time, of paint or other surface coatings to a component of a building structure.

"Encapsulation" means a process that makes lead-based paint inaccessible, by providing a barrier between the lead-based paint and the environment, with this barrier being formed using a liquid applied coating or an adhesively bonded material, and when the primary means of attachment is by the bonding of the product to the surface either by itself or through the use of an adhesive. This excludes painting unless abrasive surface preparation is performed.

"EPA" means the United States Environmental Protection Agency.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"Hands-on assessment" means an evaluation which tests the trainees' ability to perform specified work practices and procedures satisfactorily.

"Hazardous waste" means any waste as defined in 40 CFR 261.3.

"Historical records" means documentation which identifies the material make-up (including brand, color type, lead content) and dates of application of paint and other surface coatings used in target housing, public and commercial buildings, and superstructures.

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

"Individual" means a single human being, not a firm or other group or organization.

"Initial course" or "initial training program" means the course of instruction established by this chapter to prepare an individual for certification in a single discipline.

"Inspection" means a surface-by-surface investigation for the presence of lead-based paint conducted by a certified inspector technician or inspector/risk assessor according to the procedures in this chapter.

"Interim certification" means an authorization issued by the department to an individual who has applied to the department and been found qualified but has not passed the required examination.

"Interim controls" means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Lead-containing substance" means any coating, paint, plaster or surface encapsulation material containing more than 0.5% lead by weight of dry film or more than one milligram of lead per square centimeter of dry film, or other materials meeting standards that are consistent with applicable federal regulations. (NOTE: OSHA regulations may have a different standard.)

"Lead-based paint activities" means (i) in the case of target housing, risk assessment, inspection, planning, project designing and abatement and (ii) in the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure, identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition.

"Lead-contaminated soil" means bare soil on residential or child-occupied real property that contains lead at or in excess of the levels determined to be hazardous.

"Living area" means areas of a target housing unit most often frequented by children under the age of six including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"OSHA" means the U.S. Department of Labor, Occupational Safety and Health Administration.

"Personal protection equipment (PPE)" means specialized clothing and equipment including, but not limited to, respirators, masks and gloves designed to protect workers against chemical and physical hazards.

"Principal instructor" means the individual who has the primary responsibility for organizing and delivering a particular course.

"Public building" means any building constructed prior to 1978, except target housing, which is generally open to the public or occupied or visited by children including, but not limited to, schools, daycare centers, museums, airport terminals, hospitals, stores, restaurants, office buildings, convention centers, and government buildings.

"Recognized laboratory" means any environmental laboratory recognized by the EPA as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Regulant" means any person, as defined by § 54.1-500 of the Code of Virginia, who is issued a certification under this chapter.

"Refresher course" or "refresher training program" means the course of instruction established by this chapter which must be periodically completed to maintain an individual's certification in a single discipline.

"Residential dwelling" means (i) a single-family dwelling, including attached structures such as porches and stoops or (ii) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

"Risk assessment" means an on-site investigation conducted by a certified inspector/risk assessor according to the procedures in this chapter to determine the existence, nature, severity and location of lead-based paint hazards, and the provision to the property owner/occupant of a report explaining the results of the investigation and providing options for reducing lead-based paint hazards with a rationale for those options.

"Room" means an enclosed or semi-enclosed living space within a unit or dwelling unit.

"Student T-test" means a statistical analysis used to determine if the difference between pre- and post-abatement soil lead levels are significantly different from each other.

"Superstructure" means a large steel or other industrial structure including, but not limited to, bridges or water towers which may contain lead-based paint.

"Target housing" means any housing constructed prior to 1978 except for housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

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# Final Regulations

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"Training curriculum" means an established set of course topics that provide specialized knowledge and skills that must be taught in an accredited training program for a particular discipline.

"Training hour" means the number of hours spent in training activities in an accredited training program including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the principal instructors, work practice instructors, and guest instructors.

"Train-the-trainer course" means a 40-hour or longer course of study which provides instruction in the planning and teaching of adult education courses.

"TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

"Unit" means a room or connected group of rooms used or intended to be used by a single tenant or owner.

"Visual inspection for clearance testing" means the visual examination of the abatement site following an abatement action for evidence that the abatement has been successfully completed as indicated by the absence of visible residue, dust and debris.

"Visual inspection for risk assessment" means the visual examination of a unit to locate the existence of deteriorating paint.

"Window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room and is adjacent to the window sash when the window is closed.

"Window stool" means the flat, horizontal molding fitted over the window sill, on the window interior, between jambs, which comes in contact with the bottom of the rail of the lower operating sash and the window sill.

"Window well" means the portion of the horizontal widow sill that receives the window sash when the window is closed, often located between the storm window and the interior window sash.

"Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.

18 VAC 15-30-30. Certification required.

A. It shall be unlawful for any person, as defined by § 54.1-500 of the Code of Virginia, to engage or offer to engage in any lead-based paint activities as defined in 18 VAC 15-30-20 without first possessing a valid certification issued by the department.

B. All certifications must be specific for the discipline being performed.

C. The department shall issue a certification as a lead abatement firm, supervisor, worker, inspector technician, inspector/risk assessor or planner/project designer to any

person who applies and meets the qualifications specified in this chapter.

18 VAC 15-30-40. Accreditation required.

A. It shall be unlawful for any person, as defined by § 54.1-500 of the Code of Virginia, to provide training or offer to provide training for any discipline of lead-based paint activity without first possessing an interim approval or an approval from the department as an accredited training program.

B. Accredited training programs shall offer and provide only training for the disciplines for which they are approved.

C. The department shall approve an accredited training program for any firm which applies and meets the qualifications specified in this chapter.

## PART III.

### APPLICATION AND RENEWAL REQUIREMENTS.

18 VAC 15-30-50. General.

A. Individuals and firms desiring to be issued a certification shall apply on forms supplied by the department. All requests for applications should be directed to:

Assistant Director  
Virginia Board for Asbestos Licensing and Lead Certification  
Virginia Department of Professional and Occupational Regulation  
3600 West Broad Street  
Richmond, Virginia 23230-4917

B. Individual applicants shall be at least 18 years of age.

C. The application shall be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; fees shall not be refunded.

D. The applicant shall disclose the following information about himself in the case of an individual, or about the firm and every member of the responsible management of the firm in the case of a firm:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor involving lying, cheating and stealing, or of any misdemeanor for activities carried out while engaged in the practice of environmental remediation.
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation or surrender of a license in connection with a disciplinary action.
4. Any current or previously held certifications issued by Virginia or any other jurisdiction.

The board may deny any application for certification or accredited training program when any of the parties listed in this subsection has been convicted of any offense listed in this subsection or been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo

contendere shall be considered a conviction for the purposes of this subsection. The record of a conviction or a disciplinary action authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted or disciplined shall be admissible as prima facie evidence of such conviction or discipline.

E. Incomplete applications shall be returned without action by the department. Application fees pay the department's costs to evaluate applications and shall not be refunded.

F. The applicant shall disclose his physical address. A post office box shall not be acceptable.

G. The receipt of an application and the deposit of fees in no way indicates approval by the department.

18 VAC 15-30-60. Entry requirements for lead worker and planner/project designer.

Each applicant for lead worker and planner/project designer in target housing and public buildings and lead worker in commercial buildings and superstructures shall submit a completed application and a certification issued by a department-approved accredited training program documenting successful completion of all training as required in Part IV (18 VAC 15-30-170 et seq.) of this chapter.

18 VAC 15-30-70. Entry requirements for lead supervisor, inspector technician and inspector/risk assessor.

Each applicant for lead supervisor, inspector technician and inspector/risk assessor in target housing and public buildings and lead supervisor in commercial buildings and superstructures shall submit a completed application and documentation verifying experience and education as required in Part IV (18 VAC 15-30-170 et seq.) of this chapter in the following manner:

1. Education requirements shall be verified by the applicant's educational institution through an official transcript.
2. Experience requirements shall be verified as meeting the work experience requirements of this chapter through a letter describing the tasks performed signed by the employer or employers where the experience was obtained, a letter of reference from individuals with competent knowledge of the applicant's experience, copies of inspection reports prepared by the applicant, or a copy of a certification issued by another jurisdiction whose experience requirements are substantially equivalent to those required by this chapter.
3. Lead-specific training courses shall be verified through a certificate issued by a department-accredited training program.
4. Other forms of verification may be considered when it is impossible to obtain the above required documents. In no case shall a diploma be accepted for verification of education.

18 VAC 15-30-80. Entry requirements for certified contractors.

Each applicant for certified contractor shall have all occupational and professional licenses as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor and shall meet the requirements established by 18 VAC 15-30-250.

18 VAC 15-30-90. Entry requirements for accredited training programs.

Lead training providers shall have all occupational or professional licenses as required by state statute and local ordinance to transact the business of a training provider and shall meet the requirements of Parts VI (18 VAC 15-30-260 et seq.), VII (18 VAC 15-30-330 et seq.) and VIII (18 VAC 15-30-440 et seq.) of this chapter.

18 VAC 15-30-100. Expiration.

A. Interim certifications shall expire six months after the date of completion of the department approved initial or refresher accredited training program required by Part IV (18 VAC 15-30-170 et seq.) of this chapter and shall not be renewable.

B. The board may extend the expiration date of interim certifications for up to an additional six months if the required examination is not available.

C. Individual certifications shall expire 12 months from the last day of the month wherein the initial training program or refresher training program required by Part IV of this chapter was completed, regardless of the date on which the application for individual certification was received or the date the certification was issued by the department. In no case shall an individual certification expire later than the last day of the month which is 36 months after the date the initial training program or most recent refresher training program was completed.

D. Contractor certifications shall expire 12 months from the last day of the month wherein issued.

E. Accredited training program approval shall expire 24 months from the last day of the month in which interim approval or approval by the department was granted.

18 VAC 15-30-110. Refresher training and individual certification renewal.

A. Regulators desiring to maintain an individual certification shall satisfactorily complete the refresher training program established by this chapter and assure that the department receives documentation of satisfactory completion no later than 36 months after the date of completion of the initial training program or refresher training program established by Part IV (18 VAC 15-30-170 et seq.) of this chapter and not less often than once each 36 months thereafter.

B. The department shall renew an individual certification for an additional 12 months upon receipt of a renewal application and fee in compliance with 18 VAC 15-30-140, provided that the regulator has complied with subsection A of this section. In no case shall an individual certification expire later than the last day of the month which is 36 months after

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## Final Regulations

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the initial training program or most recent refresher training program was completed.

18 VAC 15-30-120. Certified contractor renewal.

The department shall renew a contractor certification for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18 VAC 15-30-140.

18 VAC 15-30-130. Accredited training program renewal.

A. Accredited training programs desiring to maintain their approval shall cause the department to receive the statement provided for in 18 VAC 15-30-320 A no later than 36 months after the date of initial approval and not less often than once each 36 months thereafter.

B. The department shall renew an accredited training program for an additional 24 months or until the date on which the statement provided for in 18 VAC 15-30-320 A is due, whichever is soonest, upon receipt of a renewal application and fee in compliance with 18 VAC 15-30-140.

C. When an accredited training program is renewed for less than 24 months because the statement provided for in 18 VAC 15-30-320 A has not been received, the department shall issue an accredited training program authorization valid for the remainder of the 24-month renewal period upon receipt of the statement provided for in 18 VAC 15-30-320 A.

18 VAC 15-30-140. Renewal application.

A. The department shall mail a renewal notice to the regulant at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the regulant of the obligation to renew.

B. Prior to the expiration date shown on the certification, each regulant desiring to renew the certification shall return to the department the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the statement required in 18 VAC 15-30-320 A for accredited training programs shall be sent to the department under separate cover.

C. Should the regulant fail to receive the renewal notice, a copy of the current certification or accredited training program may be substituted for the renewal notice and mailed with the required fee to the department.

D. Interim certification shall not be renewable.

E. If the renewal fee is not received by the department within 30 days after the expiration date printed on the certification or accredited training program approval, a late renewal fee shall be required in addition to the renewal fee.

F. Any regulant who fails to renew his certification within six months after the expiration date on the certification shall not be permitted to renew and shall apply as a new applicant.

18 VAC 15-30-150. Change of address or name.

Each regulant shall notify the department, in writing, of any change of address or name. This notification shall be sent to the department within 30 days of such relocation or name change.

18 VAC 15-30-160. Fees.

A. The fee for an initial or a renewal worker, supervisor, inspector technician, inspector/risk assessor, or planner/project designer certification shall be \$35.

B. The renewal fee for an individual certification not renewed within 30 days after the expiration date on the certification shall be \$70.

C. The fee for an initial or a renewal of a certified contractor certification shall be \$50.

D. The renewal fee for a certified contractor not renewed within 30 days after the expiration date shall be \$100.

E. The application fee for an accredited training program shall be \$400 for each eight hours of course duration required by 18 VAC 15-30-380.

F. The application fee for an accredited refresher program shall be \$400.

G. The renewal fee for an accredited training program shall be \$100.

H. Fees for an accredited training program shall not be imposed on any state, local government, or nonprofit training program.

I. The examination fee shall consist of the administration expenses of the department ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$75 to the candidate.

J. Applicants who submit a dishonored check will be charged a \$25 service fee in addition to the required application fee.

### PART IV.

#### INDIVIDUAL CERTIFICATION REQUIREMENTS.

18 VAC 15-30-170. Certified lead worker for target housing, superstructures and public and commercial buildings.

A. Applicants for lead worker certification in target housing, steel structures and public and commercial buildings shall provide evidence of:

1. Successful completion of a department approved initial lead worker course; or
2. Successful completion of a lead worker training course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved lead worker course and successful completion of a department-approved lead worker refresher course.

B. The following lead worker course shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:

1. Courses given by an EPA Model Training Institution.

2. Courses that were at least two days in length and covered the required topics outlined in the EPA lead regulations.

3. The mandatory eight-hour OSHA training for lead and 200 hours of lead abatement work experience.

4. Courses given by the Steel Structures and Painting Counsel (SSPC).

18 VAC 15-30-180. Certified planner/project designer for target housing and public buildings.

A. Applicants for planner/project designer certification in target housing and public buildings shall provide evidence of:

1. Successful completion of a department-approved initial lead planner/project designer course; or

2. Successful completion of a lead planner/project designer training course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved lead planner/project designer course and successful completion of a department-approved lead planner/project designer refresher course for target housing and public buildings.

B. Equivalency shall be determined on a case-by-case basis.

18 VAC 15-30-190. Interim certified supervisor for target housing, superstructures and public and commercial buildings.

A. Applicants for interim supervisor certification for target housing, steel structures and public and commercial buildings shall provide evidence of:

1. One year experience as a lead abatement worker or two years experience in a related field or in the building trades, and successful completion of a department-approved initial lead supervisor course; or

2. Successful completion of a lead supervisor training course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved lead supervisor course or verification of on-the-job training equivalent, and successful completion of a department-approved lead supervisor refresher course.

B. The following lead supervisor courses shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:

1. Courses given by an EPA Model Training Institution.

2. Courses that were at least two days in length and covered the required topics outlined in the EPA lead regulations.

3. The mandatory eight-hour OSHA training for lead and 200 hours of lead abatement work experience.

4. Courses given by the Steel Structures and Painting Counsel (SSPC).

18 VAC 15-30-200. Certified supervisor for target housing, steel structures and public and commercial buildings.

Applicants shall comply with 18 VAC 15-30-190 and shall pass a department-approved certification examination for supervisor in target housing and public buildings before the expiration of their interim certification.

18 VAC 15-30-210. Interim certified inspector technician for target housing and public buildings.

A. Applicants for interim inspector technician certification in target housing and public buildings shall provide evidence of:

1. Successful completion of a department-approved initial lead inspector technician course; or

2. Successful completion of a lead inspector technician course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved inspector technician course, and successful completion of a department-approved lead inspector technician refresher course.

B. The following shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:

1. Courses given by an EPA Model Training Institution.

2. Lead inspector training courses that were at least three days in length and covered the necessary topics outlined in the EPA lead regulations.

18 VAC 15-30-220. Certified inspector technician for target housing and public buildings.

Applicants shall comply with 18 VAC 15-30-210 and shall pass a department-approved certification examination for inspector technician for target housing and public buildings before the expiration of their interim certification.

18 VAC 15-30-230. Interim certified inspector/risk assessor for target housing and public buildings.

A. Applicants for interim inspector/risk assessor certification in target housing and public buildings shall provide evidence of:

1. Successful completion of a department-approved initial lead inspector/risk assessor course; or successful completion of a lead inspector/risk assessor training course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved lead inspector/risk assessor course, and successful completion of a department-approved lead inspector/risk assessor refresher course; and

2. One year experience in a related field (e.g., lead, asbestos, or environmental remediation work), or 25 inspections over at least a three-month period as a lead inspector technician, and one of the following:

a. A bachelor's degree and one year experience in a related field.

b. A certification as an industrial hygienist, an engineer, a registered architect, or an environmentally related field, such as an environmental scientist.

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# Final Regulations

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c. A high school diploma or its equivalent, and two years experience in a related field.

B. The following lead inspector/risk assessor course shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:

1. Courses given by an EPA Model Training Institution.
2. Lead inspector training courses that were at least three days in length and covered the topics outlined in the EPA lead regulations.

18 VAC 15-30-240. Certified inspector/risk assessor for target housing and public buildings.

Applicants shall comply with 18 VAC 15-30-230 and shall pass a department-approved certification examination for inspector technician and a department-approved certification examination for risk assessor in target housing and public buildings before the expiration of their interim certification.

## PART V.

### CERTIFIED CONTRACTOR REQUIREMENTS.

18 VAC 15-30-250. Requirements for certification.

A. Each applicant for contractor certification shall comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

B. Firms seeking contractor certification shall certify that:

1. Only properly certified individuals will be employed to conduct lead-based paint activities; and
2. The standards for conducting lead-based activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities.

## PART VI.

### TRAINING PROGRAM ACCREDITATION.

18 VAC 15-30-260. General.

A. Each applicant for an accredited training program shall meet the requirements established by this chapter before being granted approval. Applicants requesting approval of a lead training program to prepare participants for certification shall apply on a form provided by the department. The application form shall be complete in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.
2. A statement signed by the training program manager which certifies that the training program and each instructor meets the minimum requirements established in this chapter.
3. A copy of the student manuals and instructor manuals to be used.
4. A copy of the course agenda which includes the time allocation for each course topic.
5. A copy of the test and answer sheet.

6. A description of the facilities and equipment available for lecture and hands-on training.

7. A description of the procedures for conducting the assessment of hands-on skills.

8. A copy of the quality control plan as described in this chapter.

9. An example of a certificate that will be issued to students who successfully complete the course.

10. A proposed course date for auditing purposes.

11. The application fee required by 18 VAC 15-30-140.

B. After November 1, 1995, the completed application form with attachments and fee shall be received by the department no later than 45 days before the desired audit date.

C. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.

D. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.

E. Effective June 1, 1996, training programs shall have accreditation for the corresponding initial training program before approval shall be granted to the refresher training program. Applications for initial and refresher training programs may be filed concurrently.

F. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited training program.

18 VAC 15-30-270. Department review and audit procedures.

A. Upon receipt of an application, the department shall conduct a preliminary review and shall notify the applicant, in writing, of any deficiencies in the submittal packages. Applicants will have one year from the department's receipt of the application to correct any problems noted in the review.

B. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The department shall conduct an additional on-site audit, grant approval or deny approval based on the department's evaluation of the level of compliance with this chapter found during the on-site audit.

C. Applicants denied approval shall have one year from the date of receipt of the application by the department to correct any deficiencies and notify the department in writing.

D. The department may grant interim approval allowing the applicant to act as an accredited training program until an on-site audit can be conducted.

E. An accredited training provider shall have been given interim approval or approval by the department before its training certifications shall be accepted by the department as evidence that an individual has completed an accredited training program.

## 18 VAC 15-30-280. Accreditation approval.

Each accredited training program which is granted interim approval or approval shall be sent a form indicating the discipline approved and an expiration date which shall be maintained at the business address listed on the application.

## 18 VAC 15-30-290. Changes to an approved course.

Once a training course has been approved, substantial changes in the items listed below must be submitted to the department for review and approval prior to the continuation of the training course:

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor.
5. Certificate of completion.

The department shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

## 18 VAC 15-30-300. Change of ownership.

When an accredited training program has a change of ownership, the new owner shall apply anew.

## 18 VAC 15-30-310. Access by department representatives.

Training course sponsors shall admit department representatives for the purpose of monitoring, an on-site audit or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

## 18 VAC 15-30-320. Reaccreditation of training programs.

A. Firms desiring to maintain an approval for an accredited training program shall cause the department to receive a statement signed by the training program manager which certifies the following no later than 36 months after the date of initial approval and not less often than once each 36 months thereafter:

1. The course materials for each course meet the requirements of Part VIII (18 VAC 15-30-440 et seq.) of this chapter.
2. The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340.
3. The training program manager complies at all times with all requirements of this chapter.
4. The quality control program meets the requirements noted in 18 VAC 15-30-410.
5. The record keeping requirements of this chapter will be followed.

B. An audit by a department representative may be performed to verify the certified statements and the contents of the application before recertification is granted.

## PART VII. REQUIREMENTS FOR THE ACCREDITATION OF TRAINING PROGRAMS.

### 18 VAC 15-30-330. General.

For a training program to obtain accreditation from the department to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for instructor qualifications, required topic review, length of training, and record keeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses which teach the standards for conducting lead-based paint activities contained in this chapter, and other such standards adopted by the EPA and OSHA.

### 18 VAC 15-30-340. Instructor requirements.

1. The training program shall employ a training manager who:

a. Has at least two years classroom experience in teaching workers/adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, or public health; or has four years experience in managing an occupational health and safety training program that specialized in environmental hazards; and

b. At least one year experience specializing in a relevant construction trade including, but not limited to, lead or asbestos abatement, painting, carpentry or renovation and remodeling, or one year of experience or education in teaching workers/adults.

2. The training program shall employ a qualified principal instructor for each course who:

a. Demonstrates experience, education or training in teaching workers/adults.

b. Successfully completed at least 24 hours of any lead-specific training.

c. Has two years of experience in the construction trade including, but not limited to, lead or asbestos abatement, painting, carpentry, or renovation and remodeling.

### 18 VAC 15-30-350. Designation of instructors.

The training program shall employ a training program manager who shall be responsible for ensuring that the training program complies at all times with the requirements of this chapter.

The training program shall, for each course offered, designate a principal instructor. Principal instructors are responsible for the organization of the course and oversight of the teaching of all course material. Additional instructors may be designated as needed to provide instruction specific to the lecture, hands-on activities or work practice components of a course.

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# Final Regulations

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## 18 VAC 15-30-360. Instructor documentation.

The following documents shall be recognized by the department as proof that training managers and principal instructors meet the relevant educational, work experience, and training requirements specifically listed in 18 VAC 15-30-340:

1. Official academic transcripts as proof of meeting the educational requirements.
2. Resumes, letters of reference, lead certification in another state, or documentation of work experience as proof of meeting the work experience requirements.
3. Certificates from train-the-trainer courses and lead-specific training courses as proof of meeting the training requirements.

## 18 VAC 15-30-370. Training facilities.

The training program shall provide adequate facilities for lecture and hands-on training and assessment. This includes providing training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.

## 18 VAC 15-30-380. Length of training programs.

### A. The length of training programs is as follows:

1. For inspector technician for target housing and public buildings, a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training.
2. For inspector/risk assessor course for target housing and public buildings, a minimum of 40 training hours, which shall include the 24 training hours provided for in subdivision 1 of this subsection for inspector technician for target housing and public buildings. Sixteen training hours of the required 40 training hours shall be devoted to inspector/risk assessor for target housing and public buildings training, with a minimum of eight hours devoted to hands-on training which includes site visits.
3. For planner/project designer for target housing and public buildings, a minimum of 40 training hours, with a minimum of eight hours devoted to hands-on training which includes site visits.
4. For supervisor for target housing, superstructures and public and commercial buildings, a minimum of 40 training hours, with a minimum of eight hours devoted to hands-on training.
5. For worker for target housing, superstructures and public and commercial buildings, a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on training.
6. For refresher courses, a minimum of one day (seven hours) for all disciplines.

B. In no case shall actual training exceed eight hours during any single 24-hour period, exceed four hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) or exceed 16 hours during any weekend (Friday after 5 p.m. to Monday 8 a.m.).

## 18 VAC 15-30-390. Course examination.

A. For each course, the accredited training program shall conduct a monitored, written course test at the completion of each course and a hands-on skills assessment. The hands-on assessment and the course test will evaluate trainee competency and proficiency. The hands-on assessment and a course test must be successfully completed for an individual to pass any course.

B. The course test is an evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course. An oral course test may be administered in lieu of a written course test for lead worker only.

C. Seventy percent shall be considered the passing score on the course test.

D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures specified in Part VIII (18 VAC 5-30-440 et seq.) of this chapter, as well as any other skills demonstrated in the course.

E. The training manager is responsible for maintaining the validity and integrity of the course test and hands-on assessment to ensure that it accurately evaluates the trainee's performance of these work practices and procedures.

## 18 VAC 15-30-400. Certificates of completion.

Accredited training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

1. A unique certificate number.
2. The name, a unique identification number, and address of the individual.
3. The name of the particular course that the individual completed.
4. Dates of course completion/test passage.
5. Expiration date. In the case of supervisors, inspector technicians and risk assessors, interim certification shall expire six months from the date of course completion. In the case of workers and planner/project designers, certification shall expire three years from the date of course completion.
6. Name, address, and telephone number of the training program.

## 18 VAC 15-30-410. Quality control plan.

The training manager shall develop and implement a quality control plan. The plan shall be used to maintain or improve the quality of the accredited training program over time. This plan shall contain at least the following elements:

1. Procedures for periodic revision of training materials and course test to reflect innovations in the field.

2. Procedures for the training manager's annual review of instructor competency.

18 VAC 15-30-420. Record keeping.

Each accredited training program shall maintain and make available upon request from the department the following records:

1. All documents specified in 18 VAC 15-30-360 that demonstrate the qualifications listed in 18 VAC 15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18 VAC 15-30-410.
6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.
7. Any other material not listed in this chapter that is submitted to the department as part of the application for accreditation.

The accredited training program shall retain these records at the location specified on the training program application for a minimum of three years and six months.

18 VAC 15-30-430. Change of address.

The accredited training program shall notify the department 30 days prior to relocating its business or transferring the records.

PART VIII.  
TRAINING COURSE CURRICULA REQUIREMENTS.

18 VAC 15-30-440. General.

To become accredited, training programs shall ensure that their courses of study for various lead-based paint activities disciplines cover the mandatory subject areas. Requirements listed in this part ending in an asterisk (\*) indicate areas that require hands-on training as an integral component of the course. All training courses shall be discipline specific.

18 VAC 15-30-450. Initial training criteria for lead worker for target housing, superstructures and public and commercial buildings.

The lead abatement workers course for target housing, superstructures and public and commercial buildings shall last a minimum of 16 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information and health effects of lead.

2. Sources of environmental lead contamination (paint, surface dust, soil, water, air, food others).

3. Regulatory background, federal, state and local.

4. Hazard recognition and control methods. \*

5. Respiratory protection. \*

6. Medical monitoring.

7. Personal hygiene. \*

8. Exposure monitoring.

9. Lead-based paint abatement and lead hazard reduction methods. \*

10. Interior dust abatement methods/clean-up or lead hazard reduction. \*

11. Soil and exterior dust abatement methods or lead hazard reduction. \*

12. Paint removal operations:

- a. Power tools and miscellaneous.

- b. Abrasive blasting.

13. Welding, burning and torch cutting.

14. Mechanical disturbance of lead.

15. Waste disposal. \*

16. Record keeping.

17. Course review.

18. Examination.

18 VAC 15-30-460. Initial training criteria for supervisor for target housing, superstructures and public and commercial buildings.

The lead abatement supervisor course for target housing, superstructures and public and commercial buildings shall last a minimum of 40 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead and the adverse health effects associated with excessive lead exposure.

2. Regulatory background, federal, state and local.

3. Liability and insurance issues relating to lead-based paint abatement.

4. Sources of environmental contamination (paint, surface dust, soil, water, air, food or other sources).

5. Identification of lead-based paint. \*

- a. Historical information.

- b. Limited sampling procedures.

- c. Laboratory analysis.

6. Development and implementation of a project design plan. \*

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# Final Regulations

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7. Hazard recognition and other safety and health hazards and control methods. \*

8. Exposure monitoring and control. \*

9. The purpose of OSHA's medical surveillance program, including employee information, training and the specific nature of operations which could result in exposure to lead above OSHA's action level (30 micrograms per cubic meter).

10. Project management and supervisory techniques.

11. Work preparation procedures and proper engineering controls and work practices, including prohibited work practices. \*

12. Contract specifications and cost estimation.

13. Medical monitoring.

14. Environmental monitoring.

15. Respiratory protection. \*

16. Lead paint abatement or lead hazard reduction methods. \*

17. Interior dust abatement/clean-up or lead hazard reduction. \*

18. Soil and exterior dust abatement or lead hazard reduction. \*

19. Paint removal operations pertaining to superstructures and commercial buildings, including:

a. Power tools.

b. Abrasive blasting.

20. Mechanical disturbance of lead.

21. Soil, dust, and air sampling.

22. Clearance standards and testing.

23. Waste disposal.

24. Community relations process.

25. Record keeping.

26. Risk assessment/inspection report interpretation. \*

27. Integration with modernization and rehabilitation.

28. Course review.

29. Examination.

18 VAC 15-30-470. Initial training criteria for inspector technician for target housing and public buildings.

The lead inspector technician course shall last a minimum of 24 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead.

2. Health effects of lead.

3. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint.

4. Roles and responsibility of the lead-based paint inspector.

5. Lead-based paint inspection methods, including visual inspections. \*

6. Paint, dust and soil sampling methodologies. \*

7. Formulation and implementation of the final inspection report. \*

8. Clearance standards and testing, including random sampling. \*

9. Record keeping.

18 VAC 15-30-480. Initial training criteria for inspector/risk assessors for target housing and public buildings.

The inspector/risk assessor course shall last a minimum of 40 hours, 24 hours of which shall constitute the inspector technician course established by 18 VAC 15-30-470, and 16 hours of which shall address the following topics, with a minimum of eight hours devoted to hands-on training which includes site visits:

1. All information provided for in 18 VAC 15-30-470.

2. Background information to perform risk assessment.

3. Visual inspection. \*

4. Risk assessment report form. \*

5. Sampling and inspection guidelines. \*

6. Sampling for other sources of lead exposure.

7. Interpretation of sampling results.

8. Preparation of final report. \*

9. Recommendations to abate or reduce lead-based paint hazards, including instructions on when interim controls are appropriate.

10. Development of an interim control plan.

11. Record keeping.

12. Identification of the lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil.

18 VAC 15-30-490. Initial training criteria for planner/project designer for target housing and public buildings.

The project designer course shall consist of all information required in 18 VAC 15-30-460.

18 VAC 15-30-500. Refresher training criteria.

The refresher course for all disciplines shall address the following topics:

1. An overview of key safety practices.

2. An update on current federal, state and local laws.

3. An update on current technologies related to lead-based paint activities.

PART IX.  
STANDARDS FOR CONDUCTING LEAD-BASED PAINT  
ACTIVITIES.

18 VAC 15-30-510. General.

This part establishes the procedures for conducting lead-based inspections, risk assessments and abatement for target housing, superstructures and public and commercial buildings or specific portions thereof.

18 VAC 15-30-520. Inspections in target housing.

A. Inspections shall be conducted only by persons certified by the department.

B. When conducting an inspection, the following locations shall be tested for the presence of lead-based paint:

1. All component surfaces with visible distinct painting histories in every room, of every residential dwelling chosen for inspection, as well as all exterior components with distinct painting histories of every residential dwelling chosen for testing, except those components that are known to the inspector technician or inspector/risk assessor to have been replaced after 1980.
2. All components with distinct visible painting histories in every common area, except those components that are known to the inspector technician or inspector/risk assessor to have been replaced after 1980.

C. Testing for the presence of lead-based paint shall be conducted by documented methodologies which incorporate adequate quality control procedures.

D. Paint chips taken during inspections shall:

1. Be collected according to the procedures found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995.
2. Be sent for analysis to a laboratory recognized by EPA as being capable of performing the analysis.

18 VAC 15-30-530. Use of x-ray fluorescence spectroscopy.

Inspectors using an x-ray fluorescence spectroscopy (XRF) to test for the presence of lead-based paint shall use the XRF in accordance with the manufacturer's instructions and the procedures found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995.

18 VAC 15-30-540. Written inspection report.

The following information shall be recorded in a written inspection report by an inspector technician or inspector/risk assessor:

1. Date of inspection.
2. Address of buildings and units.
3. Date of construction of buildings and units.

4. Unit numbers (if applicable).

5. Name, address and telephone number of the owner or owner's agent of buildings and units.

6. Name and signature of the certified inspector technician or inspector/risk assessor conducting testing, including certification or license number.

7. Name, address and telephone number of the certified firm employing each inspector technician or inspector/risk assessor.

8. Name, address and telephone number of each recognized laboratory conducting an analysis of collected samples.

9. Each testing device or sampling procedure employed or both and, if used, the serial number of any XRF device.

10. Precise locations of all components and surfaces on components tested and sampled.

11. Data pertinent to lead collected using on-site testing devices.

12. A list of all tested surfaces (components) found, either through on-site testing or laboratory analysis, to contain lead-based paint, as defined in this chapter, and those surfaces that did not contain lead-based paint.

13. Any recommendation by an inspector technician or inspector/risk assessor regarding the need for additional testing or assessment.

Reports and plans required by this section shall be maintained by the regulant who conducted the inspection for no less than three years.

The above information is subject to 40 CFR Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

18 VAC 15-30-550. Risk assessment in target housing.

Risk assessments or other lead hazard assessment activity shall be conducted only by persons certified by the board as an inspector/risk assessor.

18 VAC 15-30-560. Background information.

When conducting a risk assessment, background information regarding the physical characteristics of the unit and residential use patterns shall be collected, and shall contain the following information:

1. A schematic site plan showing each room within the unit, its use and number of children under age six currently residing in the unit.
2. The age of the structure and any additions thereto.
3. A copy of any previous test results or inspections regarding lead-based paint or other assessments for lead-related hazards.
4. A description of any lead-related health problems for either children or adults in the residence, provided such

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## Final Regulations

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information is made available to the inspector/risk assessor by the residents.

5. Other available information that the risk assessor determines is necessary to characterize occupant use patterns that may generate or contribute to lead-based paint hazards.

### 18 VAC 15-30-570. Visual inspection.

A visual inspection to determine the condition of all painted surfaces shall be completed by the inspector/risk assessor.

### 18 VAC 15-30-580. Dust samples.

A. Dust samples shall be collected within each selected unit according to the following procedures by an inspector technician or inspector/risk assessor:

1. Parts of the living area where children are most likely to come into contact with dust as determined by the risk assessor shall be sampled.

2. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

B. Where applicable, dust samples shall be collected by an inspector technician or inspector/risk assessor in the following common areas:

1. In buildings three floors or less, collect samples from common areas adjacent to the sampled unit. Additional samples shall be collected in the following common areas:

a. Entry area of building.

b. First level landing above the ground floor.

2. In buildings containing four floors or more, collect samples from floor and window sills of common areas, if present.

3. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

### 18 VAC 15-30-590. Paint samples.

Any paint found to be deteriorated or any other area that the inspector/risk assessor, in his professional opinion, determines to be deteriorated shall be tested by an inspector technician or inspector/risk assessor according to the procedures outlined in this chapter.

### 18 VAC 15-30-600. Soil samples.

Randomly selected soils samples shall be collected by an inspector technician or inspector/risk assessor and analyzed in order to adequately characterize the lead concentrations. Samples shall be collected in the following areas:

1. Exterior play area.

2. Areas containing bare soil.

3. Dripline/foundation areas.

The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

### 18 VAC 15-30-610. Written assessment report.

A. After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.

2. Address of buildings and residents.

3. Date of construction of residences and buildings.

4. Unit numbers (if applicable).

5. Name, address and telephone number of the owner of residences and building.

6. Name of each occupant of the residences and buildings at the time of assessment (if applicable).

7. Name and signature of certified inspector/risk assessor conducting the assessment, including his certification number.

8. Name, address and telephone number of the firm employing each inspector/risk assessor.

9. Name, address and telephone number of each recognized laboratory conducting analysis of collected samples.

10. Any background information collected.

11. Results of the visual inspection.

12. Testing method and sampling procedures for paint analysis employed.

13. Precise locations of all painted surfaces (components) tested for the presence of lead-based paint.

14. All data collected from on-site testing.

15. All results of laboratory analysis on collected paint, soil and dust samples.

16. Any other sampling results.

17. An evaluation, to the extent that it is utilized as part of the hazard determination, of the adequacy of any previous inspections or analyses of the presence of lead-based paint or other assessments of lead related hazards.

18. A detailed description of recommended control strategies for reducing lead-based paint hazards and justification for the strategy selected, the locations where the recommended actions should take place, and a suggested prioritization for taking each action based on the immediacy of the hazard.

B. Reports and plans required by this section and 18 VAC 15-30-560 shall be maintained by the owner of the residence or building, and the certified individual or firm that conducted the risk assessment for no less than three years.

C. Reports and plans required by this section and 18 VAC 15-30-560 are subject 40 CFR Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

18 VAC 15-30-620. Abatement in target housing.

A. Abatement shall be conducted only by individuals certified by the department as a supervisor or worker and employed by a certified contractor.

B. A certified supervisor shall be assigned to each abatement project. The supervisor shall be available by telephone and be present physically at the work site within two hours of where abatement activities are being conducted.

C. The certified supervisor and the certified firm employing the supervisor are responsible for ensuring completion of all abatement activities according to the provisions of this chapter and all other federal, state and local regulations.

D. Notification shall be sent to the Virginia Department of Labor and Industry prior to the commencement of abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

18 VAC 15-30-630. Written project design.

A. A written project design shall be developed for lead abatement firms by a certified planner/project designer.

B. Certified supervisors may develop the project design for projects with less than 10 units to be abated.

C. The written project design shall contain the following elements:

1. Measures taken to ensure worker protection which are consistent with all federal, state and local regulations, hazard recognition and control procedures, and information and training to be provided to abatement workers.

2. Measures taken to ensure compliance with all federal, state and local environmental regulations.

3. An occupant protection program, unique to each unit and developed prior to abatement, that describes the measures that will be taken during abatement to protect the building occupants, the methods of verification that will be utilized to document this protection, and contains the following:

a. In plans which require the relocation of occupants, post-abatement dust clearance levels must be met as described in this chapter.

b. Duration of abatement activities.

c. Access to facilities and exits.

d. Total area involved.

e. Specification of the use of containment.

18 VAC 15-30-640. Pre-abatement soil samples.

A. Prior to exterior abatement of lead-based paint, pre-abatement composite soil samples shall be taken. Soil samples shall consist of at least four subsamples taken next

to the foundation or from the dripline below any exterior surfaces to be abated.

B. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

C. This section shall not apply if the information is available from a current risk assessment.

18 VAC 15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures for units that have been abated shall be performed by a certified inspector/risk assessor:

1. Following an abatement, a visual inspection shall be performed by the inspector technician or inspector/risk assessor to determine if there are any deteriorated surfaces or visible amounts of dust. If deteriorated surfaces or visible amounts of dust are present, these conditions must be corrected and recleaned prior to the continuation of the clearance procedures.

2. Surface dust samples shall be taken no sooner than one hour after completion of final post abatement clean-up activities.

3. All dust samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

4. The following locations shall be sampled for lead containing dust by a certified inspector technician or inspector/risk assessor:

a. After removing lead-based paint from components throughout a unit, three dust samples shall be taken from each area in every unit abated. One sample shall be taken from one window sill, one window well, and one floor of each area, if available.

b. After removing lead-based paint from components in a portion of the unit, procedures in subdivision 4 a of this section shall be followed and one sample from outside the containment area (within 10 feet) shall be taken.

c. Following a complete replacement or encapsulation of surfaces coated with lead-based paint, samples shall be taken from each area in every unit abated. One sample each shall be collected from window wells, window sills, and floors.

d. Following a partial replacement or encapsulation of surfaces coated with lead-based paint, the procedures established in subdivision 4 c of this section shall be followed and one sample from outside the work area (within 10 feet) shall be taken.

5. Following an exterior abatement, at least one sample shall be taken from an adjacent horizontal surface in the outdoor living area including, but not limited to, a patio, deck, porch, or stoop.

6. In each area within an individual unit, the inspector/risk assessor shall compare the residual lead dust levels (as determined by the laboratory analysis)

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## Final Regulations

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from each dust sample with the clearance levels for lead in dust on floors, window sills, window wells, and exterior surfaces, as established in the HUD Guidelines for the Evaluation and Controls of Lead-Based Paint Hazards in Housing, June 1995, unless superseded by any other clearance levels. If any of the area's residual dust levels exceed these clearance levels, the area shall be cleaned again and retested until the clearance levels are met. If dust levels continue to exceed the clearance levels, alternate hazard control strategies should be considered for use. Until all applicable clearance levels for lead in dust are met, the area shall not be cleared for reoccupancy.

7. Once all residual lead levels for an area meet or fall below the clearance levels for lead in dust and there is no deteriorated paint or visible dust present, the area shall be cleared for reoccupancy by the certified inspector/risk assessor.

### 18 VAC 15-30-660. Soil clearance lead levels.

The following procedures for determining whether soil clearance lead levels have been met shall be performed by a certified inspector technician or inspector/risk assessor:

1. Composite soil samples consisting of at least four subsamples shall be taken after all exterior abatement work from the dripline or next to the foundation below any exterior surfaces abated.

2. Samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

3. A statistical analysis such as, but not limited to, a paired student T-test shall be used to determine if the post-abatement soil lead level had increased at a statistically significant level (significant at the 95% confidence limit) from the pre-abatement soil lead level following exterior abatement activities.

a. If soil lead levels do not show a statistically significant increase in lead concentrations based on a statistical analysis at the 95% confidence limit after abatement, no redemption is required.

b. If soil lead levels do show a statistically significant increase, above any applicable federal or state standard for lead in residential soil, based on the statistical analysis at the 95% confidence limit, the measured level of lead in the soil shall be remediated back to the pre-abatement level or abatement of the soil shall be conducted according to the provisions of this chapter.

### 18 VAC 15-30-670. Waste disposal.

All waste generated from a lead-based paint abatement project shall be disposed in accordance with the requirements of the Resource Conservation and Recovery Act (42 USC § 6901 et seq.) and any other applicable federal, state and local laws and regulations.

### 18 VAC 15-30-680. Supervisor's report.

A. The following information shall be recorded in a written report by the certified supervisor when conducting abatement for lead-based paint:

1. Start and completion dates of abatement.

2. The name and address of each certified firm conducting the abatements, and the name of each supervisor assigned to the abatement project.

3. The name, address and signature of each certified inspector/risk assessor or inspector technician conducting clearance sampling and the date of clearance testing.

4. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.

5. A detailed written description of the abatement, including abatement methods used, locations of rooms or components where abatement occurred, and reason for selecting particular abatement methods for each component.

6. Information on the storage, transport and disposal of any hazardous waste generated during abatement.

B. The report described in subsection A of this section and the written abatement plan noted in 18 VAC 15-30-630 shall be maintained by the building owner and certified firm conducting the abatement activity for no less than three years and are subject to 40 CFR Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

### 18 VAC 15-30-690. Identification of lead-based paint in public buildings.

A. The procedures, requirements and standards in 18 VAC 15-30-520, 18 VAC 15-30-530, and 18 VAC 15-30-540 shall be followed when identifying lead-based paint in public buildings.

B. All information collected from the identification of lead-based paint in public buildings as described in subsection A of this section shall be maintained by the regulant for not less than three years.

### 18 VAC 15-30-700. Risk assessment for public buildings.

A. The standards in 18 VAC 15-30-550, 18 VAC 15-30-560, 18 VAC 15-30-570, subdivision 2 of 18 VAC 15-30-580, 18 VAC 15-30-590, 18 VAC 15-30-600, and 18 VAC 15-30-610, as applicable, shall be followed when conducting a risk assessment in public buildings.

B. All information collected from a risk assessment in public buildings as described in subsection A of this section shall be maintained by the owner of the building and certified firm responsible for the risk assessment for not less than three years.

## 18 VAC 15-30-710. Abatement in public buildings.

A. The standards in 18 VAC 15-30-620 through subdivision 4 of 18 VAC 15-30-650 and 18 VAC 15-30-670 shall be followed when abating a public building.

B. All reports required in 18 VAC 15-30-680 shall be maintained by the building owner and the certified firm conducting the abatement activity for a period of not less than three years.

## 18 VAC 15-30-720. Demolition in public and commercial buildings and superstructures.

The following standards shall be followed when conducting demolition in public and commercial buildings and steel structures:

1. A certified supervisor shall, through a review of available documents, obtain any relevant historical information on use of lead-based paint on the building or structures.
2. Whenever deleading is conducted as part of a demolition, such as welding, burning, or torch cutting of lead-based paint, the standards and procedures prescribed in 18 VAC 15-30-740 shall be followed.

## 18 VAC 15-30-730. Standards for identification of lead-based paint in commercial buildings and superstructures.

The following standards shall be followed when conducting lead-based paint identification in commercial buildings and superstructures:

1. A certified supervisor shall, through a review of available documents, obtain any relevant historical information on use of lead-based paint on the building or structure.
2. If the presence of lead-based paint cannot be established as specified in subdivision 1 of this section for the portion of the building or structure or the entire building or structure, a visual inspection and limited sampling shall be conducted at the rate of one sample per 1,000 square feet of surface with a distinct painting history, including any distinct finish color and maintenance painting, within the area that the historical review was not conclusive.
3. Samples shall be analyzed by a laboratory recognized by EPA as being capable of performing these activities.
4. The following information shall be recorded in a written report by the certified supervisor when conducting lead identification activities:
  - a. Date of identification activity.
  - b. Name and signature of each person making the identification.
  - c. Determination of existence of lead-based paint based on the results of testing.
  - d. The name and address of each recognized laboratory doing paint analysis, date of analysis, results of analysis, and name of person performing the analysis.

5. All reports required under this section shall be maintained by the owner or operator of such structure or building until such time that the structure or portion of the structure that was involved in the identification is repainted.

## 18 VAC 15-30-740. Deleading of lead-based paint in commercial buildings and superstructures.

A. Deleading shall only be conducted by persons certified by the department.

B. A supervisor, certified by the department for deleading on superstructures and commercial buildings, shall be assigned to the deleading project and available at all times when deleading activities are being conducted.

C. The supervisor and the certified firm are responsible for ensuring completion of all deleading activities conducted on superstructures and commercial buildings according to the provisions of this chapter.

D. A written deleading plan shall be prepared by a certified supervisor and shall contain the following elements:

1. Measures taken to ensure worker protection which are consistent with all federal, state and local regulations, hazard recognition and control procedures, and information and training to be provided to deleading workers.
2. Measures taken to ensure compliance with all federal, state, and local environmental regulations.

E. All waste shall be disposed of in accordance with the appropriate requirements of the Resource Conservation and Recovery Act (42 USC § 6901 et seq.) and any applicable federal, state, and local requirements.

F. A report containing the following information shall be maintained by a certified firm when conducting deleading activities on superstructures and commercial buildings:

1. Start and completion dates of deleading.
2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.
3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis and name and signature of each person performing the analysis.
4. A detailed written description of the deleading methods used.
5. Identification of storage and disposal sites of all hazardous waste.
6. Reports required under this section shall be maintained by the owner or oversight agency of such structure until the structure or portion of that structure is repaired.

## 18 VAC 15-30-750. Soil abatement procedures.

A. Abatement shall only be conducted by persons certified by the department.

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# Final Regulations

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B. A supervisor, certified by the department, shall be assigned to the abatement project and available at all times when abatement activities are being conducted.

C. The supervisor and the certified firm are responsible for ensuring that all soil abatement activities are conducted according to the provisions of this chapter.

D. Soil abatement shall be conducted in one of the following ways:

1. If soil removal is to be conducted, the lead-contaminated soil shall be removed to a depth determined by the inspector/risk assessor until the EPA promulgates a regulation pursuant to § 403 of TSCA (15 USC § 2683) defining lead-contaminated soil.

2. If, after removal, the soil is to be replaced, the soil shall be replaced with noncontaminated soil, to prevent any recontamination that would pose a lead hazard.

3. If the contaminated soil is not removed, it shall be permanently covered.

E. Soil abatement shall be conducted in a way that minimizes the likelihood that significant amounts of lead contaminated soil and dust will be blown from the site or carried away by water run-off.

F. The following information shall be recorded in a written report by a certified firm when conducting soil abatement:

1. Start and completion dates of deleading.
2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.
3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis, and name and signature of each person performing the analysis.
4. The results of clearance or monitoring analysis, or both, conducted by recognized laboratories.
5. A detailed written description of the abatement, including abatement methods used, locations of abatement, and reason for selecting each abatement method.
6. Identification of storage and disposal sites of all hazardous waste.

G. Notification of the commencement of the soil abatement shall be submitted to the Virginia Department of Labor and Industry according to the procedures established by the Department of Labor and Industry.

H. All reports required by this section shall be maintained by the owner or the oversight agency of the site where soil abatement occurred and the certified firm which performed the abatement for not less than three years.

## PART X.

### STANDARDS OF PRACTICE AND CONDUCT.

#### 18 VAC 15-30-760. Responsibility to the public.

The primary obligation of the regulant is to the public. If the regulant's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the regulant shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The regulant shall take such action only when his authority to correct a problem has been ignored or overruled.

#### 18 VAC 15-30-770. Public statements.

A. The regulant shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

B. When serving as an expert or technical witness, the regulant shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the regulant shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the regulant is speaking, and by revealing any self-interest.

C. Regulants or applicants shall not knowingly make a materially false statement, submit falsified documents or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for certification or renewal.

#### 18 VAC 15-30-780. Solicitation of work.

In the course of soliciting work:

1. The regulant shall not bribe.
2. The regulant shall not falsify or permit misrepresentation of the regulant's work or an associate's academic or professional qualifications, nor shall the regulant misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associate joint ventures or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

#### 18 VAC 15-30-790. Professional responsibility.

A. The regulant shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board.

B. A regulant shall not use the design, plans or work of another regulant without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility may be assumed by the user.

**18 VAC 15-30-800. Good standing in other jurisdictions.**

A. Regulants certified to practice planning/project designs, inspections, risk assessments, training, contractual or supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification or approval suspended, revoked or surrendered in connection with a disciplinary action.

B. Regulants shall notify the department in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their approval to conduct lead-based paint activities.

C. Regulants may be subject to disciplinary action against their Virginia certification or accredited training program for disciplinary actions taken by another jurisdiction.

**18 VAC 15-30-810. Grounds for denial of application, denial of renewal, or discipline.**

A. The board shall have the authority to deny application for and to deny renewal of a certification or accredited training program as well as to discipline a certified individual, a certified firm, an accredited training program, or individual instructors for the following reasons:

1. The certified individual, certified firm, accredited training program, training manager, principal instructor or work practice instructor violates or induces another person to violate any provisions of Chapter 1, 2, 3 or 5 of Title 54.1 of the Code of Virginia, or of this chapter.
2. The regulant obtained his certification or accredited training program approved through fraudulent means.
3. The regulant or applicant has altered a Virginia lead certification issued by the department or a training certificate issued by an accredited training program.
4. The certified individual, certified firm, accredited training program, training manager, principal instructor or work practice instructor violates any provision of this chapter.
5. The regulant has been found guilty by the board, an administrative body or by a court, of any material misrepresentation in the course of performing his operating duties.
6. The regulant has been convicted or found guilty, regardless of adjudication, of any felony or misdemeanor involving lying, cheating or stealing, or violation which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be admissible as evidence under the laws of the

jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating or stealing or which resulted in the significant harm or the imminent threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a certification is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of warranted compliance inspections.

B. Any individual or firm whose certification or approval as an accredited training program is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

**18 VAC 15-30-820. Suspension or revocation of approval of an accredited training program.**

A. The board may, after notice and an opportunity for hearing, suspend, revoke, or modify an accredited training program approval if an accredited training program, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.
2. Failed to submit required information or notification in a timely manner.
3. Failed to maintain required records.
4. Falsified accreditation records, instructors qualifications, or other accreditation information.
5. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.

B. The board shall conduct disciplinary procedures in accordance with the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

**PART XI.  
FEE SCHEDULE.**

**18 VAC 15-30-830. Fees.**

CATEGORY	FEE AMOUNT
Lead Contractor Certification	\$50
Renewal	\$50
Late Renewal	\$100
Lead Worker Certification	\$35

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## Final Regulations

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<i>Renewal</i>	\$35
<i>Late Renewal</i>	\$70
<i>Lead Supervisor Certification</i>	\$35
<i>Renewal</i>	\$35
<i>Late Renewal</i>	\$70
<i>Inspector Technician Certification</i>	\$35
<i>Renewal</i>	\$35
<i>Late Renewal</i>	\$70
<i>Inspector/Risk Assessor</i>	\$35
<i>Renewal</i>	\$35
<i>Late Renewal</i>	\$70
<i>Planner/Project Designer</i>	\$35
<i>Renewal</i>	\$35
<i>Late Renewal</i>	\$70
<i>Dishonored Check Service Fee</i>	\$25
<i>18 VAC 15-30-840. Evaluation of training courses.</i>	
<i>Lead Worker Course (16 hours)</i>	\$800
<i>Refresher Course (7 hours)</i>	\$400
<i>Renewal</i>	\$100
<i>Lead Supervisor Course (40 hours)</i>	\$2,000
<i>Refresher Course (7 hours)</i>	\$400
<i>Renewal</i>	\$100
<i>Inspector Technician (24 hours)</i>	\$1,200
<i>Refresher Course (7 hours)</i>	\$400
<i>Renewal</i>	\$100
<i>Inspector/Risk Assessor (16 hours)</i>	\$800
<i>Refresher Course (7 hours)</i>	\$400
<i>Renewal</i>	\$100
<i>Planner/Project Designer (40 hours)</i>	\$2,000
<i>Refresher Course (7 hours)</i>	\$400
<i>Renewal</i>	\$100

Document Incorporated by Reference

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995, U.S. Department of Housing and Urban Development.

Commonwealth of Virginia  
 Dept. of Professional and Occupational Regulation  
 3600 West Broad Street  
 Post Office Box 11066  
 Richmond, Virginia 23230-1066  
 (804) 367-8595



Board for Asbestos Licensing and Lead Certification  
**LEAD CONTRACTOR CERTIFICATION APPLICATION**  
 FEE \$50.00

Please make checks or money orders payable to the "Treasurer of Virginia".  
 All fees are non-refundable.

- Business Name \_\_\_\_\_
- Trade Name \_\_\_\_\_
- Tax Identification Number - "optional" \_\_\_\_\_
- Street Address (P.O. Box not accepted) \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_
- Telephone & Facsimile Numbers  
 Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_
- Type of business (check only one)  
 Sole Proprietorship  Association   
 General Partnership  Limited Liability Company   
 Limited Partnership  Corporation
- Virginia Contractors License Number \_\_\_\_\_
- Enter the name and title of your company management, i.e., the sole proprietor or a sole proprietorship, the partners of a general partnership, the managing partner of a limited partnership, the officers and/or directors of an association, the managers of a limited liability company, or the officers of a corporation.

First Name	M.I.	Last Name	Gen. (Jr., Sr.)	Date of Birth	Title

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE

LEADCON (10/95)

9. Does your company or any member of your company management have a current or expired environmental remediation license or certification issued by the Virginia Board for Asbestos Licensing and Lead Certification?

No   
 Yes  If yes, please enter the appropriate information in the following chart.

Name	License/Certification Number	Expiration Date

10. Does your company or company management have a current or expired environmental remediation license, certification, or registration from another state?

No   
 Yes  If yes, please enter the appropriate information in the following chart.

Name	State	Lic./Cert./Reg. Number	Expiration Date

11. Has your company or company management ever been subject to disciplinary action imposed by any state or national regulatory body that resulted in an environmental remediation license, certification, or registration being suspended, revoked, or surrendered, or a monetary penalty or fine being imposed?

No   
 Yes  If yes, list the jurisdiction in which the disciplinary action took place; the license, certification, or registration number; and an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, fine, etc.). If necessary, please attach a separate sheet of paper, and copies of any correspondence or documentation related to this matter. Please note that the record of a disciplinary action authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where disciplined, shall be admissible as prima facie evidence of such discipline.

LEADCON (10/95)

Board for Asbestos Licensing and Lead Certification CONTRACTOR CERTIFICATION APPLICATION

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# Final Regulations

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12. Has your company or company management ever been convicted in any jurisdiction of any felony; a misdemeanor involving lying, cheating, stealing, sexual offenses, drug distribution, or physical injury; a misdemeanor for activities carried out while engaged in the practice of environmental remediation; or a violation which resulted in significant harm or the imminent and substantial threat of significant harm to human health or the environment? *Please note that any plea of nolo contendere shall be considered a conviction for purposes of this application.*

No \_\_\_\_\_

Yes \_\_\_\_\_ If yes, list the felony and/or misdemeanor convictions. Attach a copy of all applicable criminal conviction and court records; a statement concerning your current status with regard to incarceration, parole, probation, etc.; and any other information you wish to have considered in review of your application (i.e., reference letters, documentation of rehabilitation, etc.). *Please note that the record of a conviction or a disciplinary action authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted or disciplined, shall be admissible as prima facie evidence of such conviction or discipline.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. I, the undersigned, certify that the foregoing statements and answers are true. I also certify that the company and company management understand and have complied with all the laws of Virginia affecting licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia, and the Board for Asbestos Licensure and Lead Certification Rules and Regulations.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Commonwealth of Virginia  
 Dept. of Professional and Occupational Regulation  
 3600 West Broad Street  
 Post Office Box 11066  
 Richmond, Virginia 23230-1066  
 (804) 367-8595



Board for Asbestos Licensing and Lead Certification  
**LEAD CERTIFICATION APPLICATION**  
 Fee \$35.00

Please make checks or money orders payable to the "Treasurer of Virginia".  
 All fees are non-refundable.

- Name: \_\_\_\_\_  
 First Middle Last Generation
- Social Security Number - \*optional\* \_\_\_\_\_
- Date of Birth \_\_\_\_\_
- Street Address (P.O. Box not accepted) \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_
- Telephone & Facsimile Numbers: Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_
- Check the one type of certificate you are requesting:
  - Lead Abatement Worker \_\_\_\_\_
  - Lead Planner/Project Designer \_\_\_\_\_
  - Lead Abatement Supervisor \*  \_\_\_\_\_ \* Examination Required
  - Lead Inspector Technician \* \_\_\_\_\_ \* Experience Required
  - Lead Inspector/Risk Assessor \*  \_\_\_\_\_

Enter the reference information requested in the following table. Please remember to include Verification of Experience Forms or other reference letters from the individuals listed below with your application package.

Reference	Business/Locality	Address	Telephone No.
1.			
2.			
3.			

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE

LEAD (10/95)

- Do you hold a current or expired environmental remediation (Asbestos Removal License or Lead Abatement Certification) issued by the Virginia Board for Asbestos Licensing and Lead Certification?  
 No \_\_\_\_\_  
 Yes \_\_\_\_\_ If yes, please enter the Virginia license or certification number(s) and expiration date(s) below.

Asbestos License Number	Expiration Date	Lead Certification Number	Expiration Date

- Do you have a current or expired environmental remediation license, certification, or registration from another state or jurisdiction?  
 No \_\_\_\_\_  
 Yes \_\_\_\_\_ If yes, please enter the appropriate information in the following chart.

State/Jurisdiction	License/Certification/Registration No.	Expiration Date

- Have you ever been subject to disciplinary action imposed by any state or national regulatory body that resulted in an environmental remediation license, certification, or registration being suspended, revoked, or surrendered, or a monetary penalty or fine being imposed?  
 No \_\_\_\_\_  
 Yes \_\_\_\_\_ If yes, list the jurisdiction in which the disciplinary action took place; the license, certification, or registration number; and an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, fine, etc.). If necessary, please attach a separate sheet of paper, and copies of any correspondence or documentation related to this matter. Please note that the record of a disciplinary action authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where disciplined, shall be admissible as prima facie evidence of such discipline.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LEAD (10/95)

Board for Asbestos Licensing and Lead Certification CERTIFICATION APPLICATION  
 2

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# Final Regulations

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10. Have you ever been convicted in any jurisdiction of any felony; a misdemeanor involving lying, cheating, stealing, sexual offenses, drug distribution, or physical injury; a misdemeanor for activities carried out while engaged in the practice of environmental remediation; or a violation which resulted in significant harm or the imminent and substantial threat of significant harm to human health or the environment? *Please note that any plea of nolo contendere shall be considered a conviction for purposes of this application.*

No

Yes  If yes, list the felony and/or misdemeanor convictions. Attach a copy of all applicable criminal conviction and court records; a statement concerning your current status with regard to incarceration, parole, probation, etc.; and any other information you wish to have considered in review of your application (i.e., reference letters, documentation of rehabilitation, etc.). *Please note that the record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.*

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11. I, the undersigned, certify that the foregoing statements and answers are true. I also certify that I understand and have complied with all the laws of Virginia affecting licensure and environmental remediation under the provisions of Title 54.1, Chapters 1, 2, 3, and 5 of the Code of Virginia, and the Board for Asbestos Licensing and Lead Certification Rule and Regulations.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Required documentation:**

**All disciplines (Lead Worker, Supervisor, Inspector Technician, Inspector/Risk Assessor, and Planner/Project Designer) must attach the following training certificates:**

- a copy of a certificate issued by a department-approved accredited *initial* training course in the discipline you are requesting, or a copy of a certificate issued for a training course (in the requested discipline) that is equivalent to a department-approved course and a certificate issued by a department-approved accredited *refresher* training course.
- \* Verification of equivalent on-the-job training may be substituted for an equivalent department-approved course in the Lead Abatement Supervisor discipline.

**Supervisors must attach:**

- a Verification of Experience Form or other letter verifying one year of experience as a lead abatement worker, or two years experience in a related field or in the building trades.

**Inspector/Risk Assessors must attach Verification of Degree and Verification of Experience Forms or other reference letters verifying the following:**

- one year of experience in a related field (e.g., lead, asbestos, or environmental remediation work, or 25 inspections over at least a three month period as a lead inspector technician, and
- a bachelor's degree and one year of experience in a related field, or
- a certification as an industrial hygienist, an engineer, a registered architect, or an environmentally related field, such as an environmental scientist, or
- a high school diploma or its equivalent, and two years experience in a related field.

Commonwealth of Virginia  
 Dept. of Professional and Occupational Regulation  
 3800 West Broad Street  
 Post Office Box 11066  
 Richmond, Virginia 23230-1066  
 (804) 367-8595



Board for Asbestos Licensing and Lead Certification  
 VERIFICATION OF EXPERIENCE

Instructions:  
 Section A: To be completed by the applicant.  
 Section B: To be completed by a person familiar with the work of the applicant and returned to the applicant named in Section A. Experience references should be provided by (current or previous) employers or other individuals with competent knowledge of the applicant's experience.

**Section AA**

1. Applicant's Name: First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Generation \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_

3. Check the one type of Lead Abatement Certification for which you are applying.  
 Worker \_\_\_\_\_ Planner/Project Designer \_\_\_\_\_ Supervisor \_\_\_\_\_ Inspector/Technician \_\_\_\_\_ Inspector/Risk Assessor \_\_\_\_\_

4. Authorization: I authorize \_\_\_\_\_ to furnish the information requested in Section B.  
 Name of Experience Reference \_\_\_\_\_ Date \_\_\_\_\_  
 Signature \_\_\_\_\_

**Section BB**

1. Names of Reference \_\_\_\_\_

2. Business Name \_\_\_\_\_

3. Business Street Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_

4. Telephone & Facsimile Numbers: Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_

5. Dates of Employment: From \_\_\_\_\_ To \_\_\_\_\_

6. Describe the specific type of work (with which you are familiar) performed by the applicant named in Section A-41.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Signature of Reference \_\_\_\_\_ Date \_\_\_\_\_

Commonwealth of Virginia  
 Dept. of Professional and Occupational Regulation  
 3800 West Broad Street  
 Post Office Box 11066  
 Richmond, Virginia 23230-1066  
 (804) 367-8595



Board for Asbestos Licensing and Lead Certification  
 VERIFICATION OF DEGREE

Instructions:  
 Section A: To be completed by the applicant.  
 Section B: To be completed by the institution listed in Section A-#5 and returned to the Virginia Board for Asbestos Licensing and Lead Certification at the address printed above.

**Section A**

1. Name: First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Generation \_\_\_\_\_

2. Social Security Number - "optional" \_\_\_\_\_

3. Date of Birth \_\_\_\_\_

4. Mailing Address: \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_

5. Telephone Numbers: \_\_\_\_\_

6. Name of Institution: \_\_\_\_\_

7. Dates Attended: \_\_\_\_\_

8. Degree: \_\_\_\_\_ OR \_\_\_\_\_ Semester \_\_\_\_\_ Quarter Hours Completed \_\_\_\_\_

9. Signature: \_\_\_\_\_ Date \_\_\_\_\_

**Section B**

I hereby certify that the individual named in Section A-#1 has graduated from this school/institution:  
 \_\_\_\_\_ Major \_\_\_\_\_

Certification

Degree \_\_\_\_\_

Date Received \_\_\_\_\_

Signature \_\_\_\_\_ Affix official seal here.

Official Title \_\_\_\_\_

LEAD050 (08/95)

Commonwealth of Virginia  
 Dept. of Professional and Occupational Regulation  
 3600 West Broad Street  
 Post Office Box 110666  
 Richmond, Virginia 23230-1066  
 (804) 367-8595



Board for Asbestos Licensing and Lead Certification  
 LEAD TRAINING COURSE APPLICATION

Please make checks or money orders payable to the "Treasurer of Virginia".  
 All fees are non-refundable.

Check the one course for which you are seeking accreditation.  
 Fees are not charged to state government, local government and non-profit training programs.

Discipline	Initial Course Fee	Course Code	<input type="checkbox"/>	Refresher Course Fee	Course Code	<input type="checkbox"/>
Lead Worker	\$ 800.00	3351		\$ 400.00	3371	
Lead Supervisor/Project Designer	\$ 2,000.00	3363		\$ 400.00	3373	
Inspector Technician	\$ 1,200.00	3365		\$ 400.00	3375	
Inspector/Risk Assessor	\$ 800.00	3366		\$ 400.00	3376	
Project Designer	n/a	n/a		\$ 400.00	3377	

- Name of Training Company \_\_\_\_\_
- Trade Name of Training Company \_\_\_\_\_
- Tax Identification Number - "optional" \_\_\_\_\_
- Street Address (P.O. Box not accepted) \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_
- Telephone & Facsimile Numbers \_\_\_\_\_  
 Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_
- Date of Course (Preferred Audit Date) \_\_\_\_\_
- Location of Course \_\_\_\_\_
- Are you applying on behalf of a state or local government entity?  
 No \_\_\_\_\_  
 Yes \_\_\_\_\_ If yes, skip to question #10 and do not include fees with your completed application package.

OFFICE USE ONLY	COURSE	SEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE

LEADTR (10/95)

9. Type of business (check only one)

- Sole Proprietorship \_\_\_\_\_ Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_ Limited Liability Company \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_ Corporation \_\_\_\_\_

10. Enter the name and title of your company management, i.e., the sole proprietor of a sole proprietorship, the partners of a general partnership, the managing partner of a limited partnership, the officers and/or directors of an association, the managers of a limited liability company, the officers of a corporation, or the responsible executive or manager of a government agency.

First Name	M.I.	Last Name	Gen. (Jr., Sr.)	Date of Birth	Title

11. Does your company hold a current or expired course accreditation issued by the Virginia Board for Asbestos Licensing and Lead Certification?

- No \_\_\_\_\_  
 Yes \_\_\_\_\_ If yes, please enter the accreditation number and expiration date for each of your company's initial and refresher courses in the following chart.

Discipline	Initial Course Accreditation Number	Expiration Date	Refresher Course Accreditation Number	Expiration Date
Lead Worker				
Lead Supervisor/Project Designer				
Inspector Technician				
Inspector/Risk Assessor				
Project Designer				

12. Enter the name of your company's Training Manager and Principal Instructor(s) in the following chart.

Title	First Name	M.I.	Last Name	Generation
Training Manager				
Principal Instructor				
Principal Instructor				
Principal Instructor				

LEADTR (10/95)

Board for Asbestos Licensing and Lead Certification/LEAD TRAINING COURSE APPLICATION

13. Does your Training Manager or Principal Instructor(s) have a current or expired environmental remediation license or certification issued by the Virginia Board for Asbestos Licensing and Lead Certification?

No

Yes  If yes, please enter the appropriate information in the following chart.

Name	License/Certification Number	Expiration Date

14. Does your company, company management, Training Manager, or Principal Instructor(s) have a current or expired environmental remediation license, certification, or registration from another state?

No

Yes  If yes, please enter the appropriate information in the following chart.

Name	State	Lic./Cert./Reg. Number	Expiration Date

15. Has your company, company management, Training Manager, or Principal Instructor(s) ever been subject to disciplinary action imposed by any state or national regulatory body that resulted in an environmental remediation license, certification, or registration being suspended, revoked, or surrendered, or a monetary penalty or fine being imposed?

No

Yes  If yes, list the jurisdiction in which the disciplinary action took place; the license, certification, or registration number; and an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, fine, etc.). If necessary, please attach a separate sheet of paper, and copies of any correspondence or documentation related to this matter. Please note that the record of a disciplinary action authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where disciplined, shall be admissible as prima facie evidence of such discipline.

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## COMMONWEALTH of VIRGINIA

**VIRGINIA CODE COMMISSION**  
General Assembly Building

910 CAPITOL STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-3591

September 24, 1996

Jack E. Kotvas, Director  
Department of Professional and Occupational Regulation  
3600 West Broad Street  
Richmond, VA 23230-4917

Dear Mr. Kotvas:

This letter acknowledges receipt of 18 VAC 15-30-10 et seq., Virginia Lead-Based Paint Activities Regulations, filed by the Board for Asbestos Licensing and Lead Certification.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these regulations do not differ materially from those required by federal law and are, therefore, exempt from the operation of Article 2 of the Administrative Process Act.

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a small flourish.

E. M. Miller, Jr.  
Acting Registrar of Regulations

STATE MILK COMMISSION

**REGISTRAR'S NOTICE:** The State Milk Commission is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Milk Commission will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 2 VAC 15-20-10 et seq. Rules and Regulations for the Control, Regulation, and Supervision of the Milk Industry in Virginia (amending 2 VAC 15-20-80).

**Statutory Authority:** §§ 3.1-430 and 3.1-437 of the Code of Virginia.

**Effective Date:** November 13, 1996.

**Summary:**

The amendment extends the temporary order expiration date to December 1, 1996, in order to solicit public comment for 30 days prior to making final determination to promulgate the order as a permanent regulation. The current order to temporarily substitute the use of economic factors to replace or move economic indexes specified in 2 VAC 15-20-80 was adopted as Temporary Order No. 20, effective May 1, 1995, and continuing until November 1, 1996, unless amended or terminated by a majority vote of the commission.

**Agency Contact:** Copies of the regulation may be obtained from Edward C. Wilson, Jr., State Milk Commission, 200 North Ninth Street, Suite 1015, Richmond, VA 23219, telephone (804) 786-2013.

**2 VAC 15-20-80. Class prices for producer's milk time and method of payment butterfat testing and differential.**

A. Class prices.

1. Class I	July through February	March through June
Eastern Virginia Market	\$8.46/cwt.	\$8.26/cwt.
Southwest Virginia Market	\$7.96/cwt.	\$7.76/cwt.
Western Virginia Market	\$8.16/cwt.	\$7.96/cwt.

The above established Class I prices shall be adjusted automatically in accordance with the following procedure, provided:

(1) a. The Eastern Market Class I price shall not exceed the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5 base zone by more than \$0.80 per hundredweight, nor be less than \$0.30 per hundredweight above the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5 base zone;

b. The Southwest Market Class I price shall not exceed the prevailing Class I price of Federal Order No. 11 by more than \$0.60 per hundredweight nor be

less than \$0.30 per hundredweight above the prevailing Class I price of Federal Order No. 11 and;

c. The Western Market Class I price shall not exceed the average prevailing Class I price of Federal Order No. 4 and Federal Order No. 5, Northwest Zone by more than \$0.60 per hundredweight nor be less than \$0.30 per hundredweight above the prevailing Class I price of Federal Order No. 4 and Federal Order No. 5, Northwest Zone:

(2) Class I prices shall be increased by an amount determined by multiplying the number of two point brackets that the average bi-monthly composite index exceeds 101.0 by \$.20; and

(3) Class I prices shall be decreased by an amount determined by multiplying the number of two point brackets that the average bi-monthly composite index descends below 99.0 by \$.20.

(4) The average bi-monthly composite index brackets shall be in accordance with the following schedule:

Average Bi-monthly Composite Index Brackets	Amount of Adjustment
Nos. through Nos. Continued	Cents Continued
96.9 - 98.9	- 20
99.0 - 101.0	- 0
101.1 - 103.1	+ 20
103.2 - 105.2	+ 40
105.3 - 107.3	+ 60
107.4 - 109.4	+ 80
109.5 - 111.5	+100
111.6 - 113.6	+120
113.7 - 115.7	+140
115.8 - 117.8	+160
117.9 - 119.9	+180
120.0 - 122.0	+200
122.1 - 124.1	+220
124.2 - 126.2	+240
126.3 - 128.3	+260
128.4 - 130.4	+280
130.5 - 132.5	+300
132.6 - 134.6	+320
134.7 - 136.7	+340
136.8 - 138.8	+360
138.9 - 140.9	+380
141.0 - 143.0	+400
143.1 - 145.1	+420
145.2 - 147.2	+440
147.3 - 149.3	+460
149.4 - 151.4	+480
151.5 - 153.5	+500
153.6 - 155.6	+520
155.7 - 157.7	+540
157.8 - 159.8	+560
159.9 - 161.9	+580
162.0 - 164.0	+600
164.1 - 166.1	+620
166.2 - 168.2	+640
168.3 - 170.3	+660

# Final Regulations

170.4 - 172.4	+680
172.5 - 174.5	+700
174.6 - 176.6	+720
176.7 - 178.7	+740
178.8 - 180.8	+760
180.9 - 182.9	+780
183.0 - 185.0	+800
185.1 - 187.1	+820
187.2 - 189.2	+840
189.3 - 191.3	+860
191.4 - 193.4	+880
193.5 - 195.5	+900
195.6 - 197.6	+920
197.7 - 199.7	+940
199.8 - 201.8	+960
201.9 - 203.9	+980
204.0 - 206.0	+1000
206.1 - 208.1	+1020
208.2 - 210.2	+1040
210.3 - 212.3	+1060
212.4 - 214.4	+1080
214.5 - 216.5	+1100
216.6 - 218.6	+1120
Continued	Continued

(5) A monthly composite index shall be determined by dividing the sum of the index numbers of the six factors shown in subsections (a x 1), (b x 1), (c x 1), (d x 1), (e x 1), (f x 2) of this subparagraph by seven. The latest available published monthly data for any of the above six factors shall be used in determining the monthly index number.

(a) The U.S. Index of prices paid, taxes, and farm wage rates as published in "Agricultural Prices" by the U.S.D.A.

(b) The U.S. Index of prices received as published in "Agricultural Prices" by the U.S.D.A.

(c) The average price per ton paid by Virginia farmers for 16% dairy feed, as published in "Agricultural Prices" by the U.S.D.A.

(d) The average cost of the market basket for Richmond-Norfolk-Virginia Beach-Portsmouth, as published in "The Market Basket and Retail Food Prices" by the Virginia Department of Labor and Industry.

(e) The average weekly earnings of workers in Virginia manufacturing industries, as published in "Trends in Employment Hours and Earnings Virginia and Statistical Metropolitan Areas" by the Virginia Department of Labor and Industry.

(f) An average of the prevailing Class I prices in North Carolina, Federal Milk Marketing Order No. 4 and Federal Milk Marketing Order No. 11.

(6) The six month average, November 1973 through April 1974, shall equal 100 for each of the above factors for the purpose of determining the monthly index number for each factor.

(7) The current month's Class I price adjustment, if any, shall be determined by a bi-monthly composite-index which shall be a simple average of the monthly composite indices of the second and third preceding months.

(8) On or before the seventh day of each month the commission shall determine the Class I prices for the following month and announce same to all licensed processing general distributors.

Effective May 1, 1995, and continuing until November December 1, 1996, unless amended or terminated by a majority vote of the commission the following modifications to the indexes will be utilized in determining the monthly composite index used in calculating the Class I price for Virginia State Milk Commission marketing areas pursuant to subdivisions A 1 (1) through A 1 (7) of this section:

The U.S. Index of prices paid, taxes, and farm wage rates as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the reweighted and reconstructed prices paid index (PPITW) as published by the U.S.D.A. The monthly movement of the new prices paid index (PPITW) will be applied each month to the preceding month's revised index of prices paid, taxes, and farm wage rates using December 1994 as the base month.

The U.S. Index of prices received as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the reweighted and reconstructed prices received index as published by the U.S.D.A. The monthly movement of the new prices received index will be applied each month to the preceding month's revised index of prices received using December 1994 as the base month.

The average price per ton paid by all Virginia farmers for 16% dairy feed as published in "Agricultural Prices" by the U.S.D.A. will be determined by using the monthly movement of the index of prices paid, production items, complete feeds as published by the U.S.D.A. The monthly movement of this index will be applied each month to the preceding month's index of 16% dairy feed, Appalachian using April 1995 as the base month.

The authoritative publisher of the Market Basket for Richmond-Norfolk-Virginia Beach-Portsmouth will be the Virginia Department of Agriculture and Consumer Services. The resultant index numbers derived from the above calculations will be utilized as specified in the cited regulation.

2. Class I-A. The price used in computing each distributor's obligation for producer milk (of 3.5% butterfat) allocated to Class I-A shall be the Class II price.

3. Class II. The price per cwt. for all markets shall be the monthly Class II price announced by the Market Administrator of the Tennessee Valley Marketing Area (Federal Order No. 11).

4. The total value of base deliveries made in accordance with 2 VAC 15-20-50 B (2) shall be discounted in

accordance with the following procedure to reflect the cost savings of transporting, storing and handling of producer milk on a uniform daily bases:

(a) Subtract from each cooperative association's total pounds of base deliveries allocated to Class I sales for each delivery period an amount equal to twice the sum of the differences between the pounds of assigned daily base and the pounds of daily base deliveries which are less than the pounds of assigned daily base for each day during the delivery period.

(b) The net hundredweight (not less than zero) resulting from the above procedure multiplied by \$0.11 will be the amount of discount for base deliveries during the delivery period.

5. Producers or their agents shall not sell milk or offer milk for sale at prices other than those established.

B. Butterfat differential. In making payments to producers and/or cooperative associations of producers required pursuant to this section, each general distributor shall add for each one-tenth of one percent of average butterfat content above 3.5%, and shall deduct for each one-tenth of one percent of average butterfat content below 3.5% as a butterfat differential an amount per hundredweight announced each month by the Market Administrator of the Tennessee Valley Marketing Area (Federal Order No. 11).

C. Butterfat testing. Butterfat testing shall be conducted in accordance with the following procedure:

1. General distributors shall determine the average butterfat content of all assigned producer milk delivered by each producer who is not a member of a cooperative association, as defined in 2 VAC 15-20-10 by four or more tests made at approximately equal intervals during each delivery period.

2. All assigned producer milk accompanied by a bill of lading that is delivered by a cooperative association to a licensed distributor and is accepted by the distributor shall be paid for by the distributor at a rate that is determined by the butterfat test specified on the bill of lading accompanying the load of milk.

3. The butterfat content of all assigned cooperative association milk delivered by methods other than specified in subdivision C 2 above, shall be determined in accordance with procedures specified by the commission, if mutual agreement between the cooperative association and the distributor cannot be reached as to the butterfat content of such deliveries.

4. All sampling and testing shall be conducted by persons licensed by the Virginia Department of Agriculture and Consumer Services. These tests shall be made by the Babcock Test, or other tests approved by that department and shall, as directed by the commission, be subject to check tests made by a licensed tester.

D. Time of payment.

1. On or before the last day of a delivery period general distributors shall make a partial payment to producers or

cooperative associations of producers for base deliveries received during the first 15 days of the delivery period. The partial payment shall be not less than an amount determined by multiplying the previous month's Class II price for 3.5% milk by the hundredweight of base deliveries for the first 15 days of the delivery period; provided full and final payment for the preceding delivery period was made in accordance with subdivision D 2 of this section, otherwise the partial payment shall be not less than an amount determined by multiplying the current Class I price for 3.5% milk by the hundredweight of base deliveries for the first 15 days of the delivery period.

2. On or before the 15th day following the close of a delivery period general distributors shall make full and final payment to producers or cooperative associations of producers for deliveries received during such delivery period pursuant to this chapter.

3. Certified or registered mail may be required for all U.S. Postal Service deliveries of producer payments made by general distributors pursuant to subdivisions D 1 and D 2 of this section when directed in writing by the commission.

4. The commission may, after a hearing, require individual general distributors to make settlement with producers or cooperative associations of producers for deliveries at intervals other than provided in subdivisions D 1 and D 2 of this section.

5. All licensed producers or association of producers supplying base deliveries to processing general distributors located in Norfolk, Portsmouth, Hampton, Newport News or Chesapeake shall be allocated \$0.10 per hundredweight from the total monthly Eastern Market Class I producer payments. This allocation shall be made prorata in accordance with the monthly base deliveries to the processing general distributors located in the aforementioned cities.

6. Before the 15th day of each month the commission shall determine the required monthly equalization payments and give written notice to all affected parties of the amounts payable. The monthly equalization payments shall be made to the Milk Commission Equalization Fund no later than the 25th day of the month subsequent to the end of each delivery period. On or before the last day of each month the commission shall disburse all funds (less a balance necessary to pay all bank charges) paid in during the current month in accordance with subdivision D 5 of this section.

E. Redistribution of producer losses. When the commission is satisfied that when one or more licensed distributor(s) is/are unable, due to bankruptcy or receivership, to fulfill the financial obligation to producers and/or cooperative associations of producers for base deliveries, the commission may authorize the establishment of a temporary producer redistribution fund to reallocate a distributor's deficient financial obligation.

1. When it is determined that an obligation for base milk deliveries cannot be satisfied, the distributor(s), producer(s) or cooperative associations of producers

# Final Regulations

involved shall notify the commission within five working days of a voluntary filing or adjudication of bankruptcy or receivership, or within five working days of the effective date of this regulation for licensed distributors currently in bankruptcy or receivership. This notification shall be in writing accompanied by copies of pertinent court documents.

2. The producer funded redistribution of losses of an unfulfilled obligation of base deliveries shall be limited to an amount not to exceed the unsecured value of base deliveries calculated in accordance with this chapter.

3. A producer funded redistribution rate shall be established which will be the lesser of the actual dollar loss under subdivision E 2 or the dollars generated by a rate not in excess of .10/cwt., levied on producer's and/or cooperative associations of producers monthly Class I allocated base deliveries for a period not to exceed 12 months for each bankruptcy.

Each distributor shall remit to the Milk Commission no later than the 15th of each month the amount collected in accordance with this subdivision, applicable to the prior months delivery period at the rate established by the commission.

4. The Milk Commission shall disburse all redistribution funds, net of applicable bank charges, collected each month for the redistribution fund by the last day of the month. Funds will be disbursed prorata in relationship to the loss incurred by producers and/or cooperative associations of producers, less applicable bank charge.

5. Producers or cooperative associations of producers shall assign to the commission that portion of their loss claim which pertains to the value of redistributed funds paid on Virginia base deliveries by the commission in order to participate in the producer redistribution fund.

6. Any overpayment or recovery of loss claims assigned to the commission by producers or cooperative associations of producers to the producer redistribution fund shall be disbursed to producers or cooperative associations of producers on a prorata basis of payments made to the fund.

VA.R. Doc. No. R97-31; Filed September 25, 1996, 9:11 a.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

**REGISTRAR'S NOTICE:** The Department of Social Services has claimed an 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 Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 22 VAC 40-680-10 et seq. Virginia Energy Assistance Program (amending 22 VAC 40-680-10

and 22 VAC 40-680-50; adding 22 VAC 40-680-65 and 22 VAC 40-680-66).

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

**Effective Date:** November 13, 1996.

### Summary:

*The amendments delete all references from Part III to services provided regarding heating equipment. Heating equipment services are provided under a new Part IV, Weatherization Assistance.*

**Agency Contact:** Copies of the regulation may be obtained from Charlene H. Chapman, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1750.

### 22 VAC 40-680-10. Definitions.

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

*"Department"* means the Department of Social Services.

*"Disabled person"* means a person receiving Social Security disability, Railroad Retirement Disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

*"Elderly person"* means anyone who is 60 years of age or older.

*"Energy burden"* means the average fuel cost for the primary fuel type used by a household divided by the income of the household.

*"Energy-related," "weather-related," or "supply shortage emergency"* means a household has no heat or an imminent utility cutoff or no single source of operable or safe heating equipment.

*"Fiscal year"* means October 1 through September 30.

*"Household"* means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat), or making undesignated payments for energy in the form of rent (heat is included in the rent).

*"Poverty guidelines"* means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

*"Primary heating system"* means the system that is currently used to heat the majority of the house.

*"Resources"* means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

"Vulnerability factor" means an individual is a child under the age of six or meets the definition of an elderly or disabled person.

**22 VAC 40-680-50. Eligibility criteria; benefits.**

A. The purpose of the crisis assistance component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to help the household meet energy emergencies that cannot be met by the fuel assistance component or other resources.

B. In order to be eligible for crisis assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as set forth in 22 VAC 40-680-20;
2. Have an energy-related, weather-related or supply shortage emergency as defined in Part 4 22 VAC 40-680-10;
3. Other resources cannot meet the emergency (including fuel assistance); and
4. Did not receive crisis assistance maximum benefit during the current year.

C. The Board of Social Services shall set benefit amounts for each type of assistance offered based on the availability of funding.

The following forms of assistance shall be provided:

- ~~1. Repair of inoperable or unsafe heating equipment, including necessary maintenance cost of heating equipment and the purchase of supplemental equipment;~~
2. 1. A one-time-only payment for a security deposit for the primary fuel type;
3. 2. Providing space heaters; and
4. 3. Providing emergency shelter; and
5. ~~Purchase of heating equipment.~~

PART IV.  
WEATHERIZATION ASSISTANCE.

**22 VAC 40-680-65. Eligibility criteria; benefits.**

A. The purpose of the weatherization assistance component is to improve or enhance the energy efficiency of the residence of eligible households and attempt to lessen dependency on the energy assistance program.

This component is intended to help the household meet specific energy needs that cannot be met through other resources.

B. In order to be eligible for weatherization assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as defined in Part II (22 VAC 40-680-20 et seq.) of this chapter.
2. The household must have an energy burden of 100% or higher and include one or more individuals with a vulnerability factor.

3. Other resources cannot meet the need.

C. Services will be provided through the Virginia Department of Housing and Community Development weatherization network.

D. The U.S. Department of Energy average maximum benefit guidelines will be used for each type of assistance based on the availability of funding. The following forms of assistance shall be provided:

1. Repair of inoperable or unsafe heating equipment including necessary maintenance cost of heating equipment and the purchase of supplemental equipment.
2. Purchase of heating equipment.
3. Cost-effective energy-related home repairs to include duct repair, air sealing, attic sealing and insulation with venting, and dense pack sidewall insulation in accordance with U.S. Department of Energy approved measures.

**22 VAC 40-680-66. Application period.**

The application period for weatherization assistance shall be stipulated in the interagency agreement with the Virginia Department of Housing and Community Development.

PART IV PART V.  
ADMINISTRATIVE COSTS.

# Final Regulations

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

## WEATHERIZATION ASSISTANCE-CASE INPUT DOCUMENT

Pres Loc: \_\_\_ Case #: \_\_\_\_\_ Wkr: \_\_\_\_\_

### ---Part 1-Client Data---

Client Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_  
Address Ln #1: \_\_\_\_\_ Ln #2: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip-Code: \_\_\_\_\_ - \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

### ---Part 2-Household Data---

Living Arrange: \_\_\_ Citizen: \_\_\_ 60/Over? \_\_\_ Bedridden 60/Over? \_\_\_ Disabled? \_\_\_ Under 6? \_\_\_  
# in HH: \_\_\_ Prim. Fuel: \_\_\_ Equip Type \_\_\_ Mo Inc: \$ \_\_\_\_\_ .00 Inc Types: \_\_\_\_\_  
Resources: \$ \_\_\_\_\_ .00 Weatherized?: \_\_\_ Med Ded: \_\_\_\_\_

### ---Part 5-Weatherization Assistance---

Job #: \_\_\_\_\_ Appl Date: \_\_\_ / \_\_\_ / \_\_\_ Date of Service: \_\_\_ / \_\_\_ / \_\_\_ Vendor #: \_\_\_\_\_  
Total LIHEAP AMT: \$ \_\_\_\_\_

WAP Code: \_\_\_ LIHEAP AMT: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_  
Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_

WAP Code: \_\_\_ LIHEAP AMT: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_  
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Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_ Type: \_\_\_ Amt: \$ \_\_\_\_\_

Authorized Signature

Date

**STATE WATER CONTROL BOARD**

**Title of Regulation:** 9 VAC 25-50-10 et seq. [VR 680-14-03].  
**Toxics Management Regulation (REPEALED).**

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

**Effective Date:** November 13, 1996.

**Summary:**

*The State Water Control Board (SWCB) repealed the Toxics Management Regulation, which delineated the authority and general procedures to be followed in connection with identifying and eliminating surface water discharges of toxics pollutants. The board adopted a Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31-10 et seq.) on May 22, 1996. The VPDES Permit Regulation includes language on the evaluation of effluent toxicity and the mechanisms for control of toxicity through chemical specific and whole effluent toxicity limitations. The procedural requirements of the Toxics Management Regulation will be used as the basis for staff guidance in the implementation of the toxics control provisions of the VPDES Permit Regulation.*

**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:** Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

VA.R. Doc. No. R97-34; Filed September 25, 1996, 11:33 a.m.

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The text of the Plan of Operation for the Virginia Birth-Related Neurological Injury Compensation Program, which is referenced in the following order, is not being published. The complete document may be obtained from Elinor Pyles, Administrator, Virginia Birth-Related Neurological Injury Compensation Program, 700 East Main Street, Richmond, Virginia 23219, telephone (804) 225-3482.

AT RICHMOND, SEPTEMBER 11, 1996

APPLICATION OF

VIRGINIA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION PROGRAM

CASE NO. INS950104

For approval of amended plan of  
operation pursuant to Virginia  
Code § 38.2-5017

### ORDER APPROVING AMENDED PLAN OF OPERATION

ON A FORMER DAY came the Virginia Birth-Related Neurological Injury Compensation Program, by its administrator, and, pursuant to Virginia Code § 38.2-5017, filed with the Clerk of the Commission an amended plan of operation. The original plan of operation was approved by the Commission by order dated November 27, 1987, in Case No. INS870294.

THE COMMISSION, having considered the amended plan of operation, the recommendation of the Bureau of Insurance that said plan be approved, and the law applicable in this matter, is of the opinion and orders that the amended plan of operation, which is attached hereto and made a part hereof, should be, and it is hereby, APPROVED.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Frank S. Ferguson, Esquire, Deputy Attorney General, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; Elinor Pyles, Administrator, Virginia Birth-Related Neurological Injury Compensation Program, 700 East Main Street, Suite 1635, Richmond, Virginia 23219; and the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister.

VA.R. Doc. No. R97-25; Filed September 18, 1996, 3:09 p.m.

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### **Division of Securities and Retail Franchising**

#### NOTICE TO INTERESTED PERSONS

The STATE CORPORATION COMMISSION OF VIRGINIA is considering changes to its rules (and forms, where appropriate) promulgated under the SECURITIES ACT and RETAIL FRANCHISING ACT. The proposed modifications are intended to alter the format, but not the content, of the rules as adopted by the Commission from time to time. The goals of the changes are to correct misspellings and other unmistakable errors in the rules and to have the numbering

scheme and format of these rules conform to the numbering system and organization of the rules as published in the Virginia Administrative Code, Volume 16, Title 21, Chapters 10-85 [Securities Act Rules] and Chapter 110 [Retail Franchising Act Rules] (1996).

Copies of these proposals are available from the State Corporation Commission, Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, Virginia 23218-1197, (804) 371-9187, FAX (804) 371-9911. Written comments are invited. Any interested person who files objections to the proposed corrections, renumbering or formatting of the rules will, if so requested, be afforded an opportunity to present evidence and be heard in regard to such objections.

Comments and requests for hearing should be sent to the State Corporation Commission's Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, must be received by October 31, 1996, and should refer to Case No. SEC960081. Interested persons who file objections and request to be heard, or who ask to be notified, will be notified of the date, time and place of the hearing.

VA.R. Doc. No. R97-39; Filed September 25, 1996, 11:14 a.m.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER SIXTY-SIX (96)

### **DECLARATION OF A STATE OF EMERGENCY THROUGHOUT THE COMMONWEALTH ARISING FROM HURRICANE FRAN**

Recent meteorological forecasts concerning Hurricane Fran predict that the storm could cause storm surge, heavy rains, flooding, and high winds in the Commonwealth. The potential also exists for tornadoes which could be spawned as a collateral effect of the hurricane. The hurricane is projected to make landfall in an area between North Carolina and South Carolina, south of the Virginia coast. Should the hurricane make landfall as predicted, flash flooding, river flooding, and wind damage are anticipated statewide.

The health and general welfare of the citizens of the localities which may be affected require that state action be taken to help prepare for, and should this destructive storm impact the Commonwealth, to alleviate the conditions which may result from this situation. I also find that these potential hurricane effects may constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby declare that a state of emergency exists in the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for and alleviate any conditions resulting from this hurricane, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §§ 44-75.1 (3) and (4) of the Code of Virginia, I also direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Services and the Adjutant General, and with the approval of the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recovery from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

1. The full implementation by agencies of the state and local governments of Volume II, Virginia Emergency Operations Plan (COVEOP) for Peacetime Disasters, September 1988, as amended, along with its attendant Annex I-FF, Virginia Hurricane Emergency Response Plan, and other appropriate state agency plans.
2. Full activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT), which is a multi-agency working group, to coordinate implementation of the COVEOP and to coordinate receipt and evaluation of information related to the effects of this storm. Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the COVEOP and others that may be identified by the State Coordinator of Emergency Services, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property and implementation of recovery activities. The State Coordinator of Emergency Services will work closely with involved agencies to identify sources of funding to cover costs related to the execution of mission assignments.
3. The authorization to assume control over the Commonwealth's telecommunications systems, as required by the State Coordinator of Emergency Services, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the impending event, pursuant to § 44-146.18 of the Code of Virginia.
4. The preparation for and if necessary, the evacuation by low-lying areas subject to the potential effects of this storm. Although I have the power to direct evacuation as authorized in § 44-146.17 (1) of the Emergency Services and Disaster Laws, I will defer to the authorities of the governing bodies of local jurisdictions as to exactly when and to what extent mandatory evacuation of their localities is implemented. I will retain the authority to implement mandatory evacuation, if warranted. The authority to issue local preventive evacuation orders is dependent upon a declaration of a local emergency by the governing body as outlined in § 44-146.21 of the Emergency Services and Disaster Laws. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class I misdemeanor.
5. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Services to enter into any other supplemental agreements, pursuant to §§ 44-146.17 (5) and 44-146.28:1, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Services is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1, Code of Virginia.

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# Governor

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6. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight/registration/license exemptions to carriers transporting essential emergency relief supplies into and within the Commonwealth in order to support the disaster response and recovery, particularly as regards donation management.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

In addition to described overweight transportation privileges, carriers are also exempt from registration with DMV. This includes the vehicles enroute and returning to their home base. The above cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight transportation privileges and the regulatory exemption provided by § 52.8.4.A of the Code of Virginia, and implemented in § 2.3.B of VR 545-01-1, "Motor Carrier Safety Regulations," shall remain in effect for sixty (60) days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

7. The discontinuance of provisions authorized in paragraphs 6 above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I herewith delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

8. If deemed necessary, the designation of a State Recovery Task Force under the leadership of the Secretary of Commerce and Trade to promote public, private and industrial redevelopment projects and help

sustain long-term community economic vitality in the aftermath of the disaster. This task force will also assist in the restoration of critical public health and safety systems and will do so in close coordination with the State Coordinator of Emergency Services as the individual responsible for ensuring implementation of short-term recovery programs.

9. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

10. The costs incurred by state agencies and other agents of the Commonwealth as defined herein and in § 44-146.17, except as defined in paragraph 6 below, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 42 of Chapter 912 of the 1996 Acts of Assembly.

11. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures, as delineated in § 44-146.28 (b) of the Emergency Services and Disaster Laws. § 44-146.24 also applies to the disaster activities of state agencies.

12. The immunity provisions of § 44-146.23 (a) apply to volunteer, auxiliary and reserve groups including search and rescue team members (SAR), Virginia Association of Volunteer Rescue Squad (VAVRS) personnel, Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disasters (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others when designated as agents of the Commonwealth for specific disaster-related mission assignments and identified by the State Coordinator of Emergency Services.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be desirable to assist in pre-storm preparations and in alleviating the human suffering and damage to property as a result of Hurricane Fran.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of the state or local governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Services or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

(a) Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

(b) Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

(c) All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

(d) In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

6. The costs incurred by the Department of Military Affairs and Virginia Defense Force in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 493 of Chapter 912 of the 1996 Acts of Assembly.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 1997, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard and other agents of the Commonwealth herein provided for in the event of injury or death shall continue to remain in effect after termination of this Executive Order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 6th day of September, 1996.

/s/ George Allen  
Governor

VA.R. Doc. No. R97-21; Filed September 17, 2:12 p.m.

## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

Title of Regulation: 18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption

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# Governor

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period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: August 25, 1996

VA.R. Doc. No. R97-23; Filed September 18, 1996, 10:59 a.m.

## DEPARTMENT OF CORRECTIONS

Title of Regulation: **6 VAC 15-20-10 et seq. Regulations Governing Certification and Inspection.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: September 11, 1996

VA.R. Doc. No. R97-29; Filed September 23, 1996, 9:29 a.m.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. It is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: September 18, 1996

VA.R. Doc. No. R97-28; Filed September 23, 1996, 9:29 a.m.

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Title of Regulation: **12 VAC 5-360-10 et seq. State Medical Facilities Plan: Nursing Home Services.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. It is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: September 18, 1996

VA.R. Doc. No. R97-27; Filed September 23, 1996, 9:29 a.m.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: **4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: September 11, 1996

VA.R. Doc. No. R97-30; Filed September 23, 1996, 9:29 a.m.

## MOTOR VEHICLE DEALER BOARD

Title of Regulation: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen  
Governor  
Date: August 20, 1996

VA.R. Doc. No. R97-22; Filed September 16, 1996, 12:14 p.m.

# The Legislative Record

Volume 6 No. 4

September 1996

## Commission on Early Childhood and Child Day Care Programs

*August 16, 1996, Richmond*

The purpose of the meeting was to inform commission members about recent events concerning the administration and funding of child care policy in the Commonwealth. The commissioner of social services addressed the commission on the issues of Head Start, child care and welfare reform, regulations, and the Child Care and Development Block Grant (CCDBG).

### Grant Application

In response to questions from commission members, the commissioner stated that letters sent by the executive director and a staff person of the now-abolished Council on Child Day Care and Early Childhood Programs to federal officials, stating that Virginia did not wish to apply for a \$750,000 Head Start Collaboration Grant, were sent without the knowledge or authorization of himself or the Governor. The commissioner stated that his department will submit the grant application by August 21.

### Head Start

There was considerable discussion of the confusion between the Head Start expansion funds and the Virginia Head Start Parent to Work Program. The 1994-96 CCDBG allocates money to expand the number of Head Start slots in the Commonwealth. The CCDBG effective October 1, 1996, does not contain any expansion money but does contain money for the Parent to Work Program, which provides money for child care for Head Start children for those times that the Head Start Program does not operate (early morning, afternoon, and summer). These funds will be targeted to the regions that have implemented welfare reform. The child care can be provided by any entity, as long as all of the children served are Head Start children or their sib-

## INSIDE:

- 4 SJR 74: Drug Laws
- 6 HJR 165: School Incentive Reward Program
- 7 HJR 100: Organ Donation
- 9 SJR 128: Joint Local Activities
- 9 SJR 92: Rappahannock River Basin
- 11 HJR 195: Science and Technology
- 12 HJR 164: Public School Access for Private Students
- 13 HJR 174: Arts Funding
- 15 HJR 167: African-American Males
- 16 SJR 223 (1993) Block Grants
- 17 HJR 221: Virginia's Environment
- 18 HJR 193: Abandoned Waste Sites
- 19 HJR 55/SJR 36: Insurance Fraud
- 20 HJR 149: Channel Maintenance Dredging
- 21 HJR 34: Rural Capital Access
- 22 SJR 86/HJR 198: Handicapped Parking

lings. Although more children will be able to receive day care, fewer will receive Head Start.

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

There are 11 Head Start programs serving approximately 27 localities that will receive significantly less money because of the elimination of the expansion money. Commission members expressed concern that parents would be relying on these slots and learned that parents, localities, and grantees have not been notified by the department of the cuts.

## Welfare Reform and Child Care

The department's mission statement regarding child care was presented. The commissioner stated that there is no child care availability problem in Virginia. There has been a recent increase in the number of regulated day care slots and as the department has involved the community in welfare reform, the availability of slots has opened up. Welfare reform has been implemented in five areas of the Commonwealth, and there have been no reports of a family in which a parent required to work because of welfare reform could not find child care or the money to pay for it. In fact, because individuals are making their own child care arrangements, localities are finding they have excess child care money and are shifting it to other categories. When AFDC recipients are given child care money they find the type of care and quality that they want. In response to a question, the commissioner said that there are agencies that have information on where licensed care is available, but that it is not appropriate for the state to recommend quality care because the state does not know better than the parents what care is best for their child.

## Regulations

Family day home regulations are promulgated by the State Board of Social Services and child day center regulations are promulgated by the Child Day Care Council. Both sets of regulations are currently being revised, and the commissioner stated that it makes no sense to have the two sets of regulations promulgated by different entities. He said that the health, safety, and welfare of Virginia's children will not be compromised as the family day home regulations are revised and promised to send commission members copies of the revisions.

The chair of the Child Day Care Council stated that the council is moving forward with a comprehensive review of child day center regulations and outlined the criteria for review. She stated that if the revisions go forward as planned there will be greater opportunity for parental involvement than ever before, inclusion of diverse child care ideologies will be allowed, all licensed care will be included, and there will be greater opportunities for parents to select programs compatible with their own beliefs and philosophies. The commission was promised copies of the revised child day center regulations.

## Child Care and Development Block Grant (CCDBG)

The Council on Child Day Care and Early Childhood Programs, which was the lead agency for the CCDBG, was abol-

ished July 1, 1996, by HB 1085. The Department of Social Services is now the lead agency for the CCDBG.

The grant is currently operating under a plan that will expire September 30, 1996. The state plan for the next two years is currently under review by the federal government and indications are that it will be approved. Twenty-five percent of the \$17.7 million per year must be spent on quality enhancement; the other 75 percent may be direct purchase of services. For quality enhancement, the 1994-96 state plan included Head Start expansion into unserved areas, before- and after-school programs, Bright Stars (a program for at-risk four-year-olds that has been completed), resource and referral, the child care loan program, and a licensing hot line. The 1996-1998 state plan includes the following as quality enhancements: Virginia Head Start Parent to Work Program, scholarships to child care providers, training and technical assistance, and resource and referral. The scholarships to child care providers and training and technical assistance are required by the 1996 Appropriations Act.

The commissioner of social services stated that the department will be forming groups of stakeholders to discuss how to bring the highest quality day care to the largest number of children. The resource and referral service provides internet information about the availability of child care with hard copies available in libraries, churches, and other locations. Concerns were voiced about access to the internet and whether obtaining such information from the internet or by hard copy would provide the personal service parents need in finding the appropriate care for their child. The commission asked for further information on how the internet resource and referral system will work.

## Child Day Care Financing Program

Funding for this program, which was financed by the CCDBG, was eliminated in the 1996-1998 state plan. The Virginia Small Business Financing Authority (VSBFA) began offering the Child Day Care Financing Program to child day center providers through a cooperative agreement with the Council on Child Day Care and Early Childhood Programs in September 1993. In direct response to Virginia's welfare reform initiative, the program was opened to religious exempt centers and a pilot family home provider was launched. The program provides direct loans to child care providers to finance quality enhancements for their child care programs or to meet or maintain child care standards, including health, safety, and fire codes.

In June 1996, VSBFA was notified by the council that funding for the program would be discontinued. The program approved over \$1 million in financing, resulting in over 2,000 new child care spaces and over 120 new employment positions (see Table 1). The program leveraged a great deal of private sector money. A special subcommittee of the Small Business Commission, chaired by Senator Howell, wrote a letter to Commissioner Carter and Secretaries Metcalf and Skunda on August 6, 1996, requesting that funding for the Child Day Care Financing Program be restored. In response to questions from

**Table 1. Child Day Care Financing Program  
Loans Funded History**

	Funds Allocated	Funds Spent	Number of Loans	Number of Spaces	Number of Jobs
FY '93	\$ 149,000				
FY '94	\$ 389,000	\$ 198,000	15	532	52
FY '95	\$ 360,000	\$ 163,500	13	537	26
FY '96	\$ 218,300	\$ 785,000	72	1032	51
<b>Total:</b>	<b>\$1,116,300</b>	<b>\$1,146,500</b>	<b>100</b>	<b>2101</b>	<b>129</b>

Source: Virginia Small Business Financing Authority.

the commission, the commissioner stated that he was looking for funds for the loan program from sources other than the CCDBG.

## Audits of the Council on Child Day Care and Early Childhood Programs

The auditor of public accounts discussed 1994 and 1995 audits of the Council on Child Day Care and Early Childhood Programs. There were no criminal violations and no violations of the Virginia Public Procurement Act; however, there were unintentional technical violations of Department of General Services' regulations. There were material misstatements of amounts recorded and reported in the Commonwealth Accounting and Reporting System and material weaknesses in the internal control structure. Council staff did not have Department of Information Technology and council approval to properly procure and award four contracts for system development and testing totaling \$1,474,764. The audit did not reveal any evidence of "sweetheart" deals. The importance of monitoring state spending so that agencies are accountable and properly spend the public's money was emphasized by several commission members.

## June 17, 1996, Council Report

Several speakers responded to the June 17, 1996, report of the Council on Child Day Care and Early Childhood Programs to Governor George Allen, entitled *Improper Special Interest Influence in Key Contracts: An Analysis with Preliminary Observations on the Politicized Agenda in Child Day Care*.

### VAECE

A representative of the Virginia Association for Early Childhood Education (VAECE) stated that most of the references to VAECE in the report center on its role in helping to develop the Virginia Plan for Professional Development. The report suggests that the National Association for the Education of Young Children (NAEYC), working through its state affiliate, VAECE, and with other national groups that share "an ideology that is antagonistic, radical and contemptuous of the val-

ues of traditional Virginians," invented the need for a comprehensive training plan for Virginia's child care work force. She clarified VAECE's role in developing the Virginia Plan, stating that VAECE organized a group of representatives from a diverse array of child care providers but did not participate in developing the specifications for the RFP nor put the grant money into its coffers.

The report's implication that VAECE or NAEYC would serve as the credentialing system for the plan is not true, according to the VAECE representative. Also untrue is the report's implication that the *Anti-Bias Curriculum* is NAEYC's official curriculum and that Head Start and programs seeking NAEYC accreditation are required to use it. She explained that the *Anti-Bias Curriculum* is one of over 100 books published by NAEYC, and the cover page contains a disclaimer that the views expressed or implied are not necessarily those of NAEYC. VAECE would like the commission to examine the elimination of programs previously funded by the CCDBG, particularly the loan program. She expressed her hope that attention would shift from unfounded allegations to focusing on factual issues that will help Virginia's children grow up to be productive citizens.

### The Planning Council

A representative of The Planning Council, a Norfolk-based not-for-profit corporation established in Virginia in 1941 to plan, develop, and manage human services, stated that the report is confusing and its accusations destructive and alarming. The so-called "conspirators" are well-known in their communities and are respected as accomplished professionals who have consistently worked to improve the condition of Virginia's families. She questioned whether hiring a special policy analyst to write a report was an appropriate response to technical errors discovered in a routine auditor's examination and why the analyst did not interview any of the persons cited in the report. She stated that child care is a critical issue and that priorities must be established in an environment dominated by reasonableness, tolerance, and trust.

### Roanoke Head Start

A representative of Roanoke Head Start found the report's assertion that day care providers accredited by NAEYC are part of a national conspiracy offensive. She stated that the contents of the report are strikingly similar to Chapter 13 of *Stronger Families or Bigger Government?* a book published by the Eagle Forum Education and Legal Defense Fund in 1990, edited by Phyllis Schlafly. Chapter 13 is entitled "Networking Pressures for the Swedish Model" and is written by Dr. Elizabeth Ruppert, the former executive director of the Council on Child Day Care and Early Childhood Programs.

The Roanoke representative stated that her Head Start Program is NAEYC-accredited but that there is no requirement that any provisions of the *Anti-Bias Curriculum* be incorporated. She said that there is strong parental involvement in Head Start, and there have been no complaints about the curriculum. She ended her comments by saying that despite a direct request to council staff to receive a copy of the proposed state plan for the CCDBG prior to the public hearing on the CCDBG, she did not receive one.

### **Former HHR Secretary**

The former Secretary of Health and Human Resources, who was in office during the time of the actions alleged in the report, stated that he was shocked by the implication that someone he directly supervised was involved in a conspiracy and upon checking found the implication to be false. The Council on Child Day Care and Early Childhood Programs received strong bipartisan support when it was established in 1989 to coordinate child care across several state agencies, with private, non-profit, public, and family providers; with the academic community; with local governments; and most important, with the business community. The council was widely recognized as an innovative approach and model across the country.

The June 17 report is totally wrong and maligns many good people, according to the former secretary. Although the Department of Mental Health, Mental Retardation and Substance Abuse Services handled the council's books, the recent executive director never asked that agency to respond to the preliminary audit points, and the former director and financial officer were never contacted. The former secretary disputed the report's assertions that the council abdicated its responsibilities to conspirators, that "Highland" was a code word used by the conspirators, and that a "roundtable" was used to subvert the RFP process. He urged the commission to take a strong stand against having an official state document prepared in secret and released to the media without giving the persons involved an opportunity to provide information. The procedures required by the Code of Virginia, if criminal wrongdoing is suspected, were not followed. He urged the protection of Virginia's reputation for honesty and truth in government and said that once official state documents come to be seen by the public as politically driven documents that have no regard for the facts, Virginia's credibility is dead. He urged that attention be shifted to the child care challenges ahead.

As the meeting concluded, the chairman stated that he was disturbed by some of the things he heard at the meeting and indicated that it may be time for another JLARC study of child care.

The Honorable Stanley C. Walker, *Chairman*  
Legislative Services contact: Jessica F. Bolecek



## **SJR 74**

### **Joint Subcommittee Studying Virginia's Drug Laws**

*August 19, 1996, Richmond*

SJR 74 continued the joint subcommittee created in 1995 to study Virginia's drug laws and make recommendations to ensure prompt investigation, efficient prosecution, and certain and appropriate punishment for drug-related offenses.

### **Sentencing Commission Data**

The executive director of the Virginia Sentencing Commission presented an updated analysis of felony drug offenses and offenders derived from the commission's data base for FY 1995.

**Type and quantity of drug.** Of the 2,128 convictions analyzed involving the unlawful sale, distribution, or possession with intent to sell/distribute a schedule I or II controlled substance, the vast majority (71.4 percent) involved crack cocaine. Offenses involving powder cocaine made up an additional 21.4 percent. A small percentage of the cocaine cases involved more than one gram of crack, with the highest number of cases involving one gram or less. The amount involved in powder cocaine cases was typically five grams or less. The data showed that the median sentence (72 months) imposed in the crack cocaine cases did not vary with the amount of the drug involved, whereas with powder cocaine the median sentence increased as the amount of the drug increased (e.g., less than 14 grams: 60 months; 14 grams to 100.5 grams: 72 months).

**Drug felon profile.** The predominant age groups for the drug offenses analyzed are 21-25-year-olds and 31-40-year-olds. For each offense analyzed the numbers of persons involved tapered off for the 26-30 age group. Most offenders convicted of unlawful sale or possession are male, single, non-white, unemployed or employed part-time, the first member of their family to be convicted of a felony, and have less than 12 years of education and no history of military service. Those convicted of having obtained drugs by fraud are typically older (31-40 years of age), female, white, educated beyond high school, and employed full time.

**Sentencing guidelines.** Drug offenses represented 37 percent of the 14,441 cases for which sentencing guidelines worksheets were received by the commission during the period January 1, 1995, through mid-July 1996. The commission's data show that the guidelines-recommended sentence is imposed in the majority of cases (75 percent). In those cases in which the court deviates from the guidelines, the deviation aggravates the guideline sentence in a little more than half the cases (56 percent). With the drug cases, the rate of compliance with the guidelines is somewhat lower if the sale of a schedule

I or II drug was involved (63 percent) but slightly higher for other drug offenses (e.g., 79 percent for possession those drugs). With the sale of schedule I or II drugs there are also more frequent deviations in mitigation than were seen with other non-drug offenses. In 23 percent of the sale cases, there was a deviation from the guidelines in mitigation. The most frequent reasons given for mitigation were that an alternative sanction was available (46 percent) or that there was good potential for rehabilitation (13 percent). In those drug sale cases in which the sentence was aggravated, the most frequently stated reasons were the amount or purity of the drug involved (26 percent) or that the offender had a prior conviction for the same offense (15 percent). For those sale offenders who are sentenced within the guidelines, over 70 percent are sentenced at or below the guideline midpoint.

**Judge/jury sentencing.** The available data show that drug cases are being tried most frequently (96 percent) before a judge rather than a jury. The judge-imposed sentences of incarceration are less than those imposed by juries (e.g., in the types of sale cases mentioned above, the judge-imposed median sentence was five years, compared with the jury-imposed median of 10 years). When considering a defendant's prior felony record, juries also appear to recommend longer sentences, almost twice as long in most cases, than the judge.

**Recidivism.** Violent offenders who received sentences in excess of three years are typically less likely to reoffend than violent offenders who served less than three years. Interestingly, drug offenders who receive the longer sentences are more likely to reoffend, and the likelihood that they will be recommitted for a new offense increases as the length of sentence for the prior offense increases.

**Effects on prisons.** In 1983, drug offenders represented only nine percent of the total of 5,407 new commitments to the state prison system. Between 1988 and 1989, the total number of drug commitments almost doubled from 826 to 1,480. By 1990, drug commitments represented 29 percent of the total commitments and had increased to a total of 2,755. After a brief decline in 1991, the total number of drug commitments has grown to 2,969 in 1995, representing 27 percent of the total new commitments.

## Attorney General's Issues

The assistant attorney general and chief counsel to the Financial Investigations and Money Laundering Unit urged the committee to consider developing a new strategy to complement the criminal justice strategy being used in the war on drugs. He noted that the federal government and several states currently have in place anti-drug laws based on the theory that drug crimes are also economic crimes.

**Asset forfeiture.** As a result of the Virginia Supreme Court's decision in *Commonwealth v. Brunson*, 248 Va. 347 (1994), civil forfeiture of drug assets has become needlessly more cumbersome. The case holds that the seizure of an asset for evi-

dence in the criminal case constitutes a seizure for forfeiture as well, thereby requiring the Commonwealth's attorney to file for forfeiture, even though the criminal case may still be pending. The committee agreed to give further consideration to the need to clarify the timing problem and perhaps modify the holding in *Brunson*.

**Money laundering.** The assistant attorney general suggested a broadening of Virginia's money laundering statute, which is currently limited to drug crime proceeds. Many of the "higher-ups" in a drug ring are too far removed from the daily criminal activity to allow a successful prosecution. The federal statute allows prosecutions for funds derived from "specified unlawful activities." Also offered for consideration by the committee were suggestions that the money laundering statute be modified to (i) include a "sting" provision that would allow a successful prosecution upon proof beyond a reasonable doubt that the defendant believed that the phony proceeds to be laundered were in fact proceeds from a requisite illegal activity, (ii) allow the bank records to be seized upon certification by the Attorney General that the records contain evidence of a crime, (iii) provide a faster mechanism than a search warrant to freeze funds in an account, and (iv) adopt a currency reporting requirement similar to the federal Bank Secrecy Act. In addition, closer monitoring and regulation of check cashing businesses should be considered, as these have become "the bank of choice for narcotic offenders."

**Conspiracy.** Federal law allows joint trials of multiple defendants involved in a common plan or scheme. In Virginia, multiple defendants may be tried together only if specific requirements are met. In order to allow prosecutors to more efficiently pursue narcotics organizations, multiple defendants should be tried together more frequently, as is the case under the federal system. This sentiment was echoed by the Commonwealth's attorney for Henrico County. It was also suggested that the committee consider allowing Virginia to prosecute conspiracies when the underlying crime is a federal offense.

**Tax laws.** It was suggested that the penalties for violations of the tax laws should be increased. Most offenses are currently punished as misdemeanors. Enhancing the penalties would result in increased revenue to the state and would provide prosecutors with an additional tool to be used not only against drug offenders, but also others who fail to pay their taxes.

## Future Plans

The committee plans to hold three additional meetings in order to discuss fully the issues raised and to formulate legislation for introduction during the 1997 session.

The Honorable Kenneth W. Stolle, *Chairman*  
Legislative Services contact: Mary P. Devine



**HJR 165****Joint Subcommittee  
Studying the Efficacy and  
Appropriateness of Creating  
a School Incentive Reward  
Program in the  
Commonwealth***August 30, 1996, Richmond***Staff Report**

School incentive reward programs reward not only exceptional educational performance of schools or school divisions, but also continued improvement by those schools that may face special challenges prompted by low education and income levels, school overcrowding, lack of local ability or commitment to support public education, or high concentrations of special needs students. School incentive rewards, made in the form of cash grants, are typically based on school and pupil performance criteria such as attendance and dropout rates, test scores, and enrollments in accelerated courses and may be used by the recipient school for salary bonuses or professional development or to supplement school improvement funds.

The joint subcommittee is directed to consider:

- ▶ School incentive reward programs in other states;
- ▶ Potential criteria, such as pupil academic performance, Literacy Passport Test scores, student and teacher attendance rates, graduation rates (including minority graduation rates), percentages of graduates pursuing higher education, enrollments in particular courses or curricula, parental and community involvement, and cooperation between the school and relevant state and local agencies;
- ▶ The incorporation of school population information, such as the percentage of at-risk students, community education and poverty levels, local ability-to-pay, and school enrollments;
- ▶ The propriety of grouping various schools in the application of reward criteria;
- ▶ Ways in which existing evaluation mechanisms, such as the Outcome Accountability Project, might be employed to collect the data necessary to assess improved educational performance;
- ▶ Possible funding sources for such an initiative in Virginia; and
- ▶ Such other issues as the joint subcommittee deems appropriate.

**Education Reform and Incentives  
for School Performance**

Most recently, education reform has turned its focus to educational accountability—initiatives that measure student performance and assign responsibility for improvement. One reform approach already adopted in several states combines accountability with economic theory: to improve public education, states might measure school or pupil performance and reward those schools or divisions demonstrating excellence or showing significant improvement toward clearly stated goals. Incentive initiatives may address teachers, individual schools, or school divisions.

Programs rewarding teachers might create “career ladders” that link compensation and promotions to performance. Teachers’ work might be scrutinized more carefully; evaluations might include classroom inspections by peers, emphasis on academic planning, and review of student progress. Other initiatives stress schoolwide incentives; some states that have granted greater flexibility to administrators and teachers have also demanded increased accountability for results. Schools or staff may receive financial rewards for excellence or improvement in meeting particular “benchmarks”; those performing poorly may, conversely, face severe sanctions. Incentives for improved school performance may also include partnerships in which businesses agree to hire graduates on the basis of academic achievement, and schools, in turn, agree to provide prompt and accurate pupil information.

**Establishing an Incentive  
Reward Program in Virginia**

As is the case for many other accountability initiatives, a school incentive reward program must include (i) criteria or goals for performance; (ii) methods of measuring achievement or improvement in striving to meet these goals, and (iii) appropriate “consequences” for performance—such as financial rewards. Determining the efficacy and appropriateness of establishing such an initiative in Virginia requires consideration of current educational standards for public schools as well existing assessment mechanisms. Existing educational standards may serve as performance criteria for an incentive reward program or may provide a basis for creating additional goals for Virginia’s public schools. Ongoing assessments may prove effective tools for measuring exceptional school performance or progress and for determining eligibility for any incentive rewards.

**Applying Business Principles  
to Incentives**

A representative from the Virginia Manufacturers’ Association addressed the subcommittee regarding the application of business incentives to improving school performance. He iden-

tified compensation adequate to meet an employee's needs or to compare favorably with peers; recognition; advancement; and lump-sum bonuses or awards as common motivators of performance in the workplace and noted the critical link between the desired goal or objective—which must be clearly identified—and the particular motivator.

Citing the need to recognize the value of the non-college-bound student, he described a business and education partnership in Southside Virginia in which students may be tested and matched to certain job profiles at area manufacturing plants. Although the program does not guarantee employment, it may nonetheless help students identify those skills they may need to acquire for employment.

## Issues for Study

Discussion focused briefly on the development of recognition, advancement, and awards within school divisions. Also cited were the possibility of evaluating compensation of instructional personnel and the development of individually tailored, informal contracts between school, students, and parents regarding expectations for pupil performance.

In meeting the directives of HJR 165, the joint subcommittee may consider, among other things, the implementation of the new Standards of Learning, including any accompanying student testing and assessments; the ongoing review and potential revision of the Standards of Accreditation; any current incentive mechanisms and programs in the Commonwealth's public education system; the work of other ongoing study committees, such as the Commission on the Future of Public Education (HJR 196) and the Commission on Accountability for Educational Excellence (HJR 168); and the financial and policy implications of implementing a school incentive reward program in the Commonwealth.

## Next Meeting

The next meeting of the joint subcommittee is scheduled for Friday, September 27, at 10 a.m., in House Room 4 of the State Capitol.

The Honorable Mitchell Van Yahres, *Chairman*  
Legislative Services contact: Kathleen G. Harris



# HJR 100

## Joint Subcommittee to Study Ways to Enhance the Supply of Vital Organs Available for Transplantation in Virginia

July 22, 1996, Richmond

At its first meeting, the subcommittee reviewed the recommendations of an earlier legislative subcommittee that had examined the need for organ transplants in the Commonwealth and the ways that participation in donor programs could be improved. House Document 34 (1985) recommended that:

1. A Virginia Transplant Council be established in law and funded in the 1986/1988 biennial budget to provide a coordinated, comprehensive, uniform mechanism for distributing information and for the education of the public and professionals;
2. Appropriations of \$100,000 a year be provided for the activities of the Virginia Transplant Council for five years beginning in fiscal year 1986;
3. The Board of Education be requested to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs;
4. The Board of Medicine be requested to inform physicians about the status of transplant technology and to assist in training physicians in the legal and medical requirements for determination of brain death;
5. Hospitals be required, as a condition of licensure, to establish an organ-procurement-for-transplant protocol that encourages organ and tissue donation;
6. Various state agencies be requested to cooperate with organ procurement and transplant programs in educating the public in the benefits of organ donation and transplantation; and
7. The Division of Motor Vehicles be requested through correspondence from the joint subcommittee to implement conscientiously the requirements of § 46.1-375 of the Code of Virginia (the Uniform Donor Document).

After a staff report on the current status of each recommendation, donor family members and transplant recipients provided very personal and moving testimony. Through their individual stories, they collectively stressed the need for educating the public about organ and tissue donation so that loved ones can continue to give the gift of life even after they die.

## Virginia Transplant Council

According to the Virginia Transplant Council's executive director, the council was created in 1985 because the earlier subcommittee identified education as the most important vehicle to increasing organ and tissue donation. Indeed, as one of the first organizations of its type in the country, the council's mission is to provide a coordinated, comprehensive, uniform mechanism for such education. The council functions as an

**Table 1. Number of Patients on the Waiting List on Selected Dates**

	12/31/93	12/31/94	12/31/95	6/30/96
Kidney	512	642	808	875
Liver	36	60	133	161
Pancreas	1	2	4	4
Kidney-Pancreas	28	29	29	27
Heart	162	153	171	175
Lung	32	52	59	50
Heart-Lung	10	8	5	6
<b>Total:</b>	<b>781</b>	<b>946</b>	<b>1209</b>	<b>1298</b>

association. Its current membership includes the five organ procurement agencies that serve the Commonwealth, Virginia's transplant centers and eye banks, the Virginia Hospital Association, a bone marrow transplant program, the United Network for Organ Sharing, and community-based groups in Fairfax, Hampton Roads, and Roanoke.

The council received its initial general fund appropriation of \$50,000 in fiscal year 1988. Currently, the council's annual appropriation is \$74,210. Council members make additional voluntary contributions to a special educational fund that totals about \$10,000 a year and also lend the public relations and marketing expertise of their staffs to various projects. The Virginia Department of Health provides office space for the council's office. Among its numerous educational projects, the council has:

- ▶ Developed, with the Virginia Department of Education, the first secondary school curriculum guide in the nation, which is now used in whole or in part by 17 other states;
- ▶ Written and distributed a curriculum to Virginia nursing schools;
- ▶ Designed, with the Department of Motor Vehicles, a new poster and flier for use in customer service centers that provides information about the organ donor question on Virginia's driver's license application;
- ▶ Hosted meetings for medical professionals from transplant centers in Virginia, Maryland, and the District of Columbia to discuss alternatives to the organ allocation system;
- ▶ Maintained, since 1988, a toll-free telephone number that has shown a 400 percent increase in the number of calls since its inception;
- ▶ Responded to a ten-fold increase in the number of requests

for information and materials on organ and tissue donation since 1987; and

- ▶ Participated, through the National Coalition on Donation, in national educational campaigns such as the current "Share your life. Share your decision."

One statistic suggests that the council is fulfilling its educational mission among Virginians. A survey of returned driver's licenses in 1991 showed that five percent of drivers had signed their donor cards. During 1995, 32.2 percent of drivers obtaining or renewing licenses answered affirmatively when asked if they wanted to be an organ donor.

## Education

The assistant director of communications for the United Network for Organ Sharing confirmed that education, especially in grades K-12, is the most significant support that any state can provide to increase organ and tissue donation. Education is particularly important since the need for organ and tissue donation increases about 15 percent per year, while donations increase annually only at a rate of about five percent. Consequently, there has been a corresponding increase in the numbers of Virginians on the waiting list and those who die while awaiting an organ transplant, as shown in Tables 1 and 2. The longer a patient stays on the waiting list, the less likely the chances of success when a transplant is finally performed. Median waiting times are substantial, as shown in Table 3.

**Table 2. Number of Deaths on the Waiting List**

	Kidney	Pancreas	Kidney-Pancreas	Heart	Lung	Heart-Lung	Total
1993	27	0	0	37	12	5	90
1994	29	0	2	34	5	2	81
1995	43	0	1	38	12	1	112

## Next Meeting

The vice president of one organ procurement agency reported that in a 1993 national opinion poll, 84 percent of Virginians expressed a positive attitude about donation and transplantation, one of the highest percentages in the nation. In its upcoming meetings, the subcommittee hopes to find ways to better reflect this attitude in Virginia's donation consent rates. The next meeting is Monday, September 30, 1996, at 1 p.m. in House Room C of the General Assembly Building in Richmond.

**Table 3. Median Waiting Time (in Days) to Transplant**

Kidney	766
Liver	54
Pancreas	238
Kidney-Pancreas	479
Heart	278
Lung	350
Heart-Lung	Could not be calculated

The Honorable Mitchell Van Yahres, *Chairman*  
Legislative Services contact: Diane E. Horvath



**SJR 128****Use of Incentives for Joint Activities by Localities***September 16, 1996 Richmond*

SJR 128 established a subcommittee that will provide legislative oversight to assist in the successful implementation of the Regional Competitiveness Act. The subcommittee will act in an advisory role to the Department of Housing and Community Development, which will administer the incentive fund established by the act.

**Regional Competitiveness Act**

The Regional Competitiveness Act (HB 1515 and SB 566, 1996) creates a framework designed to encourage regional strategic planning and cooperation. The Department of Housing and Community Development distributes incentive payments to regions based on a formula that assigns varying weights to joint activities in such areas as job creation, transportation, education, corrections, and local land use. The value is assigned based on the significance of the joint activity as measured by various factors. Existing joint activities are also eligible to receive point credit. Expansion of existing joint activities may also qualify for credit. Reaching an established threshold entitles a region to receive a proportional share of the \$3 million incentive fund established by the General Assembly in the budget.

Along with the guidance received from this legislative study, the program established by the act is also assisted in policy-making by an advisory committee appointed by the Governor. This group is to represent each region in the Commonwealth and shall develop recommendations for the distribution of funds to localities. The appointments to this advisory committee are still being made by the Governor's office.

Representatives from The Urban Partnership, an alliance of 18 localities that focuses on the economic competitiveness of Virginia, and the Virginia Chamber of Commerce presented a summary of the events and philosophies that motivated this legislation. Both speakers emphasized the importance of restoring economic vitality and a prosperous future to Virginia's core cities. These speakers encouraged the subcommittee to consider more funding for the program.

The president of the Hampton Roads Partnership briefed subcommittee members on the progress of regional cooperation in this region. He explained how this active partnership could fit in the framework of the Regional Competitiveness Act funds. He characterized involvement by leaders of business, local government, education, and the military as a key element of success and stated that each locality within the region is represented and currently participating in the partnership.

**Current Status**

The Department of Housing and Community Development provided a summary of staff progress on this project. This speaker cautioned the subcommittee about making any assumptions or proposals before the Governor's advisory committee holds public hearings. Staff is currently developing policy on such issues as regional configurations and eligibility standards. Development continues on a draft work plan, and the agency will strive to work with both the subcommittee and the Governor's advisory committee.

**Region 2000**

The final presentation described Virginia's Region 2000 and the progress that this central Virginia partnership is making towards regional achievements. The marketing director for this group discussed the importance of cooperation and commitment between the public and private sector. He also described the importance of efficiently developing an infrastructure to attract new growth.

**Issues**

Subcommittee members expressed concern about the lack of details concerning fund distribution and discussed whether the amount of funding should increase. There was also discussion of the required make-up of a group seeking funds from the program, specifically how many localities can make up a qualifying entity. The lack of any new staff at Housing and Community Development to implement this program was also noted. The work plan discussed by the chairman envisions a joint meeting with the Governor's advisory committee. This meeting will occur following the public hearings held statewide by the advisory committee.

The Honorable Stephen D. Newman, *Chairman*  
Legislative Services contact: Robert A. Omberg

**SJR 92****Rappahannock River Basin Commission Study Panel***August 21, 1996, Fredericksburg*

During its second meeting, the study panel heard from the secretary of natural resources regarding tributary strategies and presentations from staff regarding use, concerns, and efforts relative to the river and common elements of structures for basin- and watershed-wide organizations. The panel also held a public hearing.

## Secretary of Natural Resources

The secretary described Virginia's commitment under the multi-jurisdictional Chesapeake Bay Agreement to reduce nutrient inputs to help restore the Bay. She noted that a 40 percent reduction in nutrients has been set as a goal for the Potomac basin but that additional monitoring and modeling is being conducted to determine the reduction needs for the lower tributaries, including the Rappahannock. A final strategy for the Rappahannock River is to be completed by the end of 1997. She encouraged local governments to (i) provide her agencies with information, (ii) initiate assessment processes by consulting with farmers and citizens groups to identify nutrient reduction processes effective for their localities, and (iii) ascertain the most cost effective solutions.

### Local Efforts

Prior to the meeting, jurisdictions represented on the panel were asked to provide staff with local efforts, uses, and concerns relative to the river. Staff compiled the information and presented it to the panel. Following a discussion of the efforts, uses and concerns, staff provided a briefing paper describing six examples of basin level planning, communication, and regulation efforts. Staff also presented a summary of 12 common or recurring elements drawn from the six examples and from other watershed/basin level efforts.

**1. Membership structure and qualifications.** To a large extent membership is based on need and the issues to be addressed. It generally includes diverse interests throughout the geographic area covered. Membership varies widely, including any combination of citizens; interest groups; local, state and federal agency representatives; and elected officials (both legislative and executive). Qualifications vary as well, ranging from showing interest to specific expertise to residence in a particular hydrologic unit and may include any combination of qualifications. Chairmanships and numbers of vice-chairs vary as well, and in some cases the positions rotate.

**2. Defined role, powers, duties, and/or focus.** Most efforts clearly define their purpose. The study panel has identified its purpose as assisting "the Commonwealth and the localities in the basin in planning, cooperation and coordination on issues of basin-wide significance." Purposes range widely from study efforts to education and communication to making policy recommendations to specific regulatory powers.

**3. Geographic hydrologically related boundaries.** Basin efforts by their nature are based on geographic and hydrologic factors rather than political boundaries. In the current study the boundary has been defined as the Rappahannock River basin.

**4. Stakeholder involvement.** Stakeholder involvement is often noted as a key element for efforts to be successful. Sources of involvement depend on the membership of the lead group and the degree to which that group already has stakeholder involvement. Structural sources include subcommittees, ad hoc

advisory committees, required advisory committees, public hearings, and open meetings.

**5. Information gathering.** This varies based on the purposes and efforts of the group and ranges from fact/data gathering to scientific research.

**6. Meetings.** Some efforts specify how meetings will be called or held. Examples include: at the call of the chair, at the call of a percentage of members, a set schedule, and a set number of times per year.

**7. Decision-making process.** This deals with the requirements, if any, placed on taking actions. For example, unanimity may not be required for deciding when a meeting will be held but it may be required for water allocation issues. Again, this element will depend a great deal on what the group is set up to do. Requirements range from a simple majority of a quorum to unanimity.

**8. Staffing.** Staffing ranges from none to assistance from other agencies to full-time staff.

**9. Amendments to and termination of agreements.** Generally amendments are made by vote of the membership. Withdrawal generally requires prior notice with lag time before it becomes effective.

**10. Statements recognizing need for the organization.** Many examples contain statements describing the need for the effort to be undertaken. Examples include: better results seen as occurring with coordination; recognition of mutual impacts and impacts on each other and solutions sought; coordination, communication, and consistency needed on variety of issues; and recognition of a problem that needs fixing through a joint effort.

**11. Statement of commitment to cooperate.** These range from simple statements in agreements to cooperate to commitments to specific tasks and accomplishment of particular goals.

**12. Funding.** Funding varies greatly, including no funding, contributions and grants, local government and/or state appropriations or contributions of staff time, fees for activities and services provided, and assessments/taxes.

### Public Hearing

The panel held a public hearing at which 23 individuals made presentations. Presenters represented themselves, conservation groups, riparian land owners, federal and state agencies, Soil and Water Conservation Districts, and agricultural interests.

### Next Meeting

The study panel has set its next meeting for 1:00 p.m., October 30, 1996, at the Tides Inn near Irvington.

The Honorable R. Edward Houck, *Chairman*  
Legislative Services contact: Shannon R. Varner



**HJR 195****Joint Subcommittee on Science and Technology***August 21, 1996, Richmond*

The Science and Technology Task Force was established in 1993 to report on the status of the recommendations of the 1983 Governor's Task Force on Science and Technology, to coordinate the development of a statewide strategic plan for science and technology, and to examine whether a permanent council on science and technology should be created. HJR 447 (1995) continued the task force for an additional year and expanded its initial mission to include consideration of recent and ongoing initiatives and recommendations of other organizations and task forces that were focusing on science and technology issues in the Commonwealth and to study opportunities and incentives for information and communications technology to meet public needs. The task force's final report was published as House Document 46 (1996).

**1996 Study**

To continue and expand the work of the Task Force, HJR 195 (1996) established the Joint Subcommittee on Science and Technology, charged with nine study objectives:

1. To consult with the Virginia Retirement System to develop ways to encourage VRS investments in venture and capital projects that will be fiscally sound and recognize VRS's fiduciary duty to handle the moneys entrusted to them with care and integrity.
2. To foster and encourage the evolution of a telecommunications infrastructure offering reasonable and affordable prices to the Commonwealth's public schools and to Virginia's public institutions of higher education.
3. To support and assist the Center for Innovative Technology in fulfilling its promise as a leader in science and technology for the citizens of Virginia.
4. To consider the feasibility of revising the standing legislative committees; creating science and technology committees for the House of Delegates and the Senate; and defining the structure of any such committees and their staffs.
5. To consider the need for and feasibility of establishing a Secretariat for Science, Information and Technology.
6. To examine the organizational possibilities a technology secretariat or authority should have to promote conditions under which universal access to the information highway can be made available to all citizens of the Commonwealth.
7. To consider the feasibility of establishing an authority, similar to the Rural Electrification Authority, to disseminate technology across the Commonwealth.
8. To review the Commonwealth's statutes, regulations, and rules governing criminal and civil procedure to determine whether current law is sufficient to ensure enforcement of the Commonwealth's criminal and civil laws against both residents and nonresidents of the Commonwealth whose activities, including access to and the distribution of pornography, in Virginia are conducted principally by computer on the information superhighway or through other technological means.
9. To examine the digital signatures issue to determine whether Virginia should adopt legislation similar to that enacted in Utah or some other legislation that would facilitate the development of electronic commerce in Virginia.

After a staff review of each study objective and its related materials and resources, the subcommittee took testimony on:

- ▶ How the Virginia Retirement System participates in venture capital investments, provided by VRS' director;
- ▶ "Access Virginia," a high-speed multimedia computer network that will link Virginia Tech, Old Dominion University, and Virginia's 38 community college campuses, provided by Tech's vice president of information systems;
- ▶ The Joint Legislative Audit and Review Commission's study of the Commonwealth's data processing services and related issues as directed by Items 14F and G of the 1996-98 Appropriations Act, provided by JLARC's senior division chief; and
- ▶ An electronic contract submission pilot project by the Virginia Department of Transportation, provided by VDOT's assistant commissioner for administration.

**Advisory Committees**

To assist in its work, the joint subcommittee established seven technical advisory committees composed of persons with expertise in the matters under consideration by the joint subcommittee. Legislative members of the joint subcommittee serve as liaisons to each technical advisory committee. Primary staff has been assigned from among the Commonwealth's agencies and institutions that are most closely associated with the study objective(s) being reviewed by a particular technical advisory committee.

The study work plan adopted by the joint subcommittee requests technical advisory committees to meet during the fall upon the call of their respective legislative liaisons and primary agency staff. Each technical advisory committee will report its findings to the joint subcommittee at its final meeting on December 2, 1996, at 10:00 a.m. in House Room D of the General Assembly Building.

The Honorable Kenneth R. Plum, *Chairman*  
Legislative Services contact: Diane E. Horvath



**HJR 164****House Committee on Education—Special Subcommittee on Access to Public Schools by Nonpublic School Students***August 15, 1996, Richmond*

HJR 164 would have established a nine-member joint subcommittee to study the “efficacy and appropriateness of authorizing part-time public school attendance or participation in extracurricular activities for nonpublic school students.” The joint subcommittee was directed to examine a range of requirements, procedures, and policies related to the central issue.

**School Attendance in Virginia**

The availability of a free public education for school-age children in the Commonwealth is a constitutional priority, as Article VIII, § 3, of the Virginia Constitution directs the General Assembly to provide for the “elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law.” Among those options satisfying compulsory attendance laws are home instruction and private and parochial school attendance. While home-schooled pupils are not included in a school division’s average daily membership in calculating the local composite index, they are counted in the triennial census of the school population, used to determine the local share of state sales and use tax revenues. In fall 1993, the 515 private elementary and secondary schools in Virginia enrolled an estimated 84,438 students. In 1995-96, approximately 8,700 students were approved for home instruction.

**Participation of Nonpublic School Students**

Described as an issue that is only now “unfolding,” participation in extracurricular activities by nonpublic school students—particularly home-schooled students—has received focus in legislatures and courthouses across the country in recent years. Supporters of public school access contend that home-school parents, as taxpayers, are entitled to public school services; critics counter by citing fiscal, personnel, and administrative constraints that prohibit school divisions from providing cafeteria-style schooling.

**Judicial Actions**

Judicial actions addressing access of nonpublic school pupils to public school programs and activities have typically bal-

anced federal first and fourteenth amendment concerns—free exercise of religion and equal protection under the law—with the establishment clause of the first amendment and “the dictates of economic and administrative reality.” Courts invalidating denials of access have stressed equality of educational opportunity and the “impropriety of withholding public education from individuals because of their religion,” while courts upholding denials of access emphasize indirect support of sectarian schools and the imposition of additional administrative burdens on public schools.

**Other States**

Legislative actions in various states have focused on participation in curricular and extracurricular activities and have included home-school as well as private school students. The comprehensive Colorado home-based education statute specifically authorizes participation on an equal basis in any extracurricular or interscholastic activity if the child is in compliance with all laws governing nonpublic home-based instruction and meets certain eligibility requirements. Home-school students attending public school for a portion of the day may be counted as “enrolled” for school funding purposes. An additional statute addresses interscholastic and extracurricular activities generally and includes students enrolled in independent or parochial schools, as well as those receiving home instruction, among those students entitled to participate in public school extracurricular and interscholastic activities.

A 1995 Idaho statute allows the parent or guardian of a school-age child enrolled in a nonpublic school—including those in home instruction—to enroll the student in a public school for dual enrollment purposes. Full-time students are given enrollment priority in any program reaching its maximum enrollment. For purposes of state funding, school districts may include the dual-enrolled students to the extent of the student’s participation in the public school program. Similarly, in Iowa, upon request by a parent of a child receiving private instruction, the child shall be registered in a public school for dual enrollment purposes. Pupils in this dual enrollment are included in the public school’s basic enrollment. In Illinois, part-time attendance in the regular education program of resident pupils enrolled in nonpublic schools is permitted if there is sufficient space in the desired public school.

Other states providing for part-time enrollments or extracurricular participation include Maine, Oregon, and Washington. Generally, states permitting extracurricular participation require pupils to meet the same residency, discipline, and academic eligibility requirements set for full-time pupils. The Florida legislature passed, and the governor subsequently vetoed, legislation that would have authorized dual enrollment of home-school students in postsecondary programs as well as participation in interscholastic extracurricular activities. Legislation on this issue has also been considered in Minnesota, Ohio, and Pennsylvania in the last year.

## Issues for the Commonwealth

Although local school boards already possess discretionary authority to admit and charge tuition for certain students, there are no statutory provisions addressing the part-time enrollment or selective participation of nonpublic school students in public school programs and activities. A 1973 opinion of the Attorney General noted that while school boards may accept nonpublic school students in certain programs, these students are not "entitled as a matter of right to enroll in selected portions of the public school program." In 1995, the House Committee on Education considered, but did not report, HB 1874, which would have allowed local school boards to permit students in home instruction to participate in interscholastic activities upon meeting certain requirements. HB 253, carried over by the 1996 Session, would have required school boards to adopt policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment of nonpublic school students. School divisions would include students so enrolled in average daily membership.

The Albemarle County school board has agreed to implement a pilot program this fall to permit nonpublic school student access to academic programs at the high school level. As described by the superintendent and the school board chairman, the program will provide access as space is available; class sizes will be capped. Final decisions regarding admission of all students—both public and nonpublic—will rest with principals. Nonpublic school students may register for no more than two courses per semester and may ride school buses to classes. Adequate state and local funding for this access was cited as a critical need. Issues to be resolved in any access initiative include legal liability, Virginia High School League (VHSL) requirements, access to ancillary services, interscholastic activities, use of facilities, and equity issues.

The superintendent of Petersburg's public schools contended that enrollment in public school classes and activities should not be open to nonpublic school students. A representative of the Virginia School Boards Association (VSBA) noted that state reimbursement should be available for provision of access. Some school divisions are experimenting with nonpublic school student access on a limited or pilot basis; some of these divisions may be including these students in average daily membership. The VSBA model policy for admission of nonpublic school students contemplates enrollment in at least one academic class for each extracurricular activity in which the student may choose to participate; completion of any pre-requisite course work; compliance with any extracurricular selection or eligibility requirements, including those of the VHSL; and denial of admission when such admission would require the employment of additional personnel.

The VHSL executive director urged the subcommittee not to treat nonpublic school students differently. No VHSL rules currently address or exclude nonpublic school pupils from interscholastic activities. The VHSL does, however, require that

students be enrolled in no fewer than five subjects for credit. Comparable academic standards for nonpublic school students; equitable application of the transfer rule to public and nonpublic school students; and financial, liability, displacement, and transportation issues remain concerns that must be resolved. The VHSL executive committee met September 18-19 to discuss eligibility standards and policies for nonpublic school students.

School division representatives cited logistical concerns in coordinating public and private school class schedules. Space availability and subsequent increases in enrollments due to incoming transfer students were also noted. Subcommittee members cited the need for information regarding potential liability issues, the actual numbers of denials of access, the propriety of including part-time students in average daily membership, and funding for special education for part-time students. The subcommittee expects to convey recommendations to the full House Committee on Education this fall.

The Honorable W. Roscoe Reynolds, *Chairman*  
Legislative Services contact: Kathleen G. Harris



## HJR 174

### Commission Studying Creative Solutions for Funding for the Arts in the Commonwealth

*September 10, 1996, Richmond*

At the second meeting of the commission, members examined revenue projections for various programs designed to increase funding for the arts. The commission also discussed channeling the additional revenue into a trust fund to be administered for the benefit of the Virginia Commission for the Arts' grant programs. The commission awards grants to artists, arts and other not-for-profit organizations, educational institutions, educators, and local governments and provides technical assistance in arts management. The need for additional funding for the arts was emphasized in the testimony of the president and chairman of the board of the directors of the Virginia School of the Arts, who advocated increased funding for arts education.

### Virginia School of the Arts

Established in 1985, the Virginia School of the Arts, located in Lynchburg, provides pre-professional arts training programs in dance, jazz, and musical theatre for students of high-school age. The school bridges the gap between aspiring students and professional artists by providing a forum in which the two groups

perform together in annual local productions. However, the private school's unique qualities have also made it difficult for the school to receive traditional state funding as either an educational institute or as a grant applicant under the programs administered by the Virginia Commission for the Arts. As a result, the school has received only intermittent state funding in the form of nonstate agency grants. The school's president urged the commission to recognize the school as an arts educational institute entitled to annual state support.

## Revenue Projections

A fiscal analysis of various revenue programs to benefit the arts was summarized by staff (see Table 1). Revenue projections were derived from historical data provided by the Department of Motor Vehicles, the State Corporation Commission, and the Department of Taxation. Offsetting and administrative costs were identified for the income tax check-off program at \$52,000 for the first year and \$3,000 annually thereafter, if sufficient space exists for the checkoff on the tax return form. If insufficient space exists, the department would have to create a

separate form or schedule at a cost of \$177,040 for the first year and \$91,182 annually thereafter. Administrative costs associated with implementing a sales tax on movie admissions or a sales tax on video rentals were estimated to be \$174,000 for the first year and approximately \$100,000 annually thereafter.

## Next Meeting

At the next meeting, scheduled for October 8th in Richmond, the commission will examine revenue projections for a special lottery scratch-off ticket for the arts. The commission will also hear from local corporate sponsors about what influences their decisions to make charitable contributions and what would encourage businesses to increase their contributions to the arts. Finally, the commission will explore the options in establishing and administering a trust fund, including the trust fund's mission, revenue sources, investment structure, oversight controls, and beneficiaries.

The Honorable Marian Van Landingham, *Chairman*  
Legislative Services contact: Ginny Edwards



Table 1. Revenue Projections for Programs to Benefit the Arts

Source	Projected Revenue Range	To reach \$1 million
Special Arts License Plates (Enacted by the 1996 General Assembly)	\$318,435 to \$0. Range is based on the highest and lowest revenue received by other special license plate revenue-sharing recipients.	Sell 67,667 arts license plates.
Income Tax Checkoff for the Arts	\$275,324.34 to \$36,171.82. Range is based on the highest and lowest revenue received by other tax checkoff recipients.	Collect 1 million dollars from income tax checkoff refunds. However, in taxable year '94 the amount contributed to all the income checkoff recipients was only \$786,559.27.
Raise Corporate Charter Filing Fees	Unlimited to \$23,035 for a one dollar increase.	Increase charter fees by \$43.40.
Raise Corporate Annual Filing Fees	Unlimited to \$160,307 for a one dollar increase.	Increase annual registration fees by \$6.23.
Redirect Corporate Annual Filing Fees Collected But Not Expended by the SCC which Revert to the General Fund	\$2.7 million to \$352,891. Range is based on the SCC's unexpended funds for FY 94 and FY 95.	Collect one million dollars of the unexpended SCC funds that would otherwise revert to the general fund.
Direct Fees for Voluntary Filings of Statements of Partnerships to begin in 1997	\$125,000 to \$0. Highest figure is based on the filing fees collected from limited liability companies. The lowest figures reflect the fact the program is voluntary.	Register 20,000 general partnerships.
Statewide Admissions Tax on Movies	\$5.04 million to \$12.6 million. Range is based on the various admission taxes currently charged by localities (4 percent to 10 percent).	Impose an .8 percent admissions tax.
Statewide Video Rental Tax	\$2.02 million per year based on 1 percent state excise tax.	Impose a .5 percent state excise tax.

**HJR 167****Joint Subcommittee  
Studying the Status and  
Needs of African-American  
Males in Virginia***September 11, 1996, Richmond*

Having agreed to use a thematic approach to the study due to the magnitude and complexity of the issues, the joint subcommittee devoted its second meeting to an examination of the education of African-American males. Staff presented an overview of the governing structure of education in Virginia and an issue brief concerning the national and state demographic changes and educational experience of African-American males. Experienced professionals and experts in public and higher education explained learning styles, psychomotor development, and the educational needs and obstacles to learning for African-American males.

**Education (Grades K-12)**

A clinical psychologist and professor of educational psychology addressed the joint subcommittee concerning the education of African-American males in grades K-12. He noted four significant factors essential to the education of such students: instructional format, behavioral management, parental involvement, and peer group influence. Noting the relationship between the educational environment and learning, he commented that the teacher lecture format was the instructional method used most frequently; however, African-American children learn best when the instructional content is related to their experiences.

During the early elementary grades, K-3, classroom instruction is focused on interactive learning, activity, exploration, nurturing, and the use of manipulatives. Students are allowed to move about the classroom and to converse with one another. In the fourth grade, the classroom decorum and instruction are often more structured and less user-friendly. Unable to make a successful transition from the instructional approach used in the third grade to that of the fourth grade, African-American males often suffer a decline in academic performance.

**Discipline**

Many teachers, not trained to teach minority children and unable to relate to different racial and ethnic populations, have more difficulty managing African-American males in the classroom. Data indicate that 80 percent of discipline referrals involving African-American males are made by 20 percent of the teachers. The lack of behavioral management of such children and the subsequent referrals result in a breakdown in the relationship between student and teacher, less time spent on instruction, and the student's willingness to perform only for his

"favorite teachers." Effective behavioral management of African-American males requires the articulation of clear rules and high expectations; consistency in the application of such rules; strong, direct eye contact; and a positive, confident, and commanding voice.

**Peer Influence**

Peer group influence is a key factor in the educational success of African-American males. Too often, the peer influence is negative, and group members communicate misinformation. It was emphasized that peer groups do not have to be negative, if peer group leaders are identified, are given solid information, and more time is used to educate group members.

**Higher Education**

The director of minority student affairs and the assistant dean for admissions at Virginia Commonwealth University discussed the need for increased educational opportunities for minority students, and the effects of self-esteem, motivation, racism, discrimination, and inadequate academic preparation on the matriculation of African-American students at institutions of higher education. He identified common problems and proposed solutions to improve the education of African-American males.

**Problems**

Attitudes of the faculty—African-Americans are innately intellectually inferior; require special considerations or treatment to succeed.

Inadequate funding of programs and services for minority students—programs are marginalized or not offered; funding streams are substantially reduced or eliminated.

Perceptions of deviancy—African-American males are deviant as measured by white middle-class standards.

Underrepresentation of black faculty and administrators—lack of visible, viable, positive role models in responsible, decision-making positions.

**Solutions**

Implementation of institution-wide policies concerning the need to ensure aggressive recruitment, retention, and positive academic outcomes for minority students should emanate from the top and be communicated to staff.

Identify barriers to student achievement, provide academic support systems and groups, and establish a locus of leadership and administrative support, such as an office of minority student affairs.

Increase funding to institutions and programs serving minority students and provide more student financial aid.

Eliminate the over reliance on SAT scores and utilize measures that provide a better assessment of student potential.

Structure the curriculum to offer choices reflective of the culture and recruit sufficient numbers of minority students to minimize feelings of isolation and alienation experienced by minority students on predominantly white campuses.

Provide full funding for early childhood programs.

Resist the political temptation to demonize young African-American males, which creates a psychological destructive mood that is harmful to society.

## Obstacles

The last presenter, assistant dean of the school of education at the College of William and Mary, discussed with the joint subcommittee the factors that contribute to the poor preparation of African-American males for postsecondary education, obstacles to academic success, and exemplary practices and programs. Among the factors that contribute to the poor preparation of African-American males are placement in lower track and special education classes, low teacher expectations, inequitable disciplinary practices, high rates of school drop out, hostile school climate, and low tolerance for African-American males, which results in differential treatment.

Obstacles to academic achievement at the collegiate level include financial barriers, traditional admissions policy and practices, lack of faculty and staff mentorship relationships, perceived campus racism and sexism, misunderstanding of the African-American males' cultural codes, and increased pressure to defy societal misperceptions of African-American males.

Among the exemplary practices and programs cited were changing the imagery and assumptions, establishing linkages between school, community, and business, focusing on identity construction, modifying the curriculum and pedagogy, addressing the psychosocial needs of African-American males, exposing such students to learning opportunities that foster analytical and higher order thinking skills, and recognizing and capitalizing on the frames of discourse commonly used by African-American males.

## Task Forces

Finally, the staff reviewed the process by which the task forces were established and explained the procedures under which they would work. The focus of the joint subcommittee's next meeting will be on employment issues.

The Honorable Jean W. Cunningham, *Chairman*  
Legislative Services contact: Brenda H. Edwards



## SJR 223 (1993)

### Standing Joint Subcommittee on Block Grants

August 19, 1996, Richmond

For a period of more than 10 years, the Joint Subcommittee on Block Grants has held an annual public hearing on any federal block grant that has a requirement for a legislative public hearing. This year, as with the past three years, only the Community Services Block Grant (CSBG) requires legislative involvement. Pursuant to the controlling federal law—Title VI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-035), as amended, including the Human Services Amendments of 1994 (P.L. 103-252)—the CSBG application must be the subject of a legislative public hearing prior to submission. The CSBG program provides support for self-help programs operated by various community action agencies throughout the Commonwealth.

## CSBG

Designed to assist low-income people in becoming self-sufficient, the CSBG activities focus on such services as:

- ▶ employment readiness and skill training,
- ▶ remedial and basic education,
- ▶ housing services,
- ▶ emergency assistance
- ▶ rural transportation,
- ▶ services for the homeless,
- ▶ water and waste water facility development,
- ▶ community organization and economic development,
- ▶ elderly services,
- ▶ health services,
- ▶ energy conservation and assistance,
- ▶ ex-offender services, and
- ▶ nutrition services.

Twenty-six local community action agencies and three statewide community action organizations are funded through this grant and the supplementary state appropriations. Each of these agencies has a board of directors representing local elected officials, low-income people, and the community at large. In fiscal year 1997, the grant is estimated to total \$6.3 million, with five percent for administration and program support, 90 percent of the remaining funds to be distributed to the local community action agencies, and five percent to be distributed to the statewide community action organizations. Virginia appropriations of \$2.1 million will also be thus distributed.

## Local Agencies

The local community action agencies are partners in the welfare reform effort. To facilitate this effort, several activities are being given additional emphasis in the coming year, including the Family Development Program, a case management approach to addressing family needs and achieving family goals, the design and implementation of outcome measures developed to measure results rather than inputs, and participation in the National Dialogue on Poverty (a nationwide effort to identify best practices).

## Public Hearing

During the public hearing, oral testimony was received from nine individuals and written testimony was entered into the record for one person from Northern Virginia who was prevented from attending the hearing. Each of these individuals relayed their personal stories and how a specific community action agency or organization had helped them through very difficult times.

## Committee Action

During the presentations, the joint subcommittee asked a number of questions relating to the state budget future for the community action programs and their new role in welfare reform. After the public hearing, the joint subcommittee unanimously approved a motion to endorse the current block grant application.

The Honorable Charles J. Colgan, *Chairman*  
Legislative Services contact: Norma E. Szakal



# HJR 221

## Joint Subcommittee Studying the Future of Virginia's Environment

*August 28, 1996, Annandale*

### Agency Presentations

The director of the Department of Mines, Minerals and Energy, the state forester, and the commissioner of the Department of Transportation made presentations to the study committee describing their agencies' missions; efforts to preserve, protect, or restore the environment; and attempts to balance environmental protection with economic development.

## Other States

A senior attorney with the Environmental Law Institute provided the committee with an overview of a number of activities similar to the committee's in other states. In addition he focused on some of the new ideas and initiatives being conducted in other states as means to protect, restore, and utilize natural resources.

A number of states are attempting to determine their "state of the environment" as a means to assess whether their current efforts are headed in the right direction, which areas need improvement, and which areas are in the most serious difficulty. While these efforts are important and develop indicators of environmental conditions, they have often not been followed with commitments and goals.

Several states have conducted "comparative risk" projects and have attempted to determine where the public wants to focus a state's environmental programs. An interesting outcome of these efforts is that some environmental conditions may pose relatively small immediate dangers to the public and the environment, but in some cases (such as waste sites), citizens have heightened concerns because of their effect on property values and on the ability to attract industry to the area.

Some states have developed performance partnerships with the federal government as a way to relax federal oversight in exchange for greater action by states to identify their own environmental goals and measures of performance in achieving them. Virginia is not one of these states.

In the natural resources and biological diversity area, a significant number of states have or are developing strategies. These efforts take varying approaches to looking at the environment as a whole rather than on an issue-specific basis. An important emphasis of some of these efforts is looking at the health of particular resources and determining how they fit into an ecological whole.

Funding efforts range from a constitutional amendment in one state dedicating a percentage of state revenue to natural resource programs to fees for special license plates.

Three key concepts reflected in the "best" state, county, and local land use planning efforts are (i) consistency (with adjacent localities and regionally); (ii) consultation (particularly a need to more than notify neighboring localities of planned activities); and (iii) concurrency ("pay as you grow"). Other significant efforts related to planning and land use include watershed-based decision-making and the reuse of industrial sites ("brownfield programs").

## Other Countries

The east coast director of the Resources Renewal Institute, an organization involved in the development of long term, com-

prehensive strategies, discussed the efforts of the Netherlands and New Zealand to revamp environmental management and decision-making. These countries are very different, in that the Netherlands is one of the most polluted and New Zealand is one of the cleanest countries in the world. The two have replaced single-issue policies with comprehensive plans that consider all aspects of the environment and that are developed in consultation with every sector of society.

Elements the Resources Renewal Institute has found are important in these long-term strategies and planning efforts are (i) a dynamic, long-term planning process with strong government leadership; (ii) sensitivity to public concerns and priorities; (iii) clear goals and timetables, supported by modern information systems; (iv) partnerships between government and industry; and (v) adequate investment by government and industry to implement their policies. In some cases specific regulations have been replaced with an agreement with a whole industry sector to reach certain goals, leaving the industry with the flexibility to determine how to reach those goals. Enforcement has not been abandoned, but an emphasis is placed on collaboration and cooperation between government, industry, and social, economic, and conservation groups. The ultimate goal is a vibrant, balanced environment that can support a strong economy and a high quality of life.

## Public Hearing

The public hearing was attended by well over 100 people, 56 of whom made comments regarding Virginia's environment and natural resources, problems they see and encounter, and various approaches to address their concerns. Those making presentations represented themselves, local, state and national conservation groups, local governments, agricultural interests, businesses, property interests, and religious organizations. A broad array of topics was addressed, with the most frequent comments concerning poorly managed land use, development, and sprawling growth problems.

## Future Meetings

A schedule has been established for the next four meetings of the study committee. Public hearings, all beginning at 7:00 p.m., will be held October 10 in Marion, October 16 in Verona, November 7 in Roanoke, and November 21 in Norfolk. Committee work sessions will precede the Roanoke and Norfolk meetings.

The Honorable Thomas W. Moss, Jr., *Chair*  
Legislative Services contact: Shannon R. Varner



## HJR 193

### Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites

*August 26, 1996, Clifton Forge*

HJR 193 directs the joint subcommittee to examine the appropriate financial role and responsibility of the Commonwealth to assist localities in remediating abandoned solid or hazardous waste sites. In its second meeting of 1996, the chairman stated that the joint subcommittee will address three issues: the structure of a system to administer the remediation of waste sites, possible sources of financing, and alternative approaches for their remediation.

### Work Session

During its work session, the joint subcommittee reviewed staff proposals relating to the system by which the Commonwealth administers abandoned waste sites. The members recommended that the system encompass sites where the responsible party is unknown or no longer exists. In addition, a remediation program should address certain situations where the owner or operator is unable to finance cleanup of the site. Sites now on the federal Superfund program's National Priority List and sites owned by local governments or the state (other than those acquired involuntarily by escheat or otherwise) should not be included.

After establishing parameters for eligible abandoned waste sites, the joint subcommittee tackled the question of who should have responsibility for their cleanup. Members agreed that the Waste Management Board is the appropriate entity to designate property as an abandoned waste site. Following designation, the duty of administering such sites should be given to a separate entity. The joint subcommittee tentatively agreed that a new foundation, staffed by the Department of Environmental Quality, would be the appropriate body to prioritize the abandoned waste sites, develop plans for their remediation, and administer their cleanup.

### Monterey Waste Treatment Plant

Following the work session, members toured the wastewater treatment plant at the Town of Monterey. The town's secondary treatment facility is an example of an alternative approach to waste treatment. With the assistance of NASA, the town constructed an artificial wetlands that treats effluent as effectively, but at far less cost, than a conventional wastewater treatment facility.

The members were advised that a similar artificial wetlands treatment project may be considered to treat leachate from the former Kim-Stan landfill in Allegheny County. A previous study estimated the cost of containing and treating leachate from this site at \$7 million. Proponents of the artificial wetlands approach hope that an effective program at Kim-Stan can prevent the discharge of leachate into the Jackson River at lower cost.

The Honorable R. Creigh Deeds, *Chairman*  
Legislative Services contact: Franklin D. Munyan



## HJR 55/SJR 36

### Joint Subcommittee Studying the Creation of an Insurance Fraud Bureau

*August 21, 1996, Richmond*

The initial meeting of the subcommittee focused on the need for and feasibility of creating an insurance fraud bureau. Staff presented a profile on states that have insurance fraud bureaus within their insurance departments, specifically Maryland, North Carolina, and New York. These states enacted provisions to investigate insurance fraud in all lines of insurance and provide investigators with law-enforcement authority, such as the ability to execute search warrants, carry firearms, and make arrests.

#### Combating Fraud in Virginia

Virginia does not have an insurance fraud bureau or a specific insurance fraud statute. Prosecuting insurance fraud is currently undertaken pursuant to general fraud provisions in the Code of Virginia. Within the State Corporation Commission's Bureau of Insurance there is an Agent Investigation Section, but it does not have the authority to conduct investigations other than those of persons conducting the business of insurance. The bureau's investigators do not have law-enforcement authority, do not carry firearms, and do not have arrest powers or the authority to execute search warrants.

The supervisor of agent investigations for the property and casualty section of the Bureau of Insurance provided the subcommittee with a briefing on the Commonwealth's current prac-

tice of combating insurance fraud. He emphasized the current lack of law-enforcement authority by these agents and also described the high level of experience and knowledge required by investigators to successfully investigate sophisticated insurance matters. At this time, no special relationship exists with Commonwealth's attorneys around the state for the purposes of prosecuting insurance fraud cases.

#### Scope of the Problem

Several representatives of the insurance industry presented information concerning insurance fraud. A comparison of the estimated \$17 billion insurance loss from Hurricane Andrew and the estimated \$20 billion lost annually from fraudulent insurance claims highlighted the scope of the problem nationwide. Figures presented projected that 10 percent of all insurance claims filed are fraudulent, costing each family in Virginia \$200 a year in increased insurance rates. A five-point plan was proposed to eliminate fraud by (i) enacting a state insurance fraud statute, (ii) creating a separate insurance fraud bureau within the Bureau of Insurance, (iii) aggressively investigating suspicious claims, (iv) training and funding prosecutors, and (v) educating the public about the seriousness of the problem.

#### Consumer Benefits

Consumer representatives on the subcommittee wondered whether a fraud bureau would save money for individual insurance policy holders. The subcommittee asked the insurance industry representatives if the resulting savings from aggressive investigation and prosecution will lower rates for customers. Industry officials replied that such savings would occur, primarily because of the competitive nature of the insurance business in the Commonwealth. They explained that the rate-making system provides financial incentive for insurers and that the reduction of costs associated with prevention of fraudulent claims would present savings to the consumer.

#### Issues

Along with examining the fundamental issue of whether such a bureau is needed, questions arose concerning which types of insurance should be subject to investigation, what powers to give to investigators, and how to fund such a bureau. The subcommittee also asked for more information on the number of prosecutions in Virginia for insurance fraud. The subcommittee asked insurance industry representatives to prepare responses to these questions for the next meeting, scheduled for late September.

The Honorable George H. Heilig, Jr., *Chairman*  
Legislative Services contact: Robert Omberg



**HJR 149****Joint Subcommittee  
Studying Funding  
Mechanisms for Channel  
Maintenance Dredging***September 9, 1996, Norfolk*

At the joint subcommittee's first meeting, held in July, three different funding mechanisms for navigational dredging were identified as having an uncertain future: (i) federal funding for new dredging projects, (ii) federal funding for maintenance dredging, and (iii) state funding to help localities to pay the local share when they co-sponsor projects with the federal government. The subcommittee's second meeting was devoted to receiving an update from U.S. Army Corps of Engineers staff concerning the status of federal funding for both new dredging projects and maintenance dredging, to discussing the funding mechanisms used to pay for dredging projects in Maryland and North Carolina, and to examining potential revenue sources in Virginia in case increased state funding for dredging should become necessary.

**Federal Funding Status**

Corps of Engineers representatives testified that the federal funding prospects for large navigational dredging projects planned for Virginia may remain unclear until January or February. Due to the efforts of the subcommittee and staff of the Corps' Norfolk District, Virginia's congressional delegation is aware of these projects and their importance. The vice president and general counsel of the Virginia Port Authority assured the subcommittee that state money to pay the local share for these projects is and will remain available.

Maintenance dredging has traditionally been funded entirely by the federal government. Corps representatives testified that the funding picture for this type of project is also uncertain. However, in anticipation of likely budget cuts, the Corps has established an Operations and Maintenance Cost Reduction Task Force, which is charged "to develop a process to reduce the operating and maintenance costs of the Civil Works Program by 15 percent over the next five years." The Corps staff expects that the reductions proposed by this group will effect maintenance dredging of small ports. There are 60 maintenance dredging projects in the Norfolk District, and about 75-80 percent of them can be categorized as small harbor projects.

**North Carolina**

In North Carolina, a 1991 law requires the Department of Environment, Health and Natural Resources to annually prepare a statewide plan for water development projects such as

dredging projects, beach re-nourishment projects, flood control projects, and stream restorations. The plan lists projects and their projected costs for a period of six years. The plan must prioritize the projects; make a recommendation as to whether each project should be funded for a specific amount, deferred, or eliminated; and state a reason for each recommendation. The priority determination is to be based on local interest in the project, the cost of the project to the state, the benefit of the project to the state, and the environmental impact of the project.

The plan not only includes federal projects for which the state is the local sponsor, but also projects sponsored by localities. Localities may request state grants for projects, regardless of whether there is federal involvement. According to the statute governing the grant program, the Secretary of Environment, Health and Natural Resources is responsible for approving, approving in part, or disapproving applications for the grants. The practical effect of approval, however, is that the project is recommended for funding in the Water Resources Development Plan.

The plan is distributed to the General Assembly along with the Governor's budget. The Governor determines which of the projects listed in the plan should be included in the recommended budget. Each project receives a separate appropriation in the budget bill, with the exception of "state-local" projects, which are locally sponsored projects that do not involve the Corps of Engineers. State-local projects are listed and described individually in the plan but are funded as a group in the budget legislation. North Carolina's most recent budget stipulates that if actual costs of projects differ from the amounts allocated, the department may adjust the allocations among projects as needed.

**Maryland**

The Maryland Port Administration acts as the local sponsor for large projects in Maryland. The local share of such projects is financed by Maryland's Transportation Trust Fund, which includes revenue from Maryland's gasoline tax. No new dredging projects have been constructed in Maryland for the past two years. Two projects are currently in the feasibility study phase.

State grants to Maryland localities are available from the Waterway Improvement Fund, administered by the Maryland Department of Natural Resources. Almost without exception, the fund pays the entire local share when a locality is the local sponsor for a federal dredging project. The Waterway Improvement Fund is financed by an excise tax on watercraft, at a rate of five percent.

**Potential Revenue Sources**

Representatives of the Virginia Department of Game and Inland Fisheries (DGIF) explained how revenues from the Virginia's watercraft sales and use tax are used, and staff explained how revenue produced by the motor fuel tax paid on fuel used to propel watercraft is used.

The watercraft sales and use tax produced about \$1.1 million in revenue for DGIF during the 1996 fiscal year. The money enabled the department, among other things, to increase its law-enforcement efforts by paying overtime compensation to law-enforcement officers and purchasing new law-enforcement watercraft. In 2000, the tax is projected to provide the department with \$2.5 million in revenue. The director testified that even when the department receives this amount, the costs of the department's planned boating-related activities are still projected to exceed revenues.

Virginia's motor fuel tax is 17.5 cents per gallon. There is a 16 cents per gallon refund available for "fuel used for propelling a commercial boat or ship." In 1994, 1995, and 1996, \$178,000, \$138,000, and \$143,000, respectively, have been refunded. After deduction of these refunds, revenue produced by taxes paid on motor fuels used in both commercial and non-commercial boats or ships is paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board for the purposes of (i) improving the public docks, (ii) improving commercial and sports fisheries in Virginia's tidal waters, (iii) environmental improvements in the Chesapeake Bay and its tributaries, and (iv) providing access roads and bikeways to public recreational areas and historical sites. For the past three years, these appropriations have totaled over \$5 million per year.

The Honorable Robert S. Bloxom, *Chairman*  
Legislative Services contact: Nicole R. Beyer



## HJR 34

### Small Business Commission Subcommittee Examining Rural Capital Access Issues

September 10, 1996, Richmond

Assigned to the Small Business Commission for its review, this study raises questions about the current sufficiency of financing for new and expanding business operations in agriculture, aquaculture, and agribusiness. Representatives of Virginia's agriculture, banking, academic, and regulatory communities appeared before the subcommittee to furnish their views.

The HJR 34 study was a recommendation of a 1995 joint subcommittee studying alternative strategies for assisting the Commonwealth's tobacco farmers. That subcommittee determined that Virginia lacks a strategy for attracting privately managed investment and working capital to its rural agricultural communities. The subcommittee also concluded that the

lending criteria and capital limits for Virginia's current economic development financial assistance programs currently favor manufacturing and industrial business. Consequently, this study was recommended by the joint subcommittee.

## Agriculture

A Virginia agriculture department representative advised the subcommittee that lending requirements can be daunting to prospective borrowers in rural communities—particularly for those seeking capital for new ventures. For example, a tobacco farmer hoping to enter hog production as a sideline business is likely to need a comprehensive business plan, available cash sufficient to provide a 20-30 percent equity stake in this new venture, transferable experience in operating such a business, and knowledge of the industry—in this case, hog production. According to a Virginia Tech professor working with that institution's Rural Economic Analysis Program (REAP), these requirements may be insurmountable for many, resulting in a credit gap for farm and nonfarm small businesses in rural areas.

A REAP study is underway to gauge the extent of this credit gap and to determine whether access to credit in rural communities is a serious barrier to economic development. The study is aimed at identifying the size and nature of these barriers. Approximately 1,000 surveys have been sent to loan applicants from rural communities seeking capital for small business development or expansion. A sampling of survey data presented to the subcommittee showed that lack of business experience, poor credit history, current debt load, and projections of insufficient cash flow were several of the recurring, key reasons for credit denials for many small business applicants. Moreover, one regional bank estimated at 20-30 percent its turn-down rate for such loans. The REAP survey's initial phase—data collection—should be concluded by the end of 1996. An analysis of the collected data should be completed in by mid-1997, and a report of that analysis will be furnished to the Small Business Commission at that time.

## Banking

A representative of Virginia's banking community advised the joint subcommittee that Virginia's banks are actively lending in the agricultural sector. Lending statistics show, for example, that a major regional bank with numerous branches in Virginia is currently responsible for at least 12 percent of all agricultural credit extended in the Fifth Federal Reserve District.

He noted, however, that banks' reserve levels are regulated and linked to the soundness of lending portfolios. Consequently, high turn-down rates for new ventures may in many cases simply reflect sound credit criteria rather than resistance to credit extension or economic development. A Virginia Farm Bureau representative also advised the subcommittee that in a recent survey of the Farm Bureau's membership, credit access was not identified as an area of significant concern.

## New Programs

To the extent the broader spectrum of rural credit access is identified as a problem requiring the Commonwealth's assistance, however, capital access programs currently deployed in Virginia and in other states may furnish a structure for eventual subcommittee recommendations. For example, an innovative program for small business capital access is currently underway in Virginia. The Virginia Small Business Finance Authority (VSBFA) has recently used an appropriation of \$100,000 to leverage over \$1.5 million in loans to small businesses for start-up and expansion purposes.

Patterned after a successful capital access model developed in Michigan, the VSBFA capital access program has been conducted on a pilot basis with Central Fidelity Bank. The program depends entirely on private lending, but that lending is encouraged through a reserve fund established by borrower and lender contributions; the VSBFA adds matching amounts to that reserve fund from which capital access program losses can be paid.

The VSBFA capital access pilot program could be expanded to address the kinds of credit needs identified in the REAP survey. According to an VSBFA representative, the key to this program's success in Virginia and in other states is its flexibility; it can be adapted to any small business need ranging from working capital to lines of credit. Moreover, it is suitable for any line of business. Additionally, lenders participating in such programs would not be likely to put all small business loans into capital access pools, since these higher risk loans would naturally require higher rates of interest, and most borrowers would prefer to obtain conventional financing.

The subcommittee discussed the possibility of establishing a capital access program targeting rural development. One possibility: broadening the current VSBFA capital access pilot. However, subcommittee members decided to withhold final recommendations to the commission on this issue pending their receipt of additional information from the REAP survey indicating the extent and breadth of rural credit gaps. The subcommittee will continue its work on this issue once those data are available.

The Honorable A. Victor Thomas, *Chairman*  
Legislative Services contact: Arlen K. Bolstad



## SJR 86/HJR 198

### Joint Subcommittee Studying Handicapped Parking

September 18, 1996, Richmond

In its third meeting, the joint subcommittee focused on the enforcement of handicapped parking laws. The meeting opened with a presentation by representatives of the Department of Motor Vehicles (DMV) and was followed by testimony from three law-enforcement officers and one parking enforcement volunteer concerning the problems they encounter in enforcing parking laws for the disabled and suggestions they have for improving the current system.

#### Department of Motor Vehicles

Following up on their presentation at the joint subcommittee's second meeting, representatives from DMV provided a supplemental report and testimony addressing the specific issues raised by members at the previous meeting. DMV noted the following:

- ▶ DMV annually spends approximately \$330,000 on the administration of the disabled parking placard and plate system and the implementation of legislative and internal changes to this system.
- ▶ DMV monitored the number of disability certifications per physician for the month of July, 1996, and found that approximately 93% of all physicians providing certifications certified only one applicant. Only 11 of approximately 575 physicians certified more than two applicants.
- ▶ Of the six types of disabilities that may qualify an applicant to receive a disabled parking plate or placard, the "inability to walk 200 feet without stopping to rest" category and the miscellaneous category (has a debilitating condition that, in the physician's view, limits or impairs the ability to walk) comprise the overwhelming majority of disability certifications.
- ▶ Since January, 1996, DMV has received a statewide total of eight complaints of misuse of a placard or plate.
- ▶ To address the problem of unauthorized usage, DMV has (i) notified the family members of deceased placard and plate holders to return or destroy the placard or plate and (ii) informed law-enforcement agencies and court personnel throughout the state regarding the correct procedure for processing tickets and convictions for placard and plate misuse.

## City of Richmond Police Department

A law-enforcement officer from the City of Richmond testified that the law allowing handicapped motorists to park in metered spaces up to four hours free of charge has contributed to a loss of parking revenue, prevented parking turnover in the city's central business district, and is essentially unenforceable. He noted that most drivers park for an initial four-hour period, move their cars during their lunch hour to a new space, and then park for another four-hour period to complete their work days. The officer asserted that this practice leaves very few metered spaces available and recommended that the four hour law be repealed. As an alternative, the officer suggested that only those disabled persons whose disability impairs their ability to feed a parking meter should be provided free parking.

## City of Virginia Beach Police Department

In contrast to the City of Richmond, a law-enforcement officer from the City of Virginia Beach stated that due to the lack of a central business district and the low number of metered spaces, the four hour law had not created problems for his department. However, Virginia Beach has addressed the abuse of off-street handicapped parking by establishing the Parking Enforcement Specialist Team, or PEST. The PEST program was created pursuant to a city ordinance in 1988 and boasts five current members and 17 members in training.

A PEST candidate undergoes an extensive training program comprised of seven two-hour class sessions and six hours of on-the-job training with a patrol officer and PEST volunteer. Upon the completion of his training, the volunteer is authorized to ticket handicapped parking violators but has no additional police powers. During their service, volunteers are forbidden to carry any type of weapon and are trained to avoid conflict with the public. The officer asserted that the PEST program has been a success for two reasons. First, the enforcement efforts by the volunteers have made a substantial impact on the prevalence of handicapped parking abuse in Virginia Beach. Second, the program creates an excellent source of revenue for the city. During 1996, the program has generated parking ticket revenues of approximately \$130,000 (\$72,887 collected) while expending only \$3,731 for volunteer mileage costs and \$1,325 for uniforms.

A PEST volunteer testified that the program's two main objectives are (i) to free disabled parking spaces of illegally parked vehicles in order to better serve the needs of disabled citizens and (ii) to allow regular police officers more time to respond to priority calls for service. A PEST volunteer's duties include issuing tickets and warnings to violators, appearing in court to testify, advising property owners on the proper marking of disabled parking spaces, and educating citizens through individual or group discussions. Applicants to the program must be adults,

pass a criminal background check, provide their own transportation, and be able to volunteer a minimum of 20 hours per month.

Based on his patrol records, the volunteer noted that 74 percent of the tickets he issues are for failure to display a valid disabled parking placard or plate. In addition, he estimates that of those drivers actually displaying placards and plates, 45 percent are illegally using another person's placard or plate. The volunteer offered the following recommendations to improve enforcement and decrease abuse of handicapped parking laws: (i) use machine-imprinted data or hole punches to indicate placard/plate expiration date to deter alteration, (ii) direct a portion of funds collected from parking fines to the disabled community and PEST programs, (iii) place a statement of penalty on handicapped parking signs, and (iv) revise the DMV driver training manual to include additional information on disabled parking laws and the consequences of violating them.

## County of Arlington Police Department

A lieutenant from the Arlington County Police Department testified before the subcommittee that his department does not have the manpower to effectively enforce the four hour law and that the law has resulted in a significant loss of revenue for Arlington County. In addition, the officer commented that over half of all metered spaces in Crystal City are occupied on a daily basis by vehicles displaying disabled parking placards and plates. A recent identification check of placard/plate holders conducted by the police department also revealed that almost half of the drivers were illegally using another person's placard or plate. The officer urged the committee to repeal the four hour law in its current form and grant the privilege of free parking only to those drivers who are wheelchair bound and unable to access parking meters. He also suggested that DMV recall all placards and plates to modify their design and to weed out unauthorized users.

## Next Meeting

The subcommittee plans to meet again during late October. The anticipated agenda will include presentations on extending the handicapped parking privilege to the blind and to those who are deaf or hard of hearing as well as further discussion on the four hour law, public awareness efforts, and DMV reissuance of placard and plates. An opportunity for public comment will be provided to interested parties.

The Honorable Mary Margaret Whipple, *Chair*  
Legislative Services contact: Kenneth W. Gibson



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# GENERAL NOTICES/ERRATA

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## Symbol Key

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

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### † Agricultural Stewardship Act Proposed Guidelines

#### Nature of these Guidelines

The Agricultural Stewardship Act [Article 3.1 (§ 10.1-559.1 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia] ("ASA") requires that the Commissioner of Agriculture and Consumer Services ("commissioner") develop guidelines to assist in the implementation of the ASA. The ASA provides that these guidelines must address: the conduct of investigations, sources of assistance for farm owners and operators, and intergovernmental cooperation, among other things. After consulting with Soil and Water Conservation Districts, the Department of Conservation and Recreation, and other interested persons, the commissioner developed this set of proposed guidelines for public review.

These guidelines are not regulations, are not binding, and do not have the force of law. In fact, there are no regulations anywhere governing implementation of the ASA. Rather, these guidelines are advice on how to do things that the ASA requires. The commissioner expects that these guidelines will be reviewed periodically, using a consultative process similar to the one used for their initial formation, to determine whether revisions are needed.

#### Invitation to Comment

The commissioner welcomes your comments regarding these proposed guidelines which will become effective on April 1, 1997. For your comments to be considered for this first set of final guidelines, please submit your comments by February 28, 1997. If you cannot comment prior to February 28, 1997, however, feel free to submit comments thereafter because these guidelines are likely to be revised periodically. Please submit your written comments to:

Commissioner of Agriculture and Consumer Services  
Agricultural Stewardship Program  
Virginia Department of Agriculture and Consumer Services  
P.O. Box 1163  
Richmond, Virginia 23218

If you would like to talk with someone about the ASA program, please telephone (804) 786-3538.

#### Abbreviations and Definitions

Unless otherwise defined in these guidelines, the terms used in these guidelines will have the same meaning as they do in the ASA. Where personal pronouns are used, "he" will be deemed to include "she," and vice versa. The following terms

and abbreviations, when used in these guidelines, shall have the following meanings:

ASA	Agricultural Stewardship Act
BMP	Best management practice
Board	Soil and Water Conservation Board
Commissioner	Commissioner of Agriculture and Consumer Services
Complainant	Person who submits complaint to commissioner pursuant to ASA
DCLS	Division of Consolidated Laboratory Services
DCR	Department of Conservation and Recreation
DEQ	Department of Environmental Quality
District	Soil and Water Conservation District
Farmer	Agricultural producer, whether owner or operator of farming operation in question
FOTG	USDA, NRCS Field Office Technical Guide
FSA	USDA, Farm Service Agency
Initial investigation	First investigation of a complaint to determine whether or not the agricultural activity in question is creating or will create pollution
NRCS	USDA, Natural Resource Conservation Service
NMP	Nutrient management plan
SWCB	State Water Control Board (a.k.a. Virginia Water Control Board)
USDA	United States Department of Agriculture
USGS	United States Geological Service
VDACS	Virginia Department of Agriculture and Consumer Services
VPA	Virginia Pollution Abatement permit issued by State Water Control Board
VPDES	Virginia Pollution Discharge Elimination System permit issued by State Water Control Board
VWCB	Virginia Water Control Board (a.k.a. State Water Control Board)

#### Background on the ASA

The ASA resulted from the joint work of representatives of Virginia's agricultural community, environmental community, Association of Soil and Water Conservation districts, and state agencies to develop procedures by which individual agricultural producers can be alerted to aspects of their operations that may be causing water pollution. If such an

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## General Notices/Errata

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agricultural activity is causing or will cause water pollution, the ASA gives the agricultural producer who owns or operates the farm in question ("farmer") an opportunity to correct the problem. The farmer will be asked to develop a plan containing "stewardship measures" (often referred to as "best management practices") that will eliminate or prevent the water pollution caused by the agricultural activity in question. The farmer will then be asked to implement the plan over a period of time. If the farmer does not develop a plan, or if the farmer develops a plan, but fails to implement it, then (and only then) will enforcement action under the ASA be taken against the farmer.

The procedures created by the ASA begin with a complaint alleging that a specific agricultural activity is causing or will cause water pollution. After the commissioner receives a complaint, he will ask the local soil and water conservation district ("district" or "local district") whether it wishes to investigate the complaint. If the district does not wish to investigate the complaint, the commissioner will.

The purpose of the investigation is to determine whether the agricultural activity that is the subject of the complaint is causing or will cause water pollution. If not, the commissioner will dismiss the complaint and inform the person who made the complaint ("complainant"). If the agricultural activity is causing or will cause water pollution, then the commissioner will notify the farmer that a plan to eliminate or prevent the water pollution is necessary. The farmer then has 60 days to develop the plan, and once the plan is complete, the district reviews it. If the plan is approved, the commissioner will then ask the farmer to implement the plan within specified periods of time.

In some cases, the ASA investigation will not produce sufficient evidence to support the conclusion that the agricultural activity in question is causing or will cause pollution. In those cases, the investigator will see if the farmer is receptive to suggestions on how the farmer might improve his practices to prevent complaints in the future. This educational role of the investigator is just as important as anything else the investigator does pursuant to the ASA.

### I. The Conduct of Investigations

A. Initial investigations. Initial investigation means the first investigation of a complaint received by the commissioner regarding an agricultural activity pursuant to the ASA. This does not include subsequent investigations, such as investigations to determine whether or not the farmer is implementing his plan.

1. Activities covered by the ASA. The ASA applies to agricultural activities that are causing or will cause water pollution by sedimentation, nutrients or toxins. The only exception is when the agricultural activity in question is already permitted by the State Water Control Board (through the Department of Environmental Quality). The permits are usually: a Virginia Pollution Abatement ("VPA") permit (general or individual) for the storage and land application of animal waste; a Virginia Pollution Discharge Elimination System ("VPDES") permit for certain aquaculture facilities or for mixed production and processing operations; or a VPA permit for the land application of sewage sludge.

The ASA does not apply to forestry activities, nor does it apply to odor concerns. Nor does the ASA apply to landfills or waste problems that do not involve agricultural products and that have no clear water quality impacts. Finally, the ASA does not apply to air pollution, nor does it apply to water pollution caused by nonagricultural activities.

Thus, the commissioner or, if it chooses to do so, the local district has authority to investigate nonpermitted agricultural activities that may be causing or will cause water pollution, but nothing else. If a complaint alleges that a farming operation is causing unpleasant odors, for example, neither the commissioner nor the local district has the authority to investigate the complaint or to take any other action under the ASA. In that case, the commissioner would inform the complainant that the ASA does not give authority to deal with anything other than water pollution. On the other hand, for example, if the complaint alleges that severe erosion in a cultivated field is causing sedimentation of a stream, then the commissioner or the district has the authority to investigate pursuant to the ASA.

In responding to complaints, the commissioner's staff will use the attached form (Form 1) to show how they analyzed a complaint and what conclusions they reached regarding the complained-of activity. The purpose of Form 1 is to help staff reach the point where a decision can be made regarding whether or not the complaint can be investigated under the ASA.

2. Decision to investigate. The ASA is "complaint-driven"; there can be no initial investigation of any farm activity covered by the ASA unless the commissioner receives a complaint. The ASA requires that the commissioner or the local district determine the validity of information in a complaint if the person making the complaint gives his name with the complaint. With nonanonymous complaints, the purpose or motivation of the complainant will not affect the decision of whether or not to investigate. The ASA gives the commissioner the choice of whether or not to investigate a complaint that was made anonymously.

3. Who investigates. The decision as to who performs the initial investigation of a complaint really lies with the local district. Upon receiving a complaint, the commissioner must inform the local district and give the district the option to investigate the complaint. Form 2 shows the standard manner by which the commissioner will notify the districts of complaints and request their assistance.

The district then has five days to tell the commissioner whether or not the district will investigate the complaint. The district may base its decision regarding an investigation on anything the district chooses, and the district does not have to tell the commission the reason for its decision. Form 3 is designed to provide the districts with sample language that they may use in responding to the commissioner's requests that they investigate.

4. Time limitations on investigations. After receiving the complaint, the commissioner or the district has 21 days to investigate. If the district conducts the investigation, then the commissioner must review the district's findings and report these findings to the farmer. The district is not responsible for communicating the findings to the farmer.

5. Notice to farmer. The ASA requires that the farmer be notified of various occurrences. The first is after the commissioner receives a complaint and determines that the complaint must be investigated. The question then becomes who should notify the farmer of the complaint and the impending investigation? This, of course, depends in part on whether the local district will perform the investigation, or whether the commissioner's staff in the Virginia Department of Agriculture and Consumer Services (VDACS) will. In all cases in which VDACS will investigate, VDACS will make the initial phone call to the farmer following it with a written notice.

When a district chooses not to investigate, VDACS will give all necessary notices to the farmer. Some districts may feel comfortable in performing investigations, but would prefer to have the initial notice of the complaint and investigation come from VDACS. VDACS will make the initial call to the farmer, if the district has adopted a written policy (e.g., a resolution) stating that the district wishes to have VDACS make the initial call in all such cases. If a district has adopted such a policy, the district should send the commissioner a copy of it. In the initial call, VDACS will explain that a complaint has been received, that an investigation is necessary, and that someone from the district will call to arrange a time. After the district representative calls to arrange a time, the district representative should follow the phone call with a short letter or memorandum documenting the arrangements. (See Form 5.)

Some districts may prefer to make all pre-investigation contacts with the farmer themselves. Unless VDACS receives a policy from a particular district to the contrary, VDACS will assume that the district will make all of the pre-investigation contacts. For those districts that prefer to make all of the contacts themselves, the district's representative who will perform the investigation should phone the farmer to discuss the complaint and arrange for a time to visit the farm to perform the investigation. This phone call should be documented on Form 4 and followed by Form 5.

Regardless of who makes the initial call, the person who sends the written notice of the investigation to the farmer should also send written information regarding the ASA. (VDACS will provide this information to the districts.) This gives the farmer an opportunity to get a better understanding of the ASA, its procedures, and what the farmer can expect regarding resolution of the complaint.

The commissioner will notify the farmer of the findings from the investigation by registered mail. Thus, those districts that perform investigations will need to share their findings from the investigation with the commissioner. Form 9 can be used to do so. The commissioner's notice to the farmer (Form 6) will either

dismiss the complaint or inform the farmer that within 60 days after receipt of the notice the farmer must submit to the commissioner an agricultural stewardship plan which includes stewardship measures needed to prevent or cease the pollution. Information regarding planning and implementation will be sent with this notification to assist the farmer.

Upon approving the farmer's agricultural stewardship plan, the commissioner will inform the farmer, the district and the complainant. Forms 7 and 8 will be used for this purpose.

6. Right of entry explained.

a. Constitutional right. The United States Constitution provides that the "right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches... shall not be violated..." This is part of the Fourth Amendment to the U. S. Constitution, which protects the people against unreasonable searches of their properties by the government. The ASA gives the commissioner and the local district the right to enter the land that is the subject of a complaint under the ASA to determine whether the agricultural activity in question is causing or will cause pollution. The activities connected with this determination would be considered to be a search under the fourth amendment. Therefore, the right of entry and subsequent investigation, like any other governmental entry and investigation, always remain subject to the fourth amendment.

b. Scope of the right of entry. The physical scope of the right of entry is determined initially by the scope of the complaint. If the complaint alleges water pollution created by erosion coming from a specific field on the farm, then the ASA investigator does not have the right to enter other fields. If the complaint is made more broadly to say that erosion is coming from the farm as a whole into X stream, then the investigator's right of entry covers all of the farm that drains into X stream. If the complaint is made even more broadly to say that erosion is coming from the farm as a whole without naming the water body, then the investigator's right of entry covers the whole farm.

For legal reasons that are beyond the scope of these guidelines, the ASA's right of entry, in relation to the fourth amendment, is subject to further limitations. With the farmer's consent, however, the ASA investigator can enter, examine or do other things as follows:

	Consent Necessary?
Enter fields not covered by the complaint	Yes
Enter sheds, barns, houses, and other enclosed structures	Yes
Open glove compartments, trunks, tanks, and other containers	Yes
Bring a nondistrict or non-VDACS person along	Yes

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## General Notices/Errata

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View the farming operation from off-site

No

Enter streams adjacent to farm

No

To be valid, consent must be given voluntarily by someone who has the intelligence and ability to understand the situation and the consequences.

c. When right of entry arises. Under the ASA, the right to enter a specific farm arises only after the commissioner has received a complaint regarding that particular farm -- not before. In addition, the right arises only after the farmer has been given notice of the intended entry. The ASA does not require that this notice be in writing, so a phone call or statement to the farmer is sufficient. To protect their cases, however, VDACS and district investigators should keep records of such phone calls, at a minimum, and follow with a written notice to the farmer to confirm the investigator's oral statements. (See Forms 4 & 5.)

d. Role of the investigator. The ASA investigator is not police officer, but a witness who has the right to enter land to conduct a specific type of investigation and collect information in response to the ASA complaint.

e. Problem situations. What should the ASA investigator do if the farmer denies the investigator entry onto the land? After having been denied entry, the investigator must leave the farmer's property. Similarly, if the farmer initially consents to the investigator's entry, but later withdraws his consent, then the investigator should leave immediately. The investigator should report this to the VDACS ASA staff as soon as possible. It may be possible for the commissioner to obtain an equity order from a court allowing entry.

If a farmer threatens the investigator with violence at any point, then the investigator should leave immediately. The investigator should make no counter-threats nor do anything that could escalate the situation. Escalation of the situation could compromise the case. The investigator should report the threat of violence to the VDACS ASA staff immediately. It may be possible for the commissioner to obtain an equity order from a court allowing entry, and the commissioner will want to be apprised of a potentially dangerous situation.

f. Unclear situations. If a district employee has a question regarding an unclear situation, he may call the VDACS ASA staff at (804) 786-3538, who will try to find the answer.

In the long run, understanding and respecting the farmer's rights is important because violation (especially a knowing violation) of constitutional rights tends to give the government agency and program a bad reputation, eroding public support. In the short run, violation of a person's rights can jeopardize the government's case against him. Evidence obtained in violation of the fourth amendment is likely to be deemed inadmissible.

7. Purpose and scope of initial investigation. The purpose of the initial investigation is to answer a single question: is there substantial evidence that the agricultural activity in question is causing or will cause water pollution from sedimentation, nutrients or toxins, as alleged in the complaint?

Activities that are causing or will cause pollution that were *not* the subject of the complaint should be pointed out to the farmer as areas that the farmer needs to address, but with the understanding that these areas are not covered by the ASA complaint. The ASA's jurisdiction is "complaint-driven" and limited to the terms of the complaint. Thus, trying to enforce the ASA's requirements with respect to any activities that were not mentioned in the complaint would be difficult. The following examples may help illustrate these principles:

a. The commissioner receives a complaint alleging that severe erosion in a farm field bordering a stream is causing pollution. The investigation confirms that this erosion is indeed causing pollution of the stream from sedimentation. During the investigation, the investigator also notices that the farmer's manure-management practices in the loafing lot in an adjacent field are also causing pollution. The nutrients from the loafing lot are draining into the stream, but not through the eroded area that was the subject of the complaint.

Net: The investigator should advise the farmer that the manure-management practices also appear to be causing pollution and that the farmer would be wise to address them. An ASA plan can be required, however, only for the erosion problem specified in the complaint.

b. The commissioner receives a similar complaint alleging that severe erosion in a farm field bordering a stream is causing pollution. The investigation confirms that this erosion is indeed causing pollution of the stream from sedimentation. During the investigation, the investigator also notices that the farmer's manure-management practices in the loafing lot adjacent to the field are also causing pollution from nutrients. The nutrients from the loafing lot are draining into the stream -- this time, through the eroded area that was the subject of the complaint.

Net: An ASA plan that covers both the manure-management practices in the loafing lot and the eroded area can be required, because the nutrient pollution is being delivered to the stream through the eroded area, which was the subject of the complaint.

Sometimes, the question of whether or not a particular activity is covered by the complaint and, thus, should be included in the ASA plan will be difficult to answer. If a district employee has a question regarding such a situation, he may call the VDACS ASA staff at (804) 786-3538 who will assist in determining the answer.

8. Definition of "pollution." The ASA defines pollution as "any alteration of the physical, chemical or biological properties of any state waters resulting from sedimentation, nutrients, or toxins." (§ 10.1-559.1 of the ASA.) (Emphasis added.) This means that any

contribution -- no matter how small -- of sediments, nutrients or toxins to water from an agricultural activity constitutes pollution under the ASA. As an extreme example, taking a single granule of fertilizer from a farm field and dropping it into a stream would constitute pollution under this definition.

Determining the effect -- pollution -- will often be easier than proving its cause or source. As with all nonpoint source pollution, proof that a specific agricultural activity is causing or will cause pollution can be difficult, since nonpoint source pollution is, by definition, diffuse. In addition, two of the three categories of pollutants at issue here -- sediments and nutrients -- find their way into water naturally as well as from man's activities. Thus, for example, it can be difficult to prove that any particular molecules of nitrate came from a farming operation and not from natural sources.

9. Definitions of "sedimentation," "nutrients" and "toxins." Sedimentation is generally defined as soil material, whether mineral and organic, that has been transported from its original site by air, water, or ice through the force of gravity and has been deposited in another location. The primary focus under the ASA will be on erosion of soil and its deposition in adjacent surface water.

Nutrients are dry or liquid materials that provide chemicals, such as nitrogen, phosphorus, and potassium, that can nourish plants. Commercial fertilizers and animal manures are the two primary sources used to supply nutrients to plants in agricultural operations.

For the purposes of these guidelines, a toxin is any substance or mixture of substances intended for use in preventing, destroying, repelling or mitigating agricultural pests, or intended for use as a plant regulator, defoliant or desiccant.

10. Definition of "is causing" and "will cause." The ASA requires that before a plan can be required for a specific agricultural activity, the agricultural activity must be one that "is creating or will create pollution." The following is the commissioner's standard for determining whether the activity "is creating or will create pollution."

To conclude that an agricultural activity is creating or will create pollution, there must be a reasonably certain link of cause and effect between the agricultural activity and the pollution that is being created or that will be created.

For the purposes of these guidelines, the term "is causing" will be used interchangeably with the term "is creating." Similarly, the term "will create" will be used interchangeably with "will cause." The central question is how certain the investigator must be that the activity is causing or will cause pollution. The following examples may help illustrate these principles:

a. If the investigator can see the pollution occurring, the investigator can be quite certain that the activity is causing or will cause pollution. For example, if the investigator is visiting the farm during a rainstorm, and a gully has eroded through the field, the investigator is likely to see the sediment being carried through the

gully and running into the stream. Similarly, if the investigator is visiting the farm on a dry day, the investigator is not likely to see the pollution occurring. Because of the law of gravity, however, the investigator can say with great certainty that sedimentation will occur from the gully the next time it rains, and thus, that the erosion will cause pollution. Cause and effect are clear and are supported by facts for each step in the movement of the soil from the field to the stream.

Net: A plan to correct the problem -- the erosion -- can be required under the ASA.

b. Suppose, for example, that the complaint alleges that the farmer's fertilization of his field is causing nutrient pollution of a river. During the investigation, the farmer says that the farmer does apply fertilizer to the field, and the field is plowed to within five feet of the river's edge. The field has a slight slope towards the river. The bank, which is only thinly vegetated, slopes from the field down to the river. Because of the slope of the field and the bank, the law of gravity, the thin vegetation on the bank, and the nearness of the edge of the field to the river, the investigator can be highly certain that the fertilization activity will cause the delivery of nutrients to the river.

Net: A plan can be required under the ASA.

c. Suppose, however, in relation to the same complaint, that the farmer says that the farmer does apply fertilizer to the field, but that the farmer follows a nutrient management plan which the farmer shows the investigator. The investigator reviews the nutrient management plan and believes that it is a reasonable one. The field is plowed to within 20 feet of the river's edge. The 20-foot buffer and the bank are thickly vegetated with grass that the farmer maintains at a height of five inches. The grass is of a variety that takes up a lot of nitrogen. Because of the nutrient management practices that the farmer is using, the characteristics of the buffer, and the farmer's maintenance of the buffer, the investigator cannot say with certainty that the fertilization activity is likely to cause the delivery of nutrients to the river.

Net: A plan cannot be required under the ASA.

d. If no plan can be required under the ASA, is this the end of the investigator's relationship with this farmer? Not necessarily. The investigator is free to see if the farmer is receptive to some suggestions on how the farmer might improve his practices to prevent complaints in the future. This educational role of the investigator will be just as important as anything else the investigator does pursuant to the ASA. As a result, water quality can still be improved, and the farmer can enhance his protection against future complaints.

This underscores the importance of the investigator's maintaining a positive, nonjudgmental attitude towards the farmer during the investigation. Even though the investigation may be somewhat upsetting for the farmer, it can be the beginning of a positive new

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## General Notices/Errata

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relationship between the farmer and the district or VDACS.

11. Evidence. The ASA requires that there be "substantial evidence" that the agricultural activity is causing or will cause water pollution. This means that the evidence must be clear and must show cause and effect: that the agricultural activity caused or will cause pollution. In addition, there must be some evidence to support each step in the logical conclusion that activity X caused pollution Y. ASA investigators need to know how to handle various types of potential evidence so that this evidence can be admitted in a hearing or an appeal, if necessary.

a. "Real" evidence. "Real" evidence is physical evidence (as opposed to testimony). Water samples, maps and photographs are examples of real evidence. With maps and photos, the main question in a hearing will be whether the map or photo is a "fair and accurate representation" of what it purports to depict. Developing a standard procedure within the office as to the labeling and storage of physical evidence should be done. Keeping physical evidence in locked closets or cabinets is necessary.

With maps, an auxiliary question will be whether the map is a "faithful reproduction" of the area depicted. Thus, it will help to know who made the map (e.g., USGS or FSA) and to be able to say, based on the ASA investigator's experience, that the land features depicted in the map have not changed since the map was made (e.g., an area previously forested has been cleared). It will help if maps are labeled and if the investigator makes notes regarding the accuracy of the map during the investigation.

With photos, if the person who made the photo is not the investigator, it will not be necessary to call the photographer into the hearing, if the investigator is familiar with the scene shown in the photo. Once again, labeling photos is necessary.

With all physical evidence, especially water samples, investigators need to maintain an unbroken chain of custody (possession). The purpose of the chain of custody is to be able to account for the whereabouts of the sample at any time between the taking of the sample, the testing and analysis of the sample, and the sample's arrival in the hearing room or court. The investigator does not have to prove that no one ever tampered with the sample -- only that the handling of the sample adhered to a system of identification (e.g., labeling) and custody. (Investigators should remember that sampling should be performed only as a last resort.)

b. Transporting evidence. To maintain the chain of custody, evidence needs to be transported by the investigator, by someone the investigator knows and trusts (and who would be willing to testify, if necessary), or by any standard means that will provide a receipt (e.g., registered mail, return receipt requested; a private courier service; or a private mail service). For samples to be tested, laboratories are

generally very much aware of chain-of-custody questions and have procedures to prevent chain-of-custody problems. Thus, ASA investigators need to be concerned about custody issues only before samples reach the lab and after evidence returns to the investigator's office.

c. Written evidence. Official publications, such as the Field Office Technical Guide ("FOTG"), are often easily admitted into evidence. The rules regarding other types of writings (e.g., the plans) are too complex to go into detail, except to say that original documents are preferred over duplicates (e.g., photocopies). Duplicates are usually admissible, but only if they are exact copies of the original and if the original is unavailable. Thus, establishing a system for storing original ASA plans and forms is necessary.

d. Oral testimony. ASA investigators may have to appear as witnesses at hearings pursuant to the ASA. A witness' testimony is just as good evidence as any other kind. It will help the investigator if the investigator keeps notes regarding an investigation, so that his memory can be refreshed later, if necessary.

e. Approved laboratory. For scientific analysis of any water samples or other evidence, the investigator should send the sample or other evidence to the state's laboratory, the Division of Consolidated Laboratory Services ("DCLS"). Private laboratories are available, but should not be used in the ASA program for cost reasons. DCLS' services are in great demand among the various agencies, and DCLS will often be unable to meet the ASA deadlines (e.g., 21 days for investigation), unless they are notified that the sample is being used in connection with investigation of a pollution complaint. A form (Form 11) stating that the sample is for investigation of a pollution complaint must be attached to the sample when it arrives at DCLS.

12. Sample collection techniques. The ability to have justified confidence in the results of any analysis of a water sample depends in large part on following established sampling procedures. To maintain uniformity in the state's system of collecting water samples, VDACS will use the procedures developed by the Virginia Water Control Board (VWCB), as set forth in the applicable sections of VWCB's "Water Quality Assessment Operating Procedures Manual." VDACS will send a copies of this Manual to each of the districts.

In the annual assessment of the ASA program, VDACS and the districts can consider the advisability of developing their own abbreviated version of the VWCB Manual to address only those sampling issues involved in the ASA program.

Due to the complexity and cost of water sampling and analysis, water samples should be taken only when they are absolutely necessary to prove a case. When an investigator can see that pollutants are entering or will enter the water body in question, the investigator will not need to take samples because the case can be proved through photographs, maps, eye-witness testimony, and

the law of gravity. The experience of other states that have programs similar to the ASA suggests that sampling is only necessary in a few cases. If sampling is necessary, VDACS' staff will be available to assist districts until resources are available to supply sampling equipment and training to the districts.

13. Form for initial investigations. When performing an initial investigation, information can be recorded on Form 9. This form is designed for the investigator to use in gathering information that will be needed to determine whether or not the agricultural activity is causing or will cause pollution. This form can also be used to document evidence and to make recommendations to the commissioner as to the validity of the complaint.

14. Confidentiality of information. While an investigation is under way, disclosing information regarding the investigation can, in many cases, compromise or ruin any enforcement actions that may need to be taken later. The farmer may be understandably anxious to review whatever notes and records the investigator has made before the investigation is concluded, but the farmer should not be allowed to do so until the investigation is concluded. The farmer will have an opportunity to review these materials later.

Neither is it appropriate to disclose information about an on-going investigation to anyone who does not work for the district or VDACS. The farmer's interest in keeping matters regarding an investigation of his practices confidential should be respected. In addition, allowing outside parties (e.g., the press) to, in effect, participate in the investigation by disclosing information about it is likely to compromise the case in one way or another. Thus, it is essential that all information regarding on-going investigations be kept confidential.

This confidentiality extends to all aspects of the case, including disclosure of the name of the farmer or the name or location of the farm. For example, if someone (other than the complainant) asks whether Mr. Jones' farming operation is being investigated, the investigator (or anyone else from the district, whether employee or director) should simply respond that the district is unable to say either "yes" or "no" because the district has a strict policy that prohibits discussion of anything related to such matters.

The same principles apply to disclosing information regarding the complainant. Until the 21-day investigation period is over, neither VDACS nor the district should disclose any information regarding the complainant.

The district board of directors should go into executive session to discuss any on-going investigations and, if any have been filed, appeals or other litigated matters. In addition, the board's minutes that will made available to the public should not disclose information regarding on-going investigations, appeals or other litigated matters.

A district may receive a request under the Virginia Freedom of Information Act [Chapter 21 (§ 2.1-340 et seq.) of Title 2.1 of the Code of Virginia] ("FOIA") to disclose records regarding an on-going investigation.

Each request for records must be made in writing; if a district receives an oral request for records, the district must then advise the person making the request that the request must be made in writing. The district should not respond to any oral requests, only written requests. If the district does receive a written request for records, FOIA gives the district five work days to respond to the request. (This five-day deadline may be extended under limited circumstances.) If the district receives a written request for records regarding an on-going investigation, the district's response must: (i) deny disclosure of all records or portions of records that contain information regarding the on-going investigation; (ii) state that records related to on-going investigations are not subject to disclosure; and (iii) cite as authority for denying the records §§ 2.1-342 (A) and 10.1-559.9 of the Code of Virginia.

Once an investigation has been concluded, the records regarding it may legally be disclosed, in many instances. The district may decide that it is better policy not to disclose the names of farmers involved in ASA matters or locational information regarding their farms, even after the investigations have been concluded, except when FOIA requests are received. If a district has a question regarding its legal obligations in connection with disclosure of records related to an investigation that has been concluded, the district should pose these to their lawyer or to the Department of Conservation and Recreation (DCR).

While making records, investigators should remember that the records will be shared with the farmer, in many cases, and, occasionally, the public. These records may even be published in the newspaper or on radio or television. Thus, the investigator should record only accurate, factual information, such as what was seen and even what was said -- never the investigator's opinion of the farmer (or anyone else) as a person. Untrue statements or statements of opinion regarding a person's character, health or looks may constitute slander and, if published, libel. Investigators should keep copies of all of their investigation records, even after the investigation is closed.

B. Subsequent investigations. After the initial investigation has been completed, no further investigation is necessary if the commissioner has determined that the agricultural activity is not causing or will not cause pollution. Subsequent investigations under the same complaint are necessary only when an ASA plan is required. The purpose of all subsequent investigations is to determine whether the farmer is actively implementing his ASA plan in accordance with his implementation schedule.

Subsequent investigations have enforcement implications, which are solely within the commissioner's purview; so, districts must not undertake subsequent investigations without VDACS' express authorization. (This need for authorization from the commissioner does not apply to a district's "spot-check" investigation to determine compliance with a cost-share agreement, even for a practice installed to meet ASA requirements.) Conversely, some districts will not

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## General Notices/Errata

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want to undertake any subsequent investigations, and that desire will be respected.

C. Appeals and other hearings. To satisfy the requirements of due process (another Constitutional right), the ASA provides that the farmer may have a hearing in connection with the issuance of any order pursuant to the ASA. (See e.g., § 10.1-559.4 (B) of the ASA), which gives the farmer the right to a hearing prior to the commissioner's issuance of a corrective order.) During such hearings, the propriety of the issuance of the order will be determined. These hearings are administrative hearings, and determinations from them may be appealed.

The ASA provides "persons aggrieved" the right to appeal any decision of the commissioner to the Virginia Soil and Water Conservation Board ("board"). "Persons aggrieved" includes the farmer and may include the complainant. If dissatisfied with the board's decision, a party to the proceeding may then appeal the board's decision to circuit court. Appeals may be had, in some instances, from circuit court decisions to higher courts, until the appeals process has been exhausted.

During such hearings and appeals, district investigators and VDACS staff may be called as witnesses. District investigators and VDACS staff have no obligation in these proceedings to make any determinations, but only to provide evidence. Staff from the Department of Conservation and Recreation ("DCR") provides staff services to the board, and would presumably play a service role in appeals before the board.

Preliminary research indicates that the appeals conducted by the board under the ASA should be conducted in accordance with Article 3 of Virginia's Administrative Process Act. [See Article 3 (§ 9-6.14:11 et seq.) of Chapter 1.1.1 of Title 9 of the Code of Virginia.] Appeals to circuit court would follow the circuit courts' own procedural rules.

### II. Sources of Assistance for Farmers

There are several sources of assistance available to farmers to address pollution problems and to develop stewardship measures and plans. Areas of assistance and possible sources are listed below:

A. Technical assistance. Planning and, if necessary, engineering assistance is often available through:

- Local soil and water conservation districts
- Department of Conservation and Recreation
- Natural Resources Conservation Service
- Virginia Cooperative Extension
- Virginia Department of Agriculture and Consumer Services
- Private businesses
- Consultants
- Agribusiness organizations

B. Cost-sharing. Cost-share assistance that may be available to implement plans is offered by:

- Local Soil and Water Conservation districts
- Farm Service Agency (USDA)

C. Financial planning. Financial planning is always a consideration when making decisions that affect a farming operation. There are several organizations that can be of assistance to the farmer in his financial planning:

- Virginia Cooperative Extension (e.g., Farm Management Agents)
- Private financial institutions (e.g., commercial banks, agricultural financing organizations)
- Small business development centers (statewide, state-funded network of centers, usually at state colleges and universities)

D. Physical planning for compliance with ASA. The ASA requires that the plan be returned to the commissioner's office and the district within 60 days after receiving notice that a plan is necessary. The local district must then review the plan and if the plan meets requirements, then commissioner must approve the plan within 30 days and send notice of approval to the farmer. The farmer must begin implementing the plan within six months and complete plan implementation within 18 months after the plan approval date.

#### 1. Public sources of assistance in planning.

- Local soil and water conservation district
- Department of Conservation and Recreation
- Natural Resource Conservation Service
- Virginia Cooperative Extension
- Virginia Department of Agriculture and Consumer Services

#### 2. Private sources.

- Private businesses (e.g., engineering and consulting firms)
- Agribusiness organizations

#### 3. Required contents of plans

The following are the minimum requirements of plan under the ASA:

The plan must include:

- Stewardship measures needed to prevent or cease the pollution, and
- Implementation schedule.

The plan should also include:

- Tract map,
- Affected water feature designated,
- Soils map,
- Statement of pollution problem, and
- Signature page for
  - Farmer,
  - Local district, and
  - commissioner.

These plans may be submitted in the simplest form (e.g., in handwriting with photocopies of maps). More sophisticated

forms of plans, such as plans developed using the various conservation computer programs, are acceptable, too. Planners simply need to remember that the ASA sets a 60-day deadline for developing the plan, so planners may want to develop simple plans to prevent or eliminate the pollution to meet the 60-day deadline. If necessary, simple plans can be converted into more sophisticated formats later, after this deadline has been met. Planners should be also sensitive to the fact that the farmer then has a second deadline to meet: the farmer must begin implementing the plan within six months of receiving the official notice that the plan has been approved.

Amendments to existing conservation plans are acceptable, too, as long as the amendments prevent or eliminate the pollution.

Form 10 provides an example format of the "bare necessities" of an ASA plan.

To make the planning process most effective, farmers should be given options for solving their pollution problem whenever possible. In terms of appropriate options, the ASA defines stewardship measures as "the best available nonpoint source control methods, technologies, processes, siting criteria, operating methods or other alternatives." There are often a variety of best management practices that can be employed to solve a single pollution problem. Thus, the planner will often have a wide variety of types of options -- from structural practices to changing sites for an activity to changes in operating methods -- that can be offered to the farmer as solutions to the pollution problem. These options need not be the most expensive or employ the most sophisticated technology; they only need to prevent or eliminate the pollution in question to be the "best."

E. Support and preventative measures -- Roles of agricultural and commodity organizations. The agricultural and commodity organizations can be leaders in supporting their producers and in educating them on Best Management Practices to avoid conflicts and potential pollution problems. As Virginia continues to urbanize, it will become more important for producers to become more aware of environmental concerns and address these issues before problems arise. Some groups have already begun taking action on educating their producers, as described below:

- National Pork Producers Council and the Virginia Pork Industry Association - Environmental Assurance Program
- Virginia Poultry Federation - nutrient management planning commitment
- Virginia Farm Bureau Federation -- Natural and Environmental Resources Regional Workshops

In addition, Virginia Cooperative Extension has developed an on-farm self-assessment program that can help producers identify potential sources of water pollution. This program, which will be available to farmers throughout the state during the coming year is called: Farm\*A\*Syst.

Local extension agents can help farmers learn more about Farm\*A\*Syst. Using Farm\*A\*Syst can be an important step that farmers can take to prevent water pollution problems.

### III. Intergovernmental Cooperation.

The ASA requires that agricultural activities that are causing or will cause water pollution be corrected. It is very important that all agencies work together in a cooperative effort using a common sense approach to assist farmers in effectively correcting these problems. Listed below are agencies and their roles in relation to the ASA.

A. The Department of Environmental Quality and the Virginia Water Control Board ("DEQ" and "VWCB")

Virginia's State Water Control Law gives the VWCB broad jurisdiction over almost all types of water pollution, whether point source or nonpoint source, whether agricultural or nonagricultural in origin, and involving any type of pollutant. (See § 62.1-44.5 of the Code of Virginia.) The ASA gives the commissioner jurisdiction over a smaller portion of this same area of concern: water pollution caused by three types of pollutants coming from agricultural activities not currently subject to a permit issued by VWCB through DEQ. The commissioner's and the VWCB's jurisdiction overlap, but the commissioner's jurisdiction is a subset of the VWCB's.

The VWCB has asserted its jurisdiction over certain types of agricultural operations by requiring them to obtain permits. For those agricultural activities that are subject to a permit issued by the VWCB (through DEQ), the ASA is not applicable. The ASA expressly provides that those operations are exempt from the ASA. When a complaint arises regarding an operation that is subject to a VWCB permit (most often a VPA or VPDES permit), the complaint must be dismissed, and the farmer should be informed that he should check to make certain that the farmer is in compliance with his VWCB permit. The farmer should be given the address and phone number of his regional DEQ office so that DEQ can answer any questions that the farmer may have.

In addition to sharing joint jurisdiction over a set of water pollution concerns, DEQ participates in the ad hoc committee that is assisting the commissioner in the development of these guidelines ("ad hoc committee"). DEQ is also providing VDACS staff with training in investigating, water sampling and collecting evidence. If any district officers or employees are interested in discussing investigation techniques with DEQ staff, district officers and employees may contact their regional DEQ office.

B. The Department of Conservation and Recreation ("DCR"). DCR is Virginia's primary natural resource conservation agency and provides farmers with technical assistance in developing nutrient management plans. In this program, DCR maintains a staff of specialists in field offices throughout the state to provide nutrient management planning (NMP) assistance. Closely connected with the NMP technical assistance program is DCR's certification program for nutrient management planners from both private and public organizations.

In addition to its programs related to NMP, DCR provides the districts with coordination services at the state level. DCR is the major conduit of funds for districts. An integral part of this program is the state cost-share program that DCR administers and the districts implement.

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## General Notices/Errata

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DCR collects land-use and related data from across the state to identify small watersheds where the potential for nonpoint source pollution is high. DCR also provides various predictive modeling services that help estimate the progress made in reducing nonpoint source pollution.

Of particular interest to the ASA program is DCR's close relationship with the Virginia Soil and Water Conservation Board ("board"). DCR provides the staff services to the board that will help the board meet its ASA obligations.

In relation to the ASA, DCR is likely to continue providing its NMP assistance to farmers with corresponding ASA planning needs, as well as cost-share assistance (when appropriate). Finally, DCR has participated in the creation of the ASA and in the ad hoc committee.

C. Natural Resources Conservation Service ("NRCS"). The United States Department of Agriculture, NRCS (formerly known as the Soil Conservation Service) was formed in response to the "Dust Bowl" that devastated agricultural production in the 1930s and contributed to the Depression. Over the years, the NRCS has developed numerous conservation techniques and practices to conserve, improve and sustain natural resources on private lands. The NRCS pioneered the planning approach to conservation management.

Today, in addition to setting the standards for a wide variety of conservation practices, the NRCS provides technical assistance to landowners and managers in many localities throughout the state. These technical assistants often work closely with the local districts. The NRCS also assists other federal agencies in administering the federal cost-share program for agricultural conservation practices.

In relation to the ASA, the NRCS will continue to provide its technical and cost-share assistance (when and where appropriate) to farmers faced with ASA needs. Finally, NRCS participates in the ad hoc committee.

D. Cooperative Extension Service ("extension"). Extension has played an important role over the years by providing landowners and managers with education regarding a wide variety of concerns. These educational services range from production matters to farm financial planning to natural resource technical and planning assistance.

In relation to the ASA, extension will continue to provide technical and planning assistance to farmers to prevent complaints under the ASA and to assist in the preparation of ASA plans, at least in those areas where extension has resources to provide such assistance. Extension's Farm Management Agents, who provide financial planning assistance, may be called upon to provide financial planning assistance in relation to the development of an ASA plan. In response to farmers' questions, extension is also likely to provide some education to farmers regarding the ASA itself. Extension has a representative on the ad hoc committee.

E. Soil and water conservation districts ("districts"). As described in other sections of these guidelines, the districts may play a role in investigating complaints, if they choose to do so. The decision of whether or not to perform investigations lies with each district individually. Pursuant to

the ASA, all districts will play a role in the ASA by reviewing ASA plans before they are sent to the commissioner.

As actual political subdivisions of the Commonwealth, the districts are the local sources of technical and planning assistance for agricultural conservation practices, in many instances. Like the NRCS, the district system was developed in response to the Dust Bowl of the 1930s. Over the decades, the work of districts, together with other conservation agencies, has helped produce an advanced agricultural system.

The districts are the local administrators of the cost-share program. Beyond the investigative and review roles that the ASA speaks to directly, the districts are likely to provide continued planning and technical assistance to farmers with ASA needs. Where and when appropriate, the districts are likely to provide cost-share assistance, too. Finally, the districts have played a vital role on the ad hoc committee.

F. Chesapeake Bay Local Assistance Department ("CBLAD"). The Chesapeake Bay Preservation Act ("Bay Act") was enacted in 1988, and CBLAD was established shortly thereafter to administer the Bay Act's programs.

Section 10.1-559.10 of the ASA makes it clear that any local government may adopt an ordinance establishing a process for filing complaints, investigating them, and creating agricultural stewardship plans where necessary to correct pollution problems, provided that such ordinances meet certain conditions set forth in this section. Subsection B also states that adoption of such ordinances shall not interfere, conflict with, supplant, or otherwise affect any other ordinance previously adopted (prior to July 1, 1996). This includes ordinances adopted pursuant to the Bay Act. If any localities adopt ASA ordinances, these ASA ordinances are intended to supplement and work alongside those other ordinances.

Likewise, § 10.1-559.11 seeks to address potential conflicts with the Bay Act regulations. This section states that nothing in the ASA shall be interpreted to duplicate the agricultural requirements in the regulations adopted pursuant to the Bay Act. In fact, the ASA is intended to supplement and work alongside the Bay Act and its regulations. ASA investigators and planners should note that, while the ASA guidelines seek to provide consistent implementation process across local jurisdictional boundaries, local enforcement of violations of Bay Act ordinances may vary somewhat from one locality to another.

Under the Bay Act regulations and local Bay Act ordinances, agricultural landowners are required to (i) establish (where one does not exist) and maintain a 100-foot-wide vegetated buffer separating the land upon which agricultural activities are being conducted and adjacent environmentally sensitive features, and (ii) obtain a soil and water quality conservation plan (SWQCP) addressing erosion, nutrients and pesticides. This plan must be approved by the local district board. A SWQCP, or parts thereof, is only required to be implemented if a reduction in the width of the 100-foot-buffer is sought.

a. If an ASA investigator is informed by the farmer that the farmer has a Bay Act SWQCP, the investigator should review the plan to see what best management

practices (BMPs) have been recommended for water quality protection and what is actually being implemented by the farmer.

b. In some cases, the ASA investigator may find that the SWQCP already addresses the water quality problem complained of, but was not required to be implemented under the Bay Act. Rather than duplicating efforts, the ASA investigator may simply refer to the information in the SWQCP and ask that the farmer implement any or all relevant parts of the plan that address the identified problem.

c. If the ASA investigator finds that the SWQCP does not adequately address the specified water quality problem, the SWQCP can be amended or a separate ASA plan can be developed, depending on the farmer's preferences. It is expected that most farmers will choose to amend the existing plan so that the farmer will have only one plan to follow.

d. Some local governments in Tidewater Virginia may consider the ASA as a supplemental enforcement mechanism to achieve the goals of the Bay Act.

e. If an ASA complaint involves a Bay Act vegetated buffer (e.g., a channel has formed in the field and continues through the buffer emptying directly into the stream), the stewardship measures included in the ASA plan must not conflict with either the allowable buffer reductions under the Bay Act regulations or with the buffer performance criteria established via the Bay Act. If the ASA investigator or planner has questions regarding the reduction rules or the performance criteria, the investigator or planner should contact the local CBLAD Agricultural Water Quality Specialist for assistance. The local district should be able to provide the name and telephone number of the Agricultural Water Quality Specialist.

G. Soil & Water Conservation Board ("board"). As discussed in the previous section of these guidelines entitled "Appeals and other hearings," the board provides the initial forum in which appeals from any of the commissioner's decision may be heard. This serves to protect important constitutional rights of farmers and others in obtaining due process. The ASA also empowers the board to assess, after affording due process, civil penalties against any farmer who has not complied with an order issued pursuant to the ASA.

DCR provides staff services to the board, and DCR staff has participated in the Ad Hoc committee. In addition, the commissioner is a member of the board and has participated in the ad hoc committee.

H. Virginia Department of Agriculture and Consumer Services ("VDACS"). VDACS provides staff assistance to the commissioner, who is in a sense the "point person" for the ASA. Beyond providing assistance to the commissioner in investigations and enforcement, VDACS' staff will assist in communicating the results of the investigations with complainants.

VDACS also serves as the primary coordinating agency for administering the ASA. In addition to helping draft these guidelines, VDACS runs the ad hoc committee meetings and

will undertake reporting and assessment processes annually as the ASA is implemented. The purposes of the annual reporting and assessment process will be to identify trends and needs and to seek means of addressing any problems that develop in the system of administering the ASA.

In some cases, VDACS may provide technical and planning assistance to farmers in the wake of a complaint. VDACS' other main role will be to coordinate the administration of the ASA with the districts and other partners. VDACS' main goal in administering the ASA is to institute a "farmer-friendly" set of mechanisms by which farmers can address water pollution problems on a case-by-case basis without the necessity of further overall regulation.

**NOTICE:** The forms referenced in these guidelines are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-3538.

- Form 1 - Complaint Tracking Form
- Form 2 - Notification of District of Complaint and Request to Investigate
- Form 3 - District's Decision Regarding Request to Investigate Validity of Complaint
- Form 4 - Form for Phone Conversation Giving Notice of Intent to Enter Land
- Form 5 - Follow-Up Form of Phone Call to Landowner
- Form 6 - Notification of Farmer of Investigation Findings Regarding Complaint of Agricultural Stewardship Act
- Form 7 - Notification to Farmer of Approval of Agricultural Stewardship Plan for Agricultural Stewardship Act
- Form 8 - Response to Complainant Regarding Agricultural Stewardship Act
- Form 9 - Complaint Investigation Form
- Form 10 - Stewardship Plan
- Form 11 - Pollution Complaint Sample

### STATE BOARD OF HEALTH

#### Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1997

Pursuant to the authority vested in the State board of Health by § 32.1-12 of the Code of Virginia and in accordance with the provisions of Section 203 of Public Law 95-627, notice is hereby given of a public comment period to enable the general public to participate in the development of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1997.

Written comments on the proposed plan will be accepted in the office of the Director, Division of Public Health Nutrition, Department of Health, 1500 East Main Street, Room 132, Richmond, Virginia 23219, until 5 p.m. on October 15, 1996.

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## General Notices/Errata

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The proposed State Plan for WIC Program Operations and Administration may be reviewed at the office of your health district headquarters during public business hours beginning September 18, 1996. Please contact your local health department for the location of this office in your area.

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notice of New Procedures of the Boiler Safety Compliance Division

The Virginia Department of Labor and Industry has instituted new procedures which the Boiler Safety Compliance Division will use in assessing penalties to owners/users of boilers and pressure vessels without valid certificates of inspection. Implementation of the procedures will result in increased protection to citizens of the Commonwealth from potentially hazardous boilers.

In July 1995, the penalty for operating a boiler without a proper certificate under the Boiler and Pressure Vessel Safety Act was changed from a misdemeanor to a civil penalty. The penalty is not to exceed \$100 per day for each boiler, water heater or unfired pressure vessel in violation. The new process will streamline notice requirements and minimize bureaucratic delay between discovery of unsafe and improper boiler conditions and suspension of operating certificates and/or assessment of fines. It also provides a standardized, written record of corrections needed and ensures fair, consistent and prompt application of the law.

Certificates will be suspended for boilers with nonconformances with the Boiler and Pressure Vessel Rules and Regulations (16 VAC 25-50-10 et seq.) which are immediate threats to life and property. For situations which do not immediately threaten life or property, a penalty will be assessed if the violation is not corrected before the end of an abatement period of a minimum of 10 days.

Other violations which are included in the new procedures are: (i) operating a boiler or pressure vessel at a pressure higher than that allowed on a Certificate of Inspection; and (ii) operating a boiler or pressure vessel without a valid Certificate of Inspection. The penalties for operating a boiler or pressure vessel without a valid Certificate of Inspection cover overdue invoices (30 days past due), and overdue inspections/unregistered (after 30 days notice).

The new procedures provide for the owner/user to contest the suspension, abatement period or penalty and for the settlements to be negotiated.

Additional information about the new procedures or a copy of the procedures can be obtained by calling the Virginia Department of Labor and Industry's Boiler Safety Compliance Division at (804) 786-3169.

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### † Notice for Demonstration Waiver

The Department of Medical Assistance Services, in compliance with Chapter 912, Item 323 of the 1996 Virginia Acts of Assembly, is preparing to submit a Medicaid demonstration waiver proposal to the U. S. Health Care Financing Administration for the purpose of conducting a health insurance demonstration project. The Health Insurance Program for Working Uninsured Individuals demonstration will provide funds to assist employers and employees in financing health insurance for households that are at or below 200% of U. S. nonfarm poverty guidelines and are employed in small businesses. For the purposes of this demonstration, the department will contract with health plans to conduct the initial enrollment of the applicants, as well as to deliver the health care coverage. The demonstration project will be conducted in select sites across the Commonwealth.

In accordance with the policies and procedures issued by the U. S. Health Care Financing Administration in 59 FR 49249 for the submission of waiver proposals, the department is publishing this notice of opportunity for public comment on this demonstration waiver. Public comments may be submitted until November 13, 1996. Comments may be submitted to John Kenyon, Department of Medical Assistance Services, Division of Policy Development, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

### STATE WATER CONTROL BOARD

#### Enforcement Action Proposed Consent Decree Town of Crewe

The State Water Control board proposes to enter into a consent decree with the Town of Crewe. The decree requires the town to come into compliance with the VPDES Permit No. VA0020303 for its wastewater treatment plant. The decree contains a schedule for the construction of an expanded and upgraded wastewater treatment plant, the implementation of an infiltration and inflow corrective action program and a plan addressing the recordkeeping of the operation and maintenance of the plant.

On behalf of the State Water Control board, the Department of Environmental Quality will receive written comments relating to the proposed amendment to the consent decree until October 30, 1996. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060-6295, and should refer to the consent decree.

The proposed decree may be examined at the Department of Environmental Quality, Piedmont Regional Office, Innsbrook Corporate Center, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the decree may be obtained in person or by mail from the above office.

**† Enforcement Action  
Proposed Consent Special Order  
The Burruss Company  
Lynn Leasing, Inc.  
Williamsburg Court Sewer Company**

The State Water Control Board and the Department of Environmental Quality propose to issue a Consent Special Order to The Burruss Company for its plants in Gladys and Brookneal. The Order will require actions to bring the plants into full compliance with state laws and regulations for wastewater treatment and discharge, stormwater, hazardous waste, and solid waste. Payment of a civil charge of \$5,000 will also be required.

The State Water Control Board proposes to amend its Consent Special Order to Lynn Leasing, Inc., for the underground storage tanks at the Budget Rent-A-Car site at the Roanoke Regional Airport. This amendment will give Lynn Leasing, Inc. a revised schedule for submitting a site characterization plan and, if necessary, initiate remediation at the site. Because the amendment is occasioned by violations of the original order, a civil charge of \$3,000 is part of this agreement. This charge will be deferred as each deadline in the new schedule is met.

The State Water Control Board proposes to issue a Consent Special Order to the Williamsburg Court Sewer Company. The order will authorize the sewer company to operate its lagoon and collection system until it can be connected to the Botetourt County sewer interceptor. The projected date of this connection is December 31, 1998. The order sets effluent limits, monitoring and reporting requirements, and operational standards to apply in the interim. The order also specifies procedures for decommissioning the lagoon.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed amendments until November 13, 1996. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, N.W., Roanoke, VA 24019, or fax (540) 562-6725, and should refer to The Burruss Company, Lynn Leasing, Inc., or Williamsburg Court Sewer Company Order.

The proposed orders may be examined at the Department of Environmental Quality, Office of Enforcement and Compliance Auditing, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240-0009 or at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019. A copy of the orders may be obtained in person or by mail from these offices.

**† Enforcement Action  
Proposed Consent Special Order  
AlliedSignal Inc.**

The State Water Control Board proposes to issue a Consent Special Order to AlliedSignal Inc. located in Hopewell, Virginia. The proposed Order addresses two releases of sulfuric acid and low pH material from AlliedSignal to Gravelly

Run and the resulting fish kills in Gravelly Run. The Order provides for the payment of a \$25,000 civil charge, and reimbursement of state investigative and fish replacement costs. The Order also states the corrective actions AlliedSignal has taken and will take to address these violations.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed Special Order until November 13, 1996. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295, and should refer to the special order. The proposed order may be examined at the Department of Environmental Quality, Piedmont Regional Office, Innsbrook Corporate Center, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the Order may be obtained in person or by mail from the above office.

**† Enforcement Action  
Proposed Special Orders  
Town of Independence Sewage Treatment Plant  
Tiger Car Wash  
Ducky's Hand Car Wash  
Jonesville Car Wash  
Petro Stopping Center**

The State Water Control Board proposes to take an enforcement action against the Town of Independence Sewage Treatment Plant which discharges treated wastewater to Peach Bottom Creek of the New River Basin. Under the terms of the proposed Special Order the Town has agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in the appendix of the Order. The requirements contained in the Order bring the facility into compliance with state law and will protect water quality.

The State Water Control Board proposes to take an enforcement action against Tiger Car Wash, Ducky's Hand Car Wash, and Jonesville Car Wash. Under the terms of the proposed Special Orders, the owners of these facilities have agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in individual appendices within the respective Orders. These requirements contained in the Orders bring the facilities into compliance with state law and will protect water quality.

The State Water Control Board proposes to take an enforcement action against the Petro Stopping Center, a sewage treatment plant and truck wash facility, which discharges treated wastewater to an unnamed tributary to Reed Creek of the New River Basin. Under the terms of the proposed Special Orders, the owner of the facility has agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in the appendix of the order. The requirements contained in the order bring the facility into compliance with state law and will protect water quality.

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## General Notices/Errata

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On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the Special Order until November 13, 1996. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, Virginia 24212 and should refer to the Consent Special Order. The proposed Order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia, at the same address. A copy of the Order may be obtained in person or by mail from the above office.

**† Enforcement Action**  
**Proposed Consent Special Order Amendment**  
**Town of Blackstone**

The State Water Control Board proposes to modify the May 10, 1996, Consent Special Order (CSO) with the Town of Blackstone. The original CSO specified a limit for total hardness prior to the upgrade of the wastewater treatment facility. Until the facility is upgraded, the lack of a hardness limit will not directly affect effluent water quality or the operation of the treatment facility. This amendment will remove the total hardness limit and require only that hardness be monitored.

The board will receive until November 13, 1996, written comments relating to the proposal. Comments of the proposed CSO should be addressed to Vernon Williams, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060, and refer to the proposed Consent Special Order Amendment.

Anyone wishing to examine the proposed Consent Special Order Amendment may do so by scheduling an appointment at the Piedmont Regional Office, (804) 527-5086. A copy of the CSO amendment may be obtained in person or by mail from the above mentioned office.

**† Enforcement Action**  
**Proposed Consent Special Order**  
**Charlottesville Oil Company**

The State Water Control Board proposes to take an enforcement action against Charlottesville Oil Company. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations at Advance Mills Supply, Brownsville Market, the Charlottesville Oil Bulk Plant, Maupin Brothers, and 29 North Chevron in Albemarle County; Blue Run Grocery, Ruckersville Chevron, and Stanardsville Chevron in Greene County; Lambert Mercantile in Nelson County; Madison Gulf in Madison County; and Woodridge Market and Zion Crossroads Gulf in Fluvanna County. Violations include:

- the failure to provide DEQ with accurate, updated registration information on tanks
- the failure to report UST releases within 24 hours
- the failure to initiate appropriate initial abatement measures in the event of a petroleum release from a UST
- the failure to assess and remediate the impact of UST

releases in a timely manner

- the failure to register all regulated ASTs
- the failure to prevent, contain, and cleanup releases from ASTs

To settle these violations, the company has agreed to specific corrective action at these facilities. Additionally, Charlottesville Oil has agreed to continue negotiations about the extent, if any, of the company's liability at Ferncliff Market, Gordonsville Gulf, Haney's Gulf/Delk Trailer Park, Miller's Store, Snow's General Merchandise/Dyke Gulf, and Trading Post/North Garden.

The board will receive written comments relating to the proposed Consent Special Order until November 13, 1996. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 268, Bridgewater, Virginia 22812, and should refer to the Consent Special Order.

The proposed Order may be examined at the Department of Environmental Quality, Valley Regional Office, 116 N. Main Street, Bridgewater, Virginia 22812. A copy of the Order may be obtained in person or by mail from this office.

**† Enforcement Action**  
**Proposed Consent Special Order**  
**Skyline Swannanoa, Inc.**

The State Water Control Board proposes to take an enforcement action against Skyline Swannanoa, Inc. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations at its wastewater treatment facility on Afton Mountain in Augusta County. This facility has experienced recurring violations of the State Water Control Law, the Permit Regulation, and Regulation 11 (the Registration and Reporting of Water Withdrawal) since 1989. Violations include the failure to submit lagoon water balance data, failure to submit timely annual water withdrawal reports, improper flow recording, improper operations and maintenance, and violations of discharge limitations for pH, Chlorine, and BOD contained in the facility's VPDES Permit.

To settle these violations, Skyline Swannanoa has agreed to specific corrective action to bring the wastewater treatment facility back into compliance, to submit all future Water Withdrawal Reports in a timely manner, and to review the facility's Operations and Maintenance Manual to assure that routine preventive maintenance procedures are adequate to assure future compliance with the permit and state law.

The board will receive written comments relating to the proposed Consent Special Order until November 13, 1996. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 268, Bridgewater, Virginia 22812, and should refer to the Consent Special Order.

The proposed Order may be examined at the Department of Environmental Quality, Valley Regional Office, 116 N. Main Street, Bridgewater, Virginia 22812. A copy of the Order may be obtained in person or by mail from this office.

**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

**October 17, 1996 - 10 a.m.** -- Open Meeting

**October 18, 1996 - 9 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, and to receive and discuss committee reports and disciplinary cases. 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 ☎

**October 24, 1996 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A work session of the three-member Regulatory Review Committee to conduct regulatory review. No other business will be discussed at this meeting. 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 ☎

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Aquaculture Advisory Board

† **November 14, 1996 - 9 a.m.** -- Open Meeting

Virginia Polytechnic Institute and State University, Cheatham Hall, Room 315, Blacksburg, Virginia.♿

The board will meet in regular session to discuss issues related to the Virginia aquaculture industry. 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 T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 371-6094.

### Virginia Corn Board

† **December 11, 1996 - 9 a.m.** -- Open Meeting

Sheraton Inn, 4700 South Laburnum Avenue, Richmond, Virginia.♿

The board will conduct business in the areas of research, education and promotion of the Virginia corn industries. 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 Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Phil Hickman, Program Director, Virginia Corn Board, 1100 Bank St., Room 1005, Richmond, VA 23231, telephone (804) 371-6157 or FAX (804) 371-7786.

## Virginia Horse Industry Board

**November 6, 1996 - 10 a.m.** -- Open Meeting  
Virginia Cooperative Extension--Charlottesville/Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ☎

A meeting to review the budget for the current fiscal year and discuss equine health issues as presented by the State Veterinarian's office. The board will also consider marketing efforts and projects, including the economic impact study of the industry. 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 Marine Products Board

† **November 6, 1996 - 6 p.m.** -- Open Meeting  
Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia. ☎

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business. 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 Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Shirley Estes, Executive Director, 554 Denbigh Boulevard, Suite B, Newport News, VA 23608, telephone (757) 874-3474 or FAX (757) 886-0671.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**October 21, 1996 - 9:30 a.m.** -- Open Meeting  
**November 4, 1996 - 9:30 a.m.** -- Open Meeting  
**November 18, 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.

**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.

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

**November 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 for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to amend regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed amendments is to make the regulations clearer and easier to understand.

Statutory Authority: §§ 54.1-404 and 54.1-411 of the Code of Virginia.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514.

## ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY BOARD

**October 17, 1996 - 1 p.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct board business.

**Contact:** Michael Scione, Assistive Technology Loan Fund Authority Board Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7606 toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

## AUCTIONEERS BOARD

**October 23, 1996 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 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 board at least 10 days prior to the meeting so that suitable arrangements can be made. The board 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 ☎

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# Calendar of Events

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## VIRGINIA AVIATION BOARD

**October 22, 1996 - 3 p.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Richmond, Virginia. (Interpreters for the deaf provided upon request)

A workshop for the board. No formal actions will be taken. 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

**October 23, 1996 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street,  
Richmond, Virginia. (Interpreters 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

## BOARD FOR BARBERS

**October 21, 1996 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 4, 4th Floor,  
Richmond, Virginia. (Interpreters for the deaf provided upon request)

A general business meeting and examination workshop. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two 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) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TDD

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Northern Area Review Committee

**November 12, 1996 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreters 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 meeting; however, written comments are welcome.

**Contact:** Shawn Smith, Senior Planner, 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

### Regulation Advisory Committee

**† November 26, 1996 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. (Interpreters for the deaf provided upon request)

A work session of the committee composed of stakeholders to discuss amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.).

**Contact:** Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219-1924, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

### Regulatory Committee and Regulation Advisory Committee

**† October 30, 1996 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. (Interpreters for the deaf provided upon request)

A joint meeting of the board's Regulatory Committee and Regulation Advisory Committee, composed of stakeholders, to discuss amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.).

**Contact:** Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219-1924, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

### Southern Area Review Committee

**November 12, 1996 - 2 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreters 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 meeting; however, written comments are welcome.

**Contact:** Shawn Smith, Senior Planner, 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 ☎

## VIRGINIA CHESAPEAKE BAY TRIBUTARY STRATEGY INTERAGENCY WORK GROUP

**November 12, 1996 - 3 p.m.** -- Open Meeting  
Northern Virginia Community College, 8333 Little River Turnpike, Annandale, Virginia.

**November 13, 1996 - 3 p.m.** -- Open Meeting  
J. Sargeant Reynolds Community College, North Run Corporate Center, 1630 East Parham Road, Richmond, Virginia.

**November 14, 1996 - 3 p.m.** -- Open Meeting  
Lord Fairfax Community College, 173 Skirmisher Lane, Middletown, Virginia.

**November 18, 1996 - 5 p.m.** -- Open Meeting  
Colonial Beach High School, One Hundred and First Street, Colonial Beach, Virginia.

**November 20, 1996 - 3 p.m.** -- Open Meeting  
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

The draft of Virginia's Potomac Basin Tributary Nutrient Reduction Strategy is available for public comment from October 21 to November 21, 1996. Copies are available for review at the Planning District Commission, the Soil and Water Conservation District, the Department of Environmental Quality and the Department of Conservation and Recreation regional offices in the Potomac basin. The strategies are designed to reduce controllable nutrient loads in the Potomac River. The reduction strategies will address point (treatment plants, industrial discharges, etc.) and nonpoint (runoff from agricultural fields, residential areas stormwater, etc.) sources of pollution. In addition, a series of public open houses on the strategy will be held. Using posters and other display materials, the open houses are designed to provide citizens the opportunity to review the strategies and the concepts behind them at their leisure. Staff will be available to answer questions about the strategies. A brief orientation will also be presented on the hour. Written comments can also be submitted at these meetings or by sending them to the addresses on the draft.

**Contact:** Gary Waugh, Public Relations Manager, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-5045, FAX (804) 371-2072, or (804) 786-2121/TDD ☎

## CHILD DAY-CARE COUNCIL

**November 14, 1996 - 9 a.m.** -- Open Meeting

**December 12, 1996 - 9 a.m.** -- Open Meeting

Theater Row Building, 730 East Broad Street, Lower Level, Conference 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 will be received 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., Richmond, VA 23219, telephone (804) 692-1775.

## COMPENSATION BOARD

**October 31, 1996 - 11 a.m.** -- Open Meeting

Ninth Street Office Building, 202 North Ninth Street, 9th Floor, 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 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

## COMMONWEALTH COMPETITION COUNCIL

† **October 17, 1996 - 7 p.m.** -- Public Hearing

Municipal Building, Roanoke City Council Chambers, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

The third of four public hearings to obtain input on what state services should or could be rendered by the private sector.

**Contact:** Peggy Robertson, Staff, Commonwealth Competition Council, James Monroe Bldg., 101 N. 14th St., 5th Floor, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

## BOARD FOR CONTRACTORS

### Recovery Fund Committee

† **December 4, 1996 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to consider claims against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and

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## Calendar of Events

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requiring special accommodations or interpreter services should contact Holly Erickson at least 2 weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

### DEPARTMENT OF CONSERVATION AND RECREATION

#### Falls of the James Scenic River Advisory Board

**November 7, 1996 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD ☎

#### Fall River Renaissance Committee

**October 30, 1996 - 10 a.m.** -- Open Meeting  
Department of Conservation and Recreation, 203 Governor Street, Soil and Water Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to report on progress for plans for the Fall River Renaissance campaign and continue to develop further plans. The Fall River Renaissance is a campaign to further the efforts of citizens and organizations that are engaged in volunteer activities to conserve and enhance Virginia's rivers and public waters. It will be held September 21-October 19, 1996.

**Contact:** Carol Comstock, Director of Development, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-2294, FAX (804) 371-2072, or (804) 786-2121/TDD ☎

### CONSERVATION AND RECREATION FOUNDATION

**October 17, 1996 - 9:30 a.m.** -- Open Meeting  
Northern Virginia Regional Park Authority, Fairfax Station, 5400 Ox Road, Board Room, Fairfax, Virginia. ☎

A meeting to discuss organizational matters, a briefing of new foundation members, and presentation on the Virginia Outdoors Plan.

**Contact:** John Davy, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

### BOARD OF CORRECTIONAL EDUCATION

**October 18, 1996 - 10 a.m.** -- Open Meeting  
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.

A monthly meeting to discuss general business.

**Contact:** Patty Ennis, Administrative Assistant, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 225-3255, or (804) 371-8467/TDD ☎

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**October 18, 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 Correctional Education intends to adopt regulations entitled: **6 VAC 10-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed regulation is to provide interested parties with a means to request the development, amendment or repeal of a regulation.

Statutory Authority: §§ 9-6.14:7.1 and 22.1-343 of the Code of Virginia.

**Contact:** Mark Monson, Budget Manager, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3310, FAX (804) 225-3255, or (804) 371-8467/TDD ☎

### DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

**October 16, 1996 - 10 a.m.** -- Public Hearing  
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.

**November 16, 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 Corrections intends to amend regulations entitled: **6 VAC 15-20-10 et seq. Regulations Governing Certification and Inspection**. The Regulations Governing Certification and Inspection process comply with § 53.1-5 of the Code of Virginia, which requires the Board of Corrections to develop program standards for correctional facilities and services and to monitor the activities of the department and its effectiveness in implementing those standards. These regulations, then, serve to enforce all facility and program standards promulgated by the board. The regulations provide uniform factors for evaluating all programs and establish the proper steps in the certification, appeal and waiver processes. Through a regular board and departmental review, the attached amendments are being proposed to (i) strengthen the regulations by tightening requirements for timeliness and communication of departmental information to the board;

(ii) meet specific recommendations made by the Joint Legislative Audit and Review Commission; and (iii) comply with the requirements of § 53.1-68 of the Code of Virginia, which was recently amended to require one unannounced annual inspection and one unannounced annual health inspection of local correctional facilities.

Statutory Authority: §§ 53.1-5 and 53.1-68 of the Code of Virginia.

**Contact:** Amy Miller, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3119.

**October 16, 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

**October 16, 1996 - 8:30 a.m. -- Open Meeting**  
Department of Corrections, 6900 Atmore Drive, Board Room, 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

**October 15, 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.

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

### Advisory Board

† **November 6, 1996 - 10 a.m. -- Open Meeting**  
Department for the Deaf and Hard-of-Hearing, Washington Building, 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 Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, Washington Bldg., 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) 371-7882.

### BOARD OF DENTISTRY

† **October 18, 1996 - 9 a.m. -- Open Meeting**

† **October 25, 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)

The Informal Conference Committee will hear disciplinary cases. 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 - CHESTERFIELD COUNTY

**November 7, 1996 - 5:30 p.m. -- Open Meeting**

† **December 5, 1996 - 5:30 p.m. -- Open Meeting**  
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

**Contact:** Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

### LOCAL EMERGENCY PLANNING COMMITTEE - GOOCHLAND COUNTY

† **October 22, 1996 - 7:30 p.m. -- Open Meeting**

Courthouse Complex, 2938 River Road West, General District Courtroom, Goochland, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular semi-annual meeting.

**Contact:** Gregory K. Wolfrey, Emergency Coordinator, P.O. Box 10, Goochland, VA 23063, telephone (804) 556-5301 or (804) 556-5317/TDD ☎

### LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

† **October 21, 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

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## Calendar of Events

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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

† **October 15, 1996 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia.

A working meeting of the regulatory ad hoc group engaged in the development of an exclusionary general permit (9 VAC 5-500) that would exempt certain sources from the Title V operating permit program if actual emissions were below a specified level.

**Contact:** Robert Mann, Director of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4419, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

† **October 28, 1996 - 7 p.m.** -- Public Hearing  
Municipal Building, 55 West Church Street, Council Chambers, Martinsville, Virginia.

A public hearing to receive comments on the proposed issuance of a permit to Prillaman Chemical Corporation for the storage and treatment of hazardous waste at the corporation's Chatham facility.

**Contact:** Khoa T. Nguyen, Department of Environmental Quality, Office of Permitting Management, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4128.

† **October 30, 1996 - 10 a.m.** -- Open Meeting  
† **November 14, 1996 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia. ☎

A working meeting of the regulatory ad hoc group engaged in the development of changes to the minor new source review permit program established under 9 VAC 5-80-10 of the Regulations for the Control and Abatement of Air Pollution.

**Contact:** Beth Major, Policy Analyst Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

† **November 12, 1996 - 7 p.m.** -- Public Hearing  
Virgil Grissom Library, 366 DeShazole Drive, Newport News, Virginia.

A public hearing to receive comments on the proposed issuance of a permit for post closure care of a hazardous waste facility to Newport News Shipbuilding in Newport News, Virginia.

**Contact:** Douglas Brown, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182.

### Work Group on Ammonia, Mercury, Lead and Copper with Respect to Water Quality Standards

**October 17, 1996 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Conference Room 5B, 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 November 21 and December 19, 1996; January 16, February 20, March 20, April 17, May 15, and June 19, 1997. Persons interested in the meetings should confirm meeting date, time and location with the contact person below.

**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 Ground Water Protection Steering Committee

† **November 19, 1996 - 9 a.m.** -- Open Meeting  
State Corporation Commission, 8th Floor Conference Room, Richmond, Virginia. ☎

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda contact Mary Ann Massie at (804) 698-4042.

**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.

### VIRGINIA FIRE SERVICES BOARD

**October 16, 1996 - 7 p.m.** -- Public Hearing  
Abingdon Fire Station, 316 Park Street, Abingdon, Virginia.

**October 17, 1996 - 7 p.m.** -- Public Hearing  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

**November 6, 1996 - 7 p.m.** -- Public Hearing  
South Hill Volunteer Fire Department, 114 North Brunswick Avenue, South Hill, Virginia.

**November 14, 1996 - 7 p.m.** -- Public Hearing  
Augusta County Government Complex, 4801 Lee Highway, Verona, Virginia.

**November 23, 1996 - 7 p.m.** -- Public Hearing  
Sheraton National, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Virginia Fire Services Board and Virginia Department of Fire Programs are holding a series of public hearings throughout the state in September,

October and November regarding revisions to the Fire Programs Fund Policies and Code. If you have any questions or need a copy of the revisions please contact the Department of Fire Programs area office. Comments will be received at the beginning of each session.

**Contact:** Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

**October 17, 1996 - 7:30 p.m. -- Public Hearing**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, 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.

**October 18, 1996 - 9 a.m. -- Open Meeting**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, 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/EMS Education and Training Committee

**October 17, 1996 - 10:30 a.m. -- Open Meeting**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A 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

**October 17, 1996 - 8:30 a.m. -- Open Meeting**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A 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

**October 17, 1996 - 2 p.m. -- Open Meeting**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A 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.

## Residential Sprinkler Committee

**October 16, 1996 - 1 p.m. -- Open Meeting**  
Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia.

A 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

NOTE: CHANGE IN MEETING DATE

† **November 19, 1996 - 9 a.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☎

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes. A formal hearing will follow.

**Contact:** Elizabeth Young Kirksey, 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

**October 24, 1996 - 10 a.m. -- Open Meeting**  
**October 25, 1996 - 9 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 intends to consider fish regulations to be effective in 1997 and 1998. The board will determine whether the amendments governing seasons, creel limits, and methods of take and possession of fish, which were proposed at its August 22, 1996, board meeting, will be adopted as final regulations. The board will also address possible amendments proposed at its August 22 board meeting to regulations governing nongame aquatic species, nuisance wildlife species, and boating. The board intends, based upon public input which includes that which was received at a series of statewide public meetings, to adopt changes to the above regulations. The board will solicit public comment on October 24, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than the regulations currently in effect, or the regulation

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## Calendar of Events

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amendments proposed at the August 22, 1996, board meeting, as necessary for the proper management of fish and wildlife resources. In addition, general and administrative matters may be discussed, and the board may hold an executive session. If the board completes its agenda on the first day of the scheduled meeting, it will not convene on Friday, October 25.

**Contact:** Phil Smith, Policy Analyst Senior, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

### GUNSTON HALL PLANTATION

† **October 14, 1996 - 9 a.m.** -- Open Meeting  
Gunston Hall Plantation, 10709 Gunston Road, Mason Neck, Virginia. (Interpreter for the deaf provided upon request)

The annual meeting of the Board of Regents to review work accomplished in the last six months and to review the budget for the coming year.

**Contact:** Tracy L. Clater, Executive Secretary, Gunston Hall Plantation, 10709 Gunston Rd., Mason Neck, VA 22079, (703) 550-9220 or FAX (804) 550-9480.

### DEPARTMENT OF HEALTH (STATE BOARD OF)

**November 16, 1996** -- Public comments may be submitted until 5 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 Board of Health intends to amend regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed amendment is to establish a distinct process for acceptance and consideration of requests for Certificates of Public Need which involve the establishment of new nursing home facilities or increasing the number of beds at an existing medical care facility, and to implement changes to the Certificate of Public Need law effective July 1, 1996.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

**Contact:** Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

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**November 16, 1996** -- Public comments may be submitted until 5 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 Board of Health intends to amend regulations entitled: **12 VAC 5-360-10 et seq. State Medical Facilities Plan: Nursing Home Services.** The purpose of the proposed regulation is to revise and expand project review standards for the evaluation of nursing home Certificate of Public Need requests. The amendments are proposed to prepare the Department of Health for competitive review of nursing home bed applications which has not occurred since 1988.

Statutory Authority: §§ 32.1-12, 32.1-102.2, and 32.1-145 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

**Contact:** Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

### Biosolids Use Information Committee

**October 17, 1996 - 1 p.m.** -- Open Meeting  
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss specific concerns relating to the land application and agricultural use of biosolids, including issues related to the final Biosolids Use Regulations recently adopted by the State Board of Health to regulate the land application, marketing, or distribution of biosolids.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

### Biosolids Use Regulations Advisory Committee

**October 17, 1996 - 10 a.m.** -- Open Meeting  
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia.

A meeting to discuss issues concerning the implementation and proposed revisions of the Biosolids Use Regulations involving land application, distribution, or marketing of biosolids.

**Contact:** C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

## BOARD OF HEALTH PROFESSIONS

**October 15, 1996 - 1 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 full board meeting with agenda items to include the review of HB 1439 study progress. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Compliance and Discipline Committee

**October 15, 1996 - Noon** -- 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 board study on uniform disclosure, and to receive an update on the statistical report. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Ad Hoc Committee on Criteria

**October 15, 1996 - 10:30 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 discuss study progress. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Practitioner Self-Referral Committee

**October 16, 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 meeting to consider the request for an advisory opinion on referrals. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Regulatory Research Committee

**October 15, 1996 - 9 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 request to evaluate the need to regulate athletic trainers, to further study counseling-related professions, and to adopt final regulations on dietitians and nutritionists and discuss other business as necessary. Public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## BOARD FOR HEARING AID SPECIALISTS

**October 15, 1996 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ☎

An examination workshop. 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 ☎

## VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

**October 24, 1996 - 10 a.m.** -- Open Meeting  
**November 21, 1996 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor,  
Richmond, Virginia. ☎

A regular meeting.

**Contact:** Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-2060.

## VIRGINIA HIV PREVENTION COMMUNITY PLANNING COMMITTEE

**October 17, 1996 - 7:30 p.m.** -- Public Hearing  
Winchester Medical Center, 1840 Amherst Street,  
Winchester, Virginia. (Interpreter for the deaf provided upon request)

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## Calendar of Events

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**November 7, 1996 - 7 p.m.** -- Public Hearing  
James J. McCoart Administration Building, One County Complex Court, Prince William, Virginia. (Interpreter for the deaf provided upon request)

**November 12, 1996 - 7:30 p.m.** -- Public Hearing  
College of William and Mary, University Center, Chesapeake Room A, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

**November 13, 1996 - 7 p.m.** -- Public Hearing  
Lynchburg Public Library, 2315 Memorial Avenue, Community Room, Lynchburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HIV prevention and Ryan White Health Care in Virginia.

**Contact:** Elaine G. Martin, Coordinator, STD/AIDS Education, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

### HOPEWELL INDUSTRIAL SAFETY COUNCIL

**November 5, 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

† **November 15, 1996 - 9 a.m.** -- Public Hearing  
Department of Housing and Community, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the following proposed regulations: Certification Standards (13 VAC 5-21-10 through 13 VAC 5-21-60); Statewide Fire Prevention Code (13 VAC 5-51-10 through 13 VAC 5-51-180); Amusement Device Regulations (13 VAC 5-31-10 through 5-31-170); Uniform Statewide Building Code (13 VAC 5-61-10 through 13 VAC 5-61-410); Industrialized Building Safety Regulations (13 VAC 5-91-10 through 13 VAC 5-91-400); and Manufactured Housing Safety Regulations (13 VAC 5-95-10 through 13 VAC 5-95-250).

**Contact:** Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD (TDD)

† **November 15, 1996 - Immediately following 9 a.m. public hearing** -- Open Meeting  
Department of Housing and Community, The Jackson Center, 501 North 2nd Street, First Floor Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular monthly business meeting of the Board of Housing and Community Development. Public comment will be received.

**Contact:** Stephen W. Calhoun, CPA, Manager, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, or (804) 371-7089/TDD (TDD)

### State Building Code Technical Review Board

† **October 18, 1996 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd 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 Code Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD (TDD)

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**October 15, 1996 - 11 a.m.** -- Open Meeting  
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Commissioners to (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 Street, Richmond, VA 23220, telephone (804) 782-1986.

## STATEWIDE INDEPENDENT LIVING COUNCIL

**October 23, 1996 - 10 a.m.** -- Open Meeting  
Hampton Public Library, 4207 Victoria Boulevard, Hampton, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct regular business.

**Contact:** Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **October 21, 1996 - 1 p.m.** -- Open Meeting  
Hotel Roanoke, 110 Shenandoah Avenue, Roanoke, Virginia.

† **November 11, 1996 - 1 p.m.** -- Open Meeting  
The Homestead, Hot Springs, 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

† **November 4, 1996 - 10:30 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☎

A meeting to discuss matters related to The Library of Virginia and its 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.

## Automation and Networking Committee

† **November 4, 1996 - 9 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, Automation and Networking Division, Office of the Division Director, Richmond, Virginia. ☎

A meeting to discuss automation and networking matters.

**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.

## Executive Committee

† **November 4, 1996 - 9:45 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, Office of the State Librarian, Richmond, Virginia. ☎

A meeting to discuss matters related to The Library of Virginia and its 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.

## Facilities Committee

† **November 3, 1996 - 5 p.m.** -- Open Meeting  
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ☎

A meeting to discuss matters pertaining to the new Library of Virginia building, the status of the Records Center, and the current Library of Virginia facility.

**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.

## Legislative and Finance Committee

† **November 3, 1996 - 4 p.m.** -- Open Meeting  
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ☎

A meeting to discuss legislative and financial matters.

**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.

## Publications and Cultural Affairs Committee

† **November 4, 1996 - 8 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, Office of the Division Director, Richmond, Virginia. ☎

A meeting to discuss matters related to the Publications and Cultural Affairs Division and The Library of Virginia.

**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.

## Public Library Development Committee

† **November 3, 1996 - 5 p.m.** -- Open Meeting  
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ☎

A meeting to discuss matters pertaining to public library development and The Library of Virginia.

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## Calendar of Events

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**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.

### Records Management Committee

† **November 4, 1996 - 9 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, Conference Room B, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to records management.

**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.

### Research and Information Services Committee

† **November 4, 1996 - 8 a.m.** -- Open Meeting  
The Library of Virginia, 11th Street at Capitol Square, Conference Room B, Richmond, Virginia. ♿

A meeting to discuss research and information services.

**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.

### LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

† **October 29, 1996 - 10 a.m.** -- Open Meeting  
Plantation House, 1108 East Main Street, 2nd Floor Conference Center, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to (i) promote the control, prevention, and elimination of litter from the Commonwealth and encourage recycling and (ii) advise the Director of the Department of Environmental Quality on other litter control and recycling matters. For details call Paddy Katzen or e-mail pmkatzen@deq.state.va.us.

**Contact:** Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488.

### LONGWOOD COLLEGE

#### Board of Visitors

† **October 18, 1996 - 9 a.m.** -- Open Meeting  
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting to conduct routine business of the Facilities and Services Committee.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **October 18, 1996 - 10:30 a.m.** -- Open Meeting  
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting to conduct routine business of the Finance Committee.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **October 18, 1996 - 1 p.m.** -- Open Meeting  
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting to conduct routine business of the Student Affairs Committee.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **October 18, 1996 - 2:15 p.m.** -- Open Meeting  
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting to conduct routine business of the Academic Affairs Committee.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† **October 19, 1996 - 10 a.m.** -- Open Meeting  
Longwood College, Lancaster Building, Farmville, Virginia. ♿

A meeting to conduct routine business of the Board of Visitors.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

### MATERNAL AND CHILD HEALTH COUNCIL

**October 16, 1996 - 2 p.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's mothers and children by promoting and improving programs and service delivery systems related to maternal and child health, including prenatal care, school health, and teenage pregnancy.

**Contact:** Patricia Avery, Executive Secretary Senior, Department of Health, Office of Family Health Services, 1500 E. Main St., Room 104-B, Richmond, VA 23219, telephone (804) 371-0478.

### Perinatal/Early Childhood Subcommittee

† **October 16, 1996 - 10:30 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's mothers and children by promoting and

improving programs and service delivery systems in the perinatal and early childhood periods.

**Contact:** Patricia Avery, Executive Secretary Senior, Department of Health, Office of Family Health Services, 1500 E. Main St., Room 104-B, Richmond, VA 23219, telephone (804) 371-0478.

## School Health Subcommittee

**October 22, 1996 - 10 a.m.** -- Open Meeting  
Eastern Henrico County Government Center, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to focus on improving the health of the Commonwealth's children and adolescents by promoting and improving programs and service delivery systems related to school health programs.

**Contact:** Nancy Ford, School Health Nurse Consultant, Department of Health, Division of Child and Adolescent Health, 1500 E. Main St., Suite 137, Richmond, VA 23218-2448, telephone (804) 786-7367.

## BOARD OF MEDICAL ASSISTANCE SERVICES

† **October 22, 1996 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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 or FAX (804) 371-4981.

## Legislative/Public Affairs Committee

† **October 22, 1996 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss medical assistance service and to take action on issues pertinent to the Legislative/Public Affairs Committee of the Board of Medical Assistance Services.

**Contact:** Cynthia Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

## Virginia Medicaid Pharmacy Liaison Committee

**October 24, 1996 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct routine business.

**Contact:** Marianne R. Rollings, Registered Pharmacist, Pharmacy Services Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

## Policy Committee

† **October 22, 1996 - 9 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss medical assistance service and to take action on issues pertinent to the Policy Committee of the Board of Medical Assistance Services.

**Contact:** Cynthia Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

## BOARD OF MEDICINE

### Executive Committee

**October 24, 1996 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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 not entertain public comments.

**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

**October 24, 1996 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **October 29, 1996 - 9:30 a.m.** -- Open Meeting  
Department of Transportation, 86 Deacon Road, Falmouth, Virginia.

† **November 6, 1996 - 10:30 a.m.** -- Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

† **November 8, 1996 - 9 a.m.** -- Open Meeting  
Marriott Hotel (formerly Kingsmill Hilton), 50 Kingsmill Road, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that

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## Calendar of Events

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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, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**November 4, 1996 - 10:30 a.m. -- Open Meeting**  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☎

A meeting of the Pilot Leadership Team to help the department refine and complete development of the two pilot project proposals and monitor and evaluate their implementation.

**Contact:** Cheryl Crawford, Administrative Staff Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-5682, FAX (804) 371-6638, toll-free 1-800-451-5544, or (804) 371-8977/TDD ☎

### State Human Rights Committee

**November 1, 1996 - 9 a.m. -- Open Meeting**  
Central State Hospital, 7th Avenue, Building 65, Petersburg, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

**Contact:** Kli Kinzie, State Human Rights Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-2308, toll-free 1-800-451-5544 or (804) 371-8977/TDD ☎

### STATE MILK COMMISSION

† **November 13, 1996 --** Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given that the State Milk Commission intends to amend regulations entitled: **2 VAC 15-20-10 et seq. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry of Virginia.** The proposal removes the sunset provisions to enable the commission to continue calculating monthly Class I producer prices using reconstructed and reweighed index of prices paid and prices received, and the index of prices paid, production items, complete feeds as published by U.S. Department of Agriculture, National Statistics Service.

Statutory Authority: §§ 3.1-430 and 3.1-437 of the Code of Virginia.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200-202 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD ☎

† **November 20, 1996 - 10:30 a.m. -- Open Meeting**  
900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia.

A regular meeting of the board to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, fiscal matters, and to receive reports from staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. In addition, the commission will review public comment on making the provisions of amended Temporary Order No. 20 prior to taking action on promulgating its provisions as a permanent regulation. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting so that suitable arrangements can be made.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200-202 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD ☎

### DEPARTMENT OF MINES, MINERALS AND ENERGY

**November 14, 1996 - 10 a.m. -- Public Hearing**  
Department of Mines, Minerals and Energy, U. S. Route 23 South, Big Stone Gap, Virginia.

**November 15, 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.** The Department of Mines, Minerals and Energy is proposing amendments to the Virginia Coal Surface Mining Reclamation Regulation governing protection against uncontrolled blowouts of water from underground coal mine workings. The amendments are identical to the emergency regulation amendments effective from March 29, 1996, through March 28, 1997 (see 12:16 VA.R. 2193-2198 April 29, 1996). The amendments add a requirement that applicants for coal mining permits must include information in their permit applications about the steps to be taken during mining to prevent the sudden release of accumulated water from the underground mine workings. The amendments also establish a minimum width for the barrier of coal to be left in place where the coal seam being mined dips toward the land surface and where the barrier may impound water. The amendments provide a standard formula for calculating the required barrier

thickness, or alternately allows for site-specific designs to determine the needed barrier thickness.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

**Contact:** Danny R. 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) 523-8100, FAX (540) 523-8163, or toll-free 1-800-828-1120 (VA Relay Center).

## MOTOR VEHICLE DEALER BOARD

**November 2, 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 Motor Vehicle Dealer Board intends to adopt regulations entitled: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.** The Motor Vehicle Dealer Board is a self-sustaining entity. All expenses for the board must be paid through fees assessed by the board. At the current fee level the board will not be able to meet its expenses. It is projected that the board will have a negative cash balance by the end of March 1997 if the fees are not adjusted. The proposed regulations will increase certain fees for motor vehicle dealers and salespersons and enable the board to continue its function.

Statutory Authority: §§ 46.2-1506, 46.2-1503.4, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until November 2, 1996, to Barbara Klotz, P.O. Box 27412, Room 724, Richmond, VA 23269-0001.

**Contact:** Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23230, telephone (804) 367-1100, FAX (804) 367-1053, or (804) 272-9278/TDD ☎

## VIRGINIA MUSEUM OF NATURAL HISTORY

### Board of Trustees

**October 26, 1996 - 9 a.m.** -- Open Meeting  
Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, 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 August meeting.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

### Development Committee

**October 26, 1996 - 8 a.m.** -- Open Meeting  
Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss the Board of Trustees annual giving leadership campaign, and to review fundraising issues for the DINOSAURS! exhibit.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

### Marketing Committee

**October 26, 1996 - Noon** -- Open Meeting  
Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss marketing of the DINOSAURS! exhibit.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

### Outreach Committee

**October 26, 1996 - 7:30 a.m.** -- Open Meeting  
Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss outreach goals and objectives.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

### Research and Collections Committee

**October 26, 1996 - 7:30 a.m.** -- Open Meeting  
Dutch Inn Hotel and Convention Center, 633 Virginia Avenue, Collinsville, Virginia. ☎

A meeting to discuss appointment of research associates.

**Contact:** Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☎

## BOARD OF NURSING HOME ADMINISTRATORS

† **October 24, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

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## Calendar of Events

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A meeting to conduct informal conferences. No public comment will be received.

**Contact:** Elizabeth Young Kirksey, 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 ☎

### BOARDS OF NURSING AND MEDICINE

**October 22, 1996 - 10:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Committee of the Joint Boards of Medicine and Nursing, the Board of Nursing and the Board of Medicine will conduct informal conferences. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

### BOARD OF PHARMACY

**October 17, 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 board meeting and formal hearing. There will be a 15-minute public comment period beginning at 9:15 a.m.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911 or FAX (804) 662-9313.

### Regulations Committee

† **October 18, 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 meeting to discuss (i) development of proposed regulations for electronic dispensing devices; (ii) implementation of recommendations from the comprehensive reviews as required by Executive Order 15(94); and (iii) other problems or issues referred to the committee by the board.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911 or FAX (804) 662-9313.

### BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† **November 7, 1996 - 1 p.m.** -- Open Meeting  
† **November 7, 1996 - 3 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A formal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† **November 21, 1996 - 10:30 a.m.** -- Open Meeting  
† **November 21, 1996 - 11:30 a.m.** -- Open Meeting  
† **November 22, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

### BOARD FOR PROFESSIONAL SOIL SCIENTISTS

**October 17, 1996 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A regularly scheduled meeting of the board to address policy and procedural issues and other business matters which may require board action. The meeting is open to the public; however, a portion of the meeting may be discussed in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

**Contact:** Gerald W. Morgan, Senior Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD ☎

### BOARD OF PSYCHOLOGY

† **November 12, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A formal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† **November 26, 1996 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† **December 10, 1996 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to conduct general board business. Public comment will be received.

**Contact:** LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

## Examination Committee

† **November 1, 1996 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to conduct general committee business. Public comment will not be received.

**Contact:** LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

## REAL ESTATE BOARD

† **October 24, 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 two weeks 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

† **October 24, 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 two weeks 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 ☎

## STATE REHABILITATION ADVISORY COUNCIL

**November 18, 1996 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Kathy Hayfield, SRAC Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7134, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

## VIRGINIA RESOURCES AUTHORITY

**November 12, 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.

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **October 30, 1996 - 8 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎

A meeting to 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,

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## Calendar of Events

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and 12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.

**Contact:** Raphia Lewis, Secretary to the Board, Department of Health, 1500 E. Main St., Suite 115, P.O. Box 2448, Richmond, VA 23218, telephone (804) 225-4018.

### VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **October 24, 1996 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval, and to discuss issues relevant to the authority's operations.

**Contact:** Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8256, FAX (804) 225-3384, or (804) 371-0327/TDD ☎

#### Loan Committee

† **October 24, 1996 - 8:30 a.m.** -- Open Meeting  
Department of Business Assistance, 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 and to discuss issues relevant to the authority's operations.

**Contact:** Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8256, FAX (804) 225-3384, or (804) 371-0327/TDD ☎

### STATE BOARD OF SOCIAL SERVICES

**October 16, 1996 - 9 a.m.** -- Open Meeting  
**October 17, 1996 - 9 a.m.** (if necessary) -- Open Meeting  
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☎

A work session and formal business meeting of the board.

**Contact:** Phyllis Sisk, Special Assistant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1900, FAX (804) 692-1949, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD ☎

### BOARD OF SOCIAL WORK

**October 18, 1996 - 9 a.m.** -- Open Meeting  
**October 19, 1996 - 9 a.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

A planning meeting for 1997 and discussion of the board's regulations. Public comment will be received at 9:15 a.m. on Friday, October 18.

**Contact:** Evelyn B. 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 ☎

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**November 1, 1996 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

**November 29, 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 Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed amendment is to reduce licensure renewal fees and eliminate the initial licensure fee for new licensees.

Statutory Authority: §§ 54.1-113, 54.1-2400, and 54.1-3700 et seq.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

### VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **October 22, 1996 - 10 a.m.** -- Open Meeting  
Henrico County Government Center, 8600 Dixon Powers Drive, Lower Level, Recreation and Parks Conference Room, Richmond, Virginia. ☎

A subcommittee of the board will discuss issues relating to its assistance to persons, associations, and corporations engaged in furthering the programs of soil and water conservation districts.

**Contact:** Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2123, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

### COMMONWEALTH TRANSPORTATION BOARD

**October 16, 1996 - 1 p.m.** -- Open Meeting  
Natural Bridge Hotel, Jefferson Ballroom, Natural Bridge, 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.

## TREASURY BOARD

**October 16, 1996 - 9 a.m.** -- Open Meeting  
**November 20, 1996 - 9 a.m.** -- Open Meeting  
**December 18, 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

† **October 16, 1996 - 9:30 a.m.** -- Open Meeting  
Administrative Building, 12007 Courthouse Circle, New Kent, Virginia. ☎

A regular meeting to include a report from Colonial Downs and a visit to the racetrack construction site.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363, FAX (804) 371-6127 or (804) 371-6169/TDD ☎

## BOARD FOR THE VISUALLY HANDICAPPED

**October 23, 1996 - 1:30 p.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, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Vocational Rehabilitation Advisory Council

† **December 14, 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 council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for 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, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

**October 24, 1996 - 10:30 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ☎

A meeting to consider public hearing comments and review new product data for drug products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

## GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

**October 29, 1996 - 9 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, House Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A business round table from 9 to 11 a.m. Subcommittee meetings will meet from 11 a.m. to noon. From 1 to 4 p.m. the commission will hold its regularly scheduled meeting.

**Contact:** Fay Lohr, Director, Office of Community Services, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1895, FAX (804) 692-1869 or toll-free 1-800-828-1120/TDD ☎

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# Calendar of Events

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## INDEPENDENT

### STATE LOTTERY BOARD

† **October 23, 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.

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

**November 19, 1996 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to receive a report from the Administrative Law Advisory Committee and to conduct general business.

**Contact:** Jane D. Chaffin, Deputy Registrar, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

**October 15, 1996 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

Staff briefings on Interim Report of the Structure of the Natural Resources Agency and on the Information Technology Consultant Workplan.

**Contact:** Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

### COMMISSION ON YOUTH

**October 21, 1996 - 4 p.m.** -- Public Hearing  
Arlington, Virginia - Location to be announced.

HJR 181 Study of Homeless Children in Virginia.

**Contact:** Joyce Huey, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

**October 21, 1996 - 7 p.m.** -- Public Hearing  
Arlington, Virginia - Location to be announced.

HJR 92 Study of Youth Gangs in Virginia.

**Contact:** Joyce Huey, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

† **November 21, 1996 - 4 p.m.** -- Public Hearing  
Ruffner Middle School, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HJR 181 Study of Homeless Children in Virginia (with Housing Study Commission). Speakers may sign up by phone.

**Contact:** Joyce Garner, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

† **November 21, 1996 - 6:30 p.m.** -- Public Hearing  
Ruffner Middle School, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HJR 92 Study of Youth Gangs in Virginia (with State Crime Commission). Speakers may sign up by phone.

**Contact:** Joyce Garner, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### October 14

† Gunston Hall Plantation

#### October 15

Corrections, Board of

- Correctional Services Committee

† Environmental Quality, Department of Health Professions, Board of

- Compliance and Discipline Committee

- Ad Hoc Committee on Criteria

- Regulatory Research Committee

Hearing Aid Specialists, Board for

Housing Development Authority, Virginia

Legislative Audit and Review Commission, Joint

#### October 16

Corrections, Board of

- Administration Committee

Fire Services Board

- Residential Sprinkler Committee

Health Professions, Board of

- Practitioner Self-Referral Committee

† Maternal and Child Health Council

- Perinatal/Early Childhood Subcommittee

Social Services, State Board of  
 Transportation Board, Commonwealth  
 Treasury Board  
 † Virginia Racing Commission

## October 17

Accountancy, Board for  
 Assistive Technology Loan Fund Authority Board  
 Conservation and Recreation Foundation  
 Environmental Quality, Department of  
 - Work Group on Ammonia, Mercury, Lead and  
 Copper  
 Fire Services Board  
 - Fire/EMS Education and Training Committee  
 - Fire Prevention and Control Committee  
 - Legislative/Liaison Committee  
 Health, Department of  
 - Biosolids Use Information Committee  
 - Biosolids Use Regulations Advisory Committee  
 Pharmacy, Board of  
 Professional Soil Scientists, Board for  
 Social Services, State Board of

## October 18

Accountancy, Board for  
 Correctional Education, Board of  
 † Dentistry, Board of  
 Fire Services Board  
 † Housing and Community Development, Department of  
 - State Building Code Technical Review Board  
 † Longwood College  
 - Board of Visitors  
 † Pharmacy, Board of  
 Social Work, Board of

## October 19

† Longwood College  
 - Board of Visitors  
 Social Work, Board of

## October 21

Alcoholic Beverage Control Board  
 Barbers, Board for  
 † Emergency Planning Committee, Local - Prince  
 William County, Manassas City, and Manassas Park City  
 † Intergovernmental Relations, Advisory Commission on

## October 22

Aviation Board, Virginia  
 † Emergency Planning Committee, Local - Goochland  
 County  
 Maternal and Child Health Council  
 - School Health Subcommittee  
 † Medical Assistance Services, Board of  
 - Legislative/Public Affairs Committee  
 - Policy Committee  
 Medicine, Board of  
 † Soil and Water Conservation Board, Virginia

## October 23

Auctioneers Board  
 Aviation Board, Virginia  
 Independent Living Council, Statewide  
 † Lottery Board, State  
 Visually Handicapped, Board for the

## October 24

Accountancy, Board for  
 Game and Inland Fisheries, Board of  
 Higher Education Tuition Trust Fund, Virginia  
 Medical Assistance Services, Department of  
 - Virginia Medicaid Pharmacy Liaison Committee  
 Medicine, Board of  
 - Executive Committee  
 † Nursing Home Administrators, Board of  
 † Real Estate Board  
 - Continuing Education Committee  
 † Small Business Financing Authority, Virginia  
 - Loan Committee  
 Voluntary Formulary Board, Virginia

## October 25

† Dentistry, Board of  
 Game and Inland Fisheries, Board of

## October 26

Museum of Natural History, Virginia  
 - Board of Trustees  
 - Development Committee  
 - Marketing Committee  
 - Outreach Committee  
 - Research and Collections Committee

## October 29

† Litter Control and Recycling Fund Advisory Board  
 † Medicine, Board of  
 Welfare Reform, Governor's Advisory Commission on

## October 30

† Chesapeake Bay Local Assistance Board  
 - Regulatory Committee and Regulation Advisory  
 Committee  
 Conservation and Recreation, Department of  
 - Fall River Renaissance Committee  
 † Environmental Quality, Department of  
 † Sewage Handling and Disposal Appeals Review Board

## October 31

Compensation Board

## November 1

Mental Health, Mental Retardation and Substance Abuse  
 Services, Department of  
 - State Human Rights Committee  
 † Psychology, Board of  
 - Examination Committee

## November 3

† Library Board  
 - Facilities Committee  
 - Legislative and Finance Committee  
 - Public Library Development Committee

## November 4

Alcoholic Beverage Control Board  
 † Library Board  
 - Automation and Networking Committee  
 - Executive Committee  
 - Publications and Cultural Affairs Committee  
 - Records Management Committee  
 - Research and Information Services Committee

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## Calendar of Events

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Mental Health, Mental Retardation and Substance Abuse Services, Department of

### November 5

Hopewell Industrial Safety Council

### November 6

Agriculture and Consumer Services, Department of

- Virginia Horse Industry Board
- Virginia Marine Products Board

† Deaf and Hard-of-Hearing, Department for the  
- Advisory Board  
† Medicine, Board of

### November 7

Conservation and Recreation, Department of

- Falls of the James Scenic River Advisory Board  
Emergency Planning Committee, Local - Chesterfield County  
† Professional Counselors and Marriage and Family Therapists, Board of

### November 8

† Medicine, Board of

### November 11

† Intergovernmental Regulations, Advisory Commission

### November 12

Chesapeake Bay Local Assistance Board

- Northern Area Review Committee
- Southern Area Review Committee

Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia  
† Psychology, Board of  
Resources Authority, Virginia

### November 13

Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia

### November 14

† Agriculture and Consumer Services, Department of  
- Virginia Aquaculture Advisory Board  
Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia  
† Environmental Quality, Department of

### November 15

† Housing and Community Development, Board of

### November 18

Alcoholic Beverage Control Board  
Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia  
† Funeral Directors and Embalmers, Board of  
Rehabilitation Advisory Council, State

### November 19

Virginia Code Commission  
† Environmental Quality, Department of  
- Virginia Groundwater Protection Steering Committee  
† Funeral Directors and Embalmers, Board of

### November 20

Chesapeake Bay Tributary Strategy Interagency Work Group, Virginia  
† Milk Commission, State  
Treasury Board

### November 21

Higher Education Tuition Trust Fund, Virginia  
† Professional Counselors and Marriage and Family Therapists, Board of

### November 22

† Professional Counselors and Marriage and Family Therapists, Board of

### November 26

† Chesapeake Bay Local Assistance Board  
- Regulation Advisory Committee  
† Psychology, Board of

### December 4

† Contractors, Board for  
- Recovery Fund Committee

### December 5

† Emergency Planning Committee, Local - County of Chesterfield

### December 10

† Psychology, Board of

### December 11

† Agriculture and Consumer Services, Department of  
- Virginia Corn Board

### December 12

† Chesapeake Bay Local Assistance Board  
- Regulatory Committee and Regulation Advisory Committee  
Child Day-Care Council

### December 14

† Visually Handicapped, Department for the  
- Vocational Rehabilitation Council

### December 18

Treasury Board

## PUBLIC HEARINGS

### October 16

Corrections, Board of  
Fire Services Board, Virginia

### October 17

† Competition Council, Commonwealth  
Fire Services Board, Virginia  
HIV Prevention Community Planning Committee

### October 21

Youth, Commission on  
HIV Prevention Community Planning Committee

### October 28

† Environmental Quality, Department of

**November 1**

Social Work, Board of

**November 6**

Fire Services Board, Virginia

**November 7**

HIV Prevention Community Planning Committee

**November 12**

† Environmental Quality, Department of  
HIV Prevention Community Planning Committee

**November 13**

HIV Prevention Community Planning Committee

**November 14**

Fire Services Board, Virginia  
Mines, Minerals and Energy, Department of

**November 15**

† Housing and Community Development, Board of

**November 21**

† Youth, Commission on

**November 23**

Fire Services Board, Virginia

