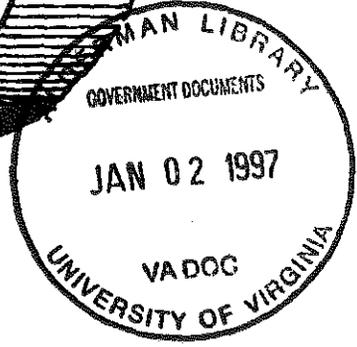
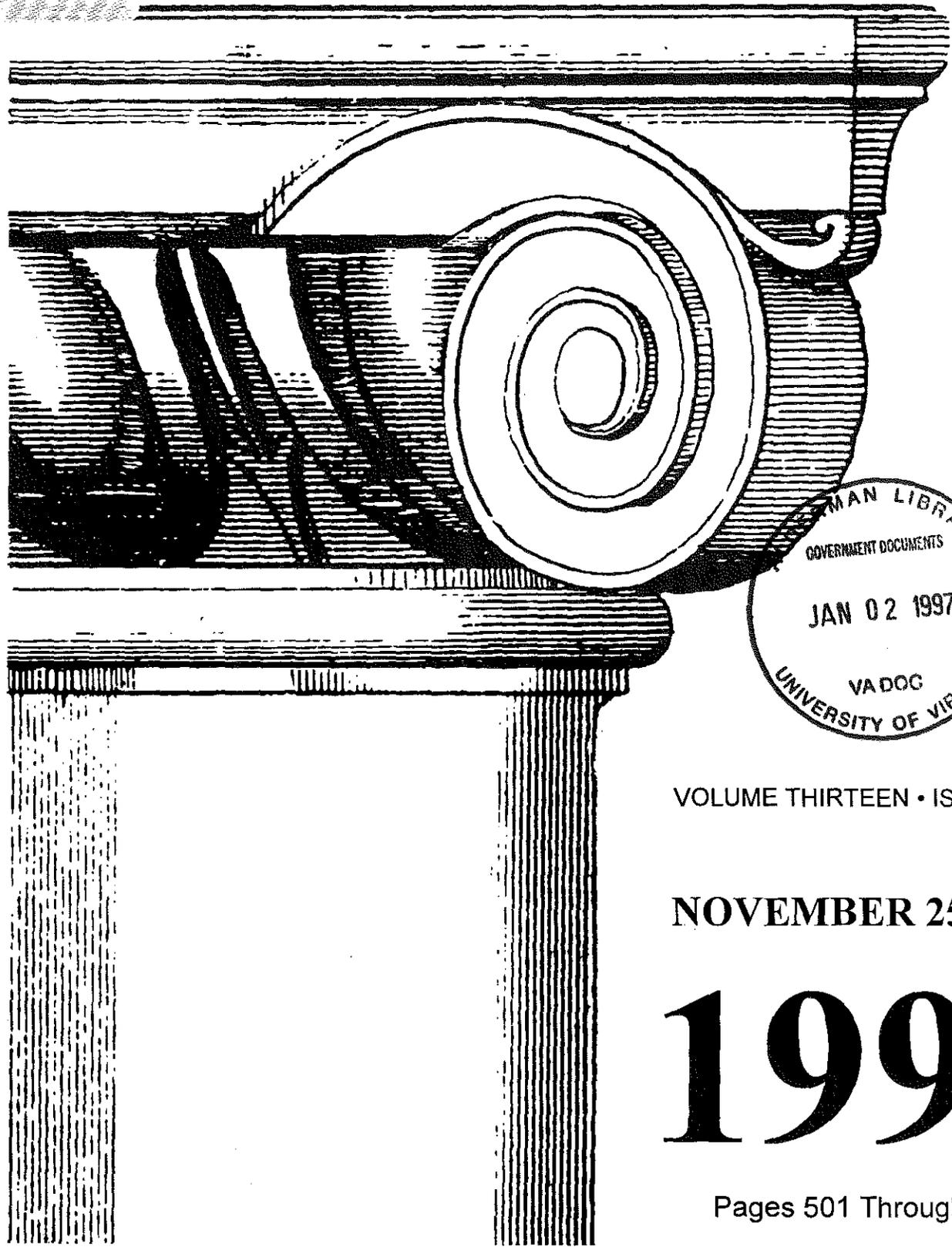


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THE VIRGINIA REGISTER

OF REGULATIONS

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NOVEMBER 25, 1996

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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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November 1996 through September 1997

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December 4, 1996		December 23, 1996
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February 12, 1997		March 3, 1997
February 26, 1997		March 17, 1997
March 12, 1997		March 31, 1997
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April 9, 1997		April 28, 1997
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June 4, 1997		June 23, 1997
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July 30, 1997		August 18, 1997
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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

DEPARTMENT OF CRIMINAL JUSTICE 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 Criminal Justice Services intends to consider amending regulations entitled: **6 VAC 20-160-10 et seq. Rules Relating to the Court-Appointed Special Advocate Program (CASA)**. The purpose of the proposed action is to amend the current regulations related to CASA Programs to ensure that they are in support of and consistent with the mission and growth of the program. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-173.6, 9-173.7, and 9-173.8 of the Code of Virginia.

Public comments may be submitted until November 28, 1996.

Contact: Dawn Colapietro, CASA Program Coordinator, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-6428, or FAX (804) 371-8981.

VA.R. Doc. No. R97-62; Filed October 9, 1996, 10:25 a.m.

DEPARTMENT OF EDUCATION (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 Board of Education intends to consider promulgating regulations entitled: **8 VAC 20-630-10 et seq. Technology Standards for Instructional Personnel**. The purpose of the proposed action is to promulgate technology standards that will set forth those competencies required of instructional personnel in Virginia schools. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Public comments may be submitted until December 26, 1996.

Contact: Thomas A. Elliott, Division Chief for Compliance, Department of Education, P. O. Box 2120, Richmond, VA 23218-2120, telephone (804) 371-2522 or FAX (804) 225-2381.

VA.R. Doc. No. R97-413; Filed November 6, 1996, 11:26 a.m.

DEPARTMENT OF HEALTH (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 Health intends to consider amending 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 action is to implement changes to the COPN law, effective July 1, 1996, which (i) eliminated the requirement for a COPN to replace major medical equipment, (ii) raised the capital expenditure threshold triggering COPN requirements, and (iii) established a minimal COPN application fee of \$1,000 and raised the maximum application fee from \$10,000 to \$20,000. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until November 29, 1996 at 5 p.m. to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230.

Contact: Paul E. Parker, Director, Division of Resources 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.

VA.R. Doc. No. R97-56; Filed October 9, 1996, 9:51 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider promulgating regulations entitled: **18 VAC 90-50-10 et seq. Regulations Governing the Certification of Massage Therapists**. The purpose of the proposed action is to establish qualifications for licensure, sufficient fees, and standards of professional conduct for massage therapists. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-3005 and 54.1-3029 of the Code of Virginia.

Public comments may be submitted until December 11, 1996.

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

Notices of Intended Regulatory Action

VA.R. Doc. No. R97-84; Filed October 17, 1996, 1 p.m.

VA.R. Doc. No. R97-48; Filed October 3 1996, 2:11 p.m.

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to replace emergency regulations which became effective on September 13, 1996, and which amended regulations in conformity with Chapters 937 and 980 of the 1996 Acts of the Assembly amending Chapter 36 of Title 54.1 of the Code of Virginia. Changes to the Code of Virginia consolidated the licensure of clinical psychologists under the Board of Psychology and added a category of applied psychologists. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3600 et seq. of the Code of Virginia.

Public comments may be submitted until November 27, 1996.

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

VA.R. Doc. No. R97-63; Filed October 9, 1996, 10:37 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 40-705-10 et seq. Child Protective Services.** The purpose of the proposed action is to satisfy the need to provide direction for how best to protect children from child abuse and neglect balanced with the right of parents and family integrity. These regulations will clarify and effect certain fundamental changes in how children are protected in the Commonwealth of Virginia with regard to the categories of reporting, investigations, appeals, training, and accountability. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-248.2 of the Code of Virginia.

Public comments may be submitted until November 27, 1996.

Contact: Jesslyn Cobb, Human Services Program Consultant, Child Protective Services Unit, Department of Social Services, 730 E. Broad St., Theater Row Building, Richmond, VA 23219-1849, telephone (804) 692-1255, FAX (804) 692-2215, or (800) 828-1120/TDD☎.

VIRGINIA RACING 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 Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-130-10 et seq., Virginia Breeders Fund.** The purpose of the proposed action is to establish more efficient procedures for the registration of racehorses and payment of awards from the fund. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 59.1-369 and 59.1-372 of the Code of Virginia.

Public comments may be submitted until December 26, 1996.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23218, telephone (804) 371-7363 or FAX (804) 371-6127.

VA.R. Doc. No. R97-124; Filed November 6, 1996, 2:07 p.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

BOARD FOR CONTRACTORS

January 7, 1997 - 5 p.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room 4,
Richmond, Virginia.

January 30, 1997 -- 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 Contractors intends to adopt regulations entitled: **18 VAC 50-30-10 et seq., Tradesman Certification Program Regulations**. The purpose of the proposed regulation is to provide for the certification of tradesmen by establishing fees, entry requirements, standards of practice and conduct, and other administrative procedures.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Steven L. Arthur, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2945.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575 or FAX (804) 662-9943.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

December 17, 1996 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.

January 24, 1997 -- 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 Professional Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-40-10 et seq., Regulations Governing the Certification of Rehabilitation Providers**. The purpose of the proposed amendment is to establish educational and experience requirements for certification.

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.

BOARD FOR CONTRACTORS

Title of Regulation: 18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Hearing Date: January 7, 1997 - 5 p.m.

Public comments may be submitted until January 30, 1997.

(See Calendar of Events section for additional information)

Basis: Section 54.1-201 of the Code of Virginia provides the board with the authority to amend its regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) necessary to effectively administer the regulatory system administered by the board. The board is proposing the increased fees to ensure that the variance between revenues and expenditures does not exceed 10% in any biennium as required by § 54.1-113 of the Code of Virginia.

Purpose: Pursuant to §§ 54.1-310, 54.1-311 and 54.1-1100 of the Code of Virginia, specifically § 54.1-1129, the Board for Contractors is proposing to promulgate regulations for the certification of tradesmen. Tradesmen, if unregulated, would pose a hazard to the public health, safety, or welfare.

Substance: The proposed regulations will establish the rules and regulations for the certification of the trades of electrical, plumbing, and heating, ventilation and air conditioning.

Issues: The regulations define key terms, establish entry requirements, set the renewal and reinstatement procedures, and delineate the standards of practice for the trades. The advantage to the regulations is the protection of the public by implementing a system of regulation. There are no known disadvantages.

Estimated Impact: These regulations apply to approximately 40,000 licensees. The economic and regulatory impact of the proposed regulations on the regulants is minimal, since the proposed regulations are essentially the same as the emergency regulations effective July 1, 1995. No localities have been identified as being particularly impacted by this proposal. Costs for implementation of the amended regulations are estimated to be limited to the costs of printing and mailing of the proposed and final regulations to those on the board's Public Participation Guidelines list. Regulants will be advised of the availability of the proposed and final regulations at the board office. Estimated cost is \$6,000. There will be no additional costs to the regulated population to implement this program.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13

(94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic affects.

Summary of the Proposed Regulation. In general, the purpose of the regulation is to establish criteria for board certification of electrical, plumbing, heating, ventilation, and air-conditioning tradesmen. This regulation was transferred by statute from the Department of Housing and Community Development to DPOR as of July 1, 1995. The current proposed regulation replaces an emergency regulation that became effective on that date.

These regulations contain two changes that are likely to have economic consequences:

- a new fee, and
- a provision allowing greater flexibility in the prerequisites for the journeyman's level certification examination.

Estimated Economic Impact

Fee increase. The proposed regulation establishes a schedule of fees for the issuance of duplicate tradesman certification cards. These fees are \$10 for the first request, \$20 for the second request, and \$40 for any subsequent request. Although these fees will almost certainly increase the total regulatory compliance costs imposed by this program, the increase is likely to be of negligible magnitude.

Prerequisites for examination. The proposed regulation allows individuals with ten years of practical experience to sit for the journeyman's level certification examination. The primary effect of this change will be to reduce compliance costs by allowing individuals to substitute practical experience for formal training as a prerequisite for taking the examination.

Businesses and Entities Particularly Affected

The proposed regulation particularly affects the approximately 40,000 licensees participating in the Tradesman Certification Program, and anyone who may apply for such licensure in the future.

Localities Particularly Affected. No localities are particularly affected by this proposed regulation.

Projected Impact on Employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the Use and Value of Private Property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of Analysis: The proposed regulation is expected to have two primary economic consequences: 1) a modest increase in regulatory compliance costs attributable to the imposition of new fees for the issuance of duplicate tradesman certification cards; and 2) a modest decrease in regulatory compliance costs attributable to greater flexibility in the prerequisites necessary for the journeyman's level certification examination.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The board agrees with the analysis performed by the Department of Planning and Budget, October 28, 1996, as reported to the Governor's office and endorsed by the Secretary of Commerce.

Summary:

This regulation establishes criteria for board certification of electrical, plumbing, heating, ventilation, and air-conditioning tradesmen. This regulatory authority was transferred by statute from the Department of Housing and Community Development to the Department of Professional and Occupational Regulation as of July 1, 1995. The current proposed regulation replaces an emergency regulation that became effective on that date.

CHAPTER 30.

TRADESMAN CERTIFICATION PROGRAM REGULATIONS.

PART I. GENERAL.

18 VAC 50-30-10. Definitions.

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

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Voluntary Apprenticeship Act (§ 40.1-117 et seq. of the Code of Virginia).

"Approved" means approved by the Department of Professional and Occupational Regulation.

"Board" means the Board for Contractors.

"Building official/inspector" is an employee of the state, a local building department or other political subdivision who enforces the Virginia Uniform Statewide Building Code.

"Certified tradesman" means an individual who meets the requirements for certification that relate to the trade which he practices.

"Department" means the Department of Professional and Occupational Regulation.

"Division" means a limited certification subcategory within any of the trades, as approved by the department.

"Electrical work" consists of, but is not limited to the following: (i) planning and layout of details for installation or modifications of electrical apparatus and controls including preparation of sketches showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling and installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv) observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement; and (v) repairing faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work including the construction, repair, maintenance, alteration or removal of electrical systems under the National Electrical Code and the Virginia Uniform Statewide Building Code.

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

"Gasfitter" means a tradesman who does gasfitting related work in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement or removal of gas piping, propane tanks, and appliances (excluding hot water systems and central heating systems which require an HVAC heating, ventilation, and air conditioning or plumbing certification) annexed to real property.

"Helper" or "laborer" means a person who assists a tradesman certified according to this chapter.

"HVAC tradesman" means an individual whose work includes the installation, alteration, repair or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, and mechanical refrigeration systems, including tanks, incidental to the system.

"Journeyman" means a person who possesses the necessary ability, proficiency and qualification to install, repair and maintain specific types of materials and equipment, utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

"Nonparticipating localities" means those cities, towns and counties in Virginia that did not participate in the Department of Housing and Community Development's Tradesman Certification Program prior to July 1, 1995.

"Participating localities" means those cities, towns and counties in Virginia that participated in the Department of

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Housing and Community Development's Tradesman Certification Program prior to July 1, 1995, by reviewing applications, examining candidates, and issuing journeyman and master cards to qualified tradesmen.

"Plumber" means a tradesman who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

"Plumbing work" means work that includes the installation, maintenance, extension, or alteration or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Backflow prevention devices;
2. Boilers;
3. Domestic sprinklers;
4. Hot water baseboard heating systems;
5. Water heaters;
6. Hydronic heating systems;
7. Process piping;
8. Public/private water supply systems within or adjacent to any building, structure or conveyance;
9. Sanitary or storm drainage facilities;
10. Steam heating systems;
11. Storage tanks incidental to the installation of related systems; or
12. Venting systems.

These plumbing tradesmen may also install, maintain, extend or alter the following:

1. Liquid waste systems;
2. Sewerage systems;
3. Storm water systems; and
4. Water supply systems.

"Reinstatement" means having a tradesman certification card restored to effectiveness after the expiration date has passed.

"Regulant" means tradesman certification card holder.

"Renewal" means continuing the effectiveness of a tradesman certification card for another period of time.

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

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: plumbing; heating, ventilation and air conditioning (HVAC); or electrical work, and divisions within them.

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

PART II. ENTRY.

18 VAC 50-30-20. Requirements for certification as a journeyman or master tradesman engaging in the trades of plumbing, HVAC (heating, ventilation and air conditioning), gas-fitting, or electrical.

Each tradesman who engages in, or offers to engage in, electrical, plumbing, or HVAC work for the general public for compensation shall complete an application furnished by the Department of Professional and Occupational Regulation and shall meet or exceed the requirements set forth below prior to issuance of the certification card. The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and an affidavit stating that the information on the application is correct.

If the application is satisfactory to the board, the applicant shall be required to take an oral or written examination to determine the general knowledge of the trade in which he desires certification. If the applicant successfully completes the examination, a tradesman certification card shall be issued.

18 VAC 50-30-30. General qualifications for certification.

Every applicant to the Board for Contractors for certification as a tradesman shall meet the requirements and have the qualifications provided in this section.

1. The applicant shall be at least 18 years old.
2. Unless otherwise exempted, the applicant shall meet the current educational requirements by passing all required courses prior to the time the applicant sits for the examination and applies for certification.
3. Unless exempted, the applicant, within 12 months of making application for certification, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board. Complete applications must be received within the 12-month period.
4. The applicant shall meet the experience requirements as set forth in 18 VAC 50-30-40 and 18 VAC 50-30-50.
5. In those instances where the applicant is required to take the certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination shall be grounds for denial of application.

6. The applicant shall disclose his physical home address; a post office box alone is not acceptable.

7. Each nonresident applicant for a tradesman certification card shall file and maintain with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth; in those instances where service is required, the director of the department will mail the court document to the individual at the address filed by them on their certification.

8. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman Certification law (§ 5.1-1128 et seq. of the Code of Virginia) and the regulations of the board.

9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

10. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, or any felony, regardless of the adjudication. Any pleas of nolo contendere shall be considered a conviction for purposes of this paragraph. 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.

11. The applicant shall be in good standing as a tradesman in every jurisdiction where certified; the applicant may not have had a certificate or a certification card which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for certification in Virginia.

12. Applicants for certification who do not meet the requirements set forth in subdivisions 10 and 11 of this section may be approved for certification following consideration of their application by the board.

18 VAC 50-30-40. Evidence of ability and proficiency.

A. Applicants for examination to be certified as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade, and 240 hours of formal vocational training in the trade; however, experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;

2. A bachelor degree received from an accredited college or university in an engineering curriculum related to the trade for which certification is desired and one year of practical experience in the trade for which certification is desired; or

3. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade as verified by a sworn statement from a local building official attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

B. Applicants for examination to be certified as a master shall furnish evidence that one of the following experience standards has been attained:

1. Applicants for examination to be certified as a master shall furnish evidence that they have one year of experience as a certified journeyman; or

2. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade, as verified by a sworn statement from a building official attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements.

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

18 VAC 50-30-50. Exemptions from examination.

A. An individual certified or licensed by any one of the following agencies shall not be required to fulfill the examination requirement:

1. The Department of Housing and Community Development prior to July 1, 1995; or

2. Any local governing body prior to July 1, 1978.

B. Other methods of exemption from examination are as follows:

1. Successful completion of an apprenticeship program which is approved by the Virginia Apprenticeship Council as evidenced by providing a certificate of completion or other official document.

2. Any tradesman who has had a Class B registration in the trade prior to January 1, 1991. Candidates for this exemption must submit documentation from the Board for Contractors or a local building official who can provide an affidavit which attests to the candidate's performance of the trade or trades prior to January 1, 1991.

3. Individuals residing in nonparticipating localities applying for masters tradesman certification between July 1, 1995, and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate 10 years of discipline-free experience as

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set forth in this chapter. Those individuals shall provide the following information with their application:

- a. An affidavit from a building official attesting to the required number of years of experience and competency in the trade, on a form provided by the department; and
 - b. Three reference letters of experience from any of the following: building officials, current or former employers, contractors, engineers, architects or current or past clients, on a form provided by the department.
4. Individuals residing in nonparticipating localities applying for journeyman tradesman certification between July 1, 1995, and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate six years of discipline-free experience as set forth in this chapter. Those individuals shall provide the following information with their application:

- a. An affidavit from a building official attesting to the required number of years of experience and competency in the trade, on a form provided by the department; and
 - b. Three reference letters of experience from any of the following: building officials, current or former employers, contractors, engineers, architects or current or past clients, on a form provided by the department.
5. Individuals residing in nonparticipating localities applying for masters tradesman certification between July 1, 1995, and July 1, 1998, who are currently employed by a Class A or B contractor as the "Qualified Individual" (QI) in the licensed classification held by the firm, shall qualify for certification as a master without having to sit for the examination. Upon the QI's leaving the employment of that firm, the contractor shall name another full-time QI in accordance with the then current Board for Contractor regulations (18 VAC 15-22-10 et seq.).

6. Individuals applying for masters or journeyman tradesman certification between July 1, 1995, and July 1, 1998, who were certified prior to July 1, 1995, by any locality as a "gas-fitter" only, shall qualify for certification without having to sit for the examination.

C. Exemptions from certification are as follows:

1. Helpers or laborers who assist certified tradesmen are not required to have journeyman or master certification.
2. Any person who performs plumbing, HVAC, gas-fitting, or electrical work not for the general public for compensation.
3. Any person who installs television or telephone cables, or lightning arrestor systems.
4. Installers of wood stove equipment, masonry chimneys or prefabricated fireplaces shall be exempt from certification as a HVAC tradesman.

18 VAC 50-30-60. Application and issuance of tradesman certification cards.

A. All applicants for certification as a tradesman must make application with the department to obtain the required tradesman certification card.

B. Unless otherwise exempted, an applicant must successfully complete an examination to be issued a tradesman card and deemed certified.

C. The board shall receive and review applications and forward approved applications to the national testing organizations designated by the board. At its discretion, the board may delegate the application receipt and review process to the testing organization.

D. The applicant shall present to the board evidence of successful completion of a board approved examination.

18 VAC 50-30-70. Other recognized programs.

Individuals certified as journeyman or master by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with this chapter if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. These individuals must meet the following requirements:

1. The applicant shall be at least 18 years of age.
2. The applicant shall have received the tradesman certification by virtue of having passed in the jurisdiction of original certification a written or oral examination deemed to be substantially equivalent to the Virginia examination.
3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman Certification laws (§ 54.1-1127 et seq. of the Code of Virginia) and the Board for Contractors' Tradesman Certification Program Regulations (18 VAC 50-30-10 et seq.).
4. The applicant shall be in good standing as a certified tradesman in every jurisdiction where certified and the applicant shall not have had a certificate as a tradesman which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for certification in Virginia.
5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. 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.
6. Applicants for certification who do not meet the requirements set forth in subdivisions 4 and 5 of this subsection may be approved for certification following consideration by the board.

18 VAC 50-30-80. Revocation of certification.

A. Certification may be revoked for misrepresentation or a fraudulent application, or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.

B. Any building official who finds that an individual is practicing as a tradesman without a tradesman certification as required by state law shall file a report to such effect with the Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230.

C. Any building official who has reason to believe that a tradesman is performing incompetently as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report to such effect with the board.

D. The department shall have the power to require remedial education and to suspend, revoke or deny renewal of the tradesman certification of any individual who is found to be in violation of the statutes or regulations governing the practice of certified tradesmen in the Commonwealth.

18 VAC 50-30-90. Fees for certification and examination.

A. Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable and the date of receipt by the board or its agent is the date which will be used to determine whether or not it is on time. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge of \$25.

B. Tradesman certification - original certificate fee - certification by examination. The fee for an initial tradesman certification card shall be \$65.

C. Tradesman certification - original certificate fee - without examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman certification card shall be \$65.

D. Tradesman certification - original certification fee - through the "grandfather" clause of § 54.-1-1131 of the Code of Virginia. The fee for an initial Tradesman Certification card shall be \$65.

E. Commencing July 1, 1995, the Department of Professional and Occupational Regulation will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid tradesmen cards issued by local governing bodies prior to July 1, 1978, or by the Department of Housing and Community Development prior to July 1, 1995, must replace the old cards with new cards issued by the Board for Contractors.

In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$10. The term of the initial

certification period shall be determined by the board. The initial term of the license certification will be for a period of at least 12 months, but not to exceed 24 months. As a matter of administrative necessity, the department will assign expiration dates in a manner that will stagger renewals for these applicants. Once this initial certification period ends, all certification renewals will be for a period of 24 months.

18 VAC 50-30-100. Fees for examinations.

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, 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 \$100 for the journeyman exam and \$125 for the master exam for any of the trades.

18 VAC 50-30-110. Fees for duplicate cards.

The fee for a duplicate card shall be as follows:

First request	\$10
Second request	\$20
Third request	\$40 and a report sent to the Enforcement Section.

Any request for the issuance of such a card must be in writing to the board.

PART III.
RENEWAL AND REINSTATEMENT.

18 VAC 50-30-120. Renewal.

A. Tradesman certification cards issued under this chapter shall expire two years from the last day of the month in which they were issued as indicated on the tradesman certification card.

B. The application fee for renewal of a tradesman certification is \$50. All fees required by the board are nonrefundable and shall not be prorated.

The board will mail a renewal notice to the tradesman certification card holder outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the tradesman certification card holder of the obligation to renew. If the tradesman certification card holder fails to receive the renewal notice, a photocopy of the tradesman certification card may be submitted with the required fee as an application for renewal within 30 days of the expiration date of the tradesman certification card.

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

The board may deny renewal of a tradesman certification card for the same reasons as it may refuse initial certification or discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia

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Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-130. *Reinstatement.*

A. *Should the Department of Professional and Occupational Regulation fail to receive a tradesman certification card holder's renewal application or fees within 30 days of the tradesman certification card expiration date, the tradesman certification card holder will be required to reinstate the tradesman certification card.*

B. *The application fee for reinstatement of a tradesman certification card (all designations) is \$65 (this is in addition to the \$50 renewal fee which makes the total fee for reinstatement \$115). All fees required by the board are nonrefundable and shall not be prorated.*

Applicants for reinstatement shall meet the requirements of 18 VAC 50-30-120.

The date on which the reinstatement fee is received by the Department of Professional and Occupational Regulation or its agent will determine whether the tradesman certification card is reinstated or a new application for certification is required.

In order to ensure that tradesman certification card holders are qualified to practice as tradesmen, no reinstatement will be permitted once one year from the expiration date of the tradesman certification card has passed. After that date the applicant must apply for a new tradesman certification card and meet the then current entry requirements.

Any tradesman activity conducted subsequent to the expiration of the certification card may constitute unlicensed activity and may be subject to prosecution under Title 54.1 of the Code of Virginia.

C. *The board may deny reinstatement of a tradesman certification card for the same reasons as it may refuse initial certification or discipline a tradesman certification card holder. The tradesman certification card holder has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).*

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-140. *Status of tradesman certification card holder during the period prior to reinstatement.*

A. *When a tradesman certification card is reinstated, the tradesman certification card holder shall continue to have the same tradesman certification card number and shall be*

assigned an expiration date two years from the previous expiration date of the tradesman certification card.

B. *A tradesman certification card holder who reinstates his tradesman certification card shall be regarded as having been continuously certified without interruption. Therefore, the tradesman certification card holder shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. Nothing in these regulations shall divest the board of its authority to discipline a tradesman certification card holder for a violation of the law or regulations during the period of certification.*

PART IV. STANDARDS OF PRACTICE.

18 VAC 50-30-150. *Changes, additions, or deletions to trade designations of tradesman certificate holders.*

A tradesman certification card holder may change a designation or obtain additional designations by demonstrating, on a form provided by the board, acceptable evidence of experience, and examination if appropriate, in the designation sought. The experience, and successful completion of examinations, must be demonstrated by meeting the requirements found in Part II (18 VAC 50-30-20 et seq.) of this chapter.

The fee for each change or addition is \$25. All fees required by the board are nonrefundable.

While a tradesman may have multiple trade designations on his certification card, the renewal date for the tradesman card will be based upon the date the card was originally issued to the individual by the board, not the date of the most recent trade designation addition to the certification card.

If a tradesman certification card holder is seeking to delete a designation, then the individual must provide a signed statement listing the designation to be deleted. There is no fee for the deletion of a designation. (If the tradesman certification card holder only has one trade or level designation, the deletion of that designation will result in the termination of the tradesman certification card.)

18 VAC 50-30-160. *Change of address.*

Any change of address shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the tradesman certification card holder's failure to receive notices or correspondence due to the tradesman certification card holder's failure to report a change of address. A post office address alone is not acceptable.

18 VAC 50-30-170. *Transfer of tradesman certification card prohibited.*

No tradesman certification card issued by the board shall be assigned or otherwise transferred.

PART V.
STANDARDS OF CONDUCT.

18 VAC 50-30-180. *Filing of complaints.*

All complaints against tradesmen may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.

18 VAC 50-30-190. *Prohibited acts.*

The following are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia or the regulations of the board;
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a tradesman certification card;
3. Where the tradesman has failed to report to the board, in writing, the suspension or revocation of a tradesman certificate or card by another state or their conviction in a court of competent jurisdiction of a building code violation;
4. Gross negligence in the practice of a trade;
5. Misconduct in the practice of a trade;
6. A finding of improper or dishonest conduct in the practice of the trade by a court of competent jurisdiction;
7. For certified tradesmen performing jobs under \$1,000, abandonment, or the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part (unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment);
8. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce;
9. Aiding or abetting an uncertified/unlicensed contractor to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed/uncertified contractor; or allowing one's certification to be used by an uncertified individual;
10. Where the tradesman has offered, given or promised anything of value or benefit to any federal, state, or local government employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry;
11. Where the tradesman has been convicted or found guilty, after initial licensure, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, drug

distribution, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the tradesman has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;

13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade, which action shall be reviewed by the board before it takes any disciplinary action of its own;

14. Failure to comply with the Virginia Uniform Statewide Building Code, as amended; and

15. Practicing in a classification or specialty service for which the tradesman is not certified.

PART VI.
SCHOOLS/PROFESSIONAL EDUCATION.

18 VAC 50-30-200. *Professional education.*

Pursuant to § 54.1-1130 of the Code of Virginia, unless certified through exemption, candidates for certification as journeymen are required to complete 240 hours classroom hours of tradesman educational courses in their specialty and four years of practical experience in the trade for which certification is desired to qualify to sit for the licensing examination, or have a bachelor degree received from an accredited college or university in an engineering curriculum related to the trade for which certification is desired, and one year of practical experience in the trade for which certification is desired (see Part II, 18 VAC 50-30-20 et seq., of this chapter).

Tradesman certification courses must be completed through accredited colleges, universities, junior and community colleges, adult distributive, marketing and vocational technical programs, Virginia Apprenticeship Council programs and proprietary schools approved by the Virginia Department of Education.

VA.R. Doc. No. R97-121; Filed November 6, 1996, 11:59 a.m.

BOARD OF PROFESSIONAL COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS

Title of Regulation: 18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers (amending 18 VAC 115-40-10, 18 VAC 115-40-20, and 18 VAC 115-40-50; adding 18 VAC 115-40-22, 18 VAC 115-40-25, 18 VAC 115-40-28, 18 VAC 115-40-35, and 18 VAC 115-40-38; repealing 18 VAC 115-40-60).

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Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Public Hearing Date: December 17, 1996 - 9 a.m.

Public comments may be submitted until January 24, 1997.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of the health regulatory boards including the power to assess fees, establish qualifications for licensure and the responsibility to promulgate regulations.

Chapter 35 establishes the Board of Professional Counselors and Marriage and Family Therapists and authorizes that board to administer the certification of rehabilitation providers.

Purpose: The purposes for the amendments to the regulation are as follows:

1. To establish a process in regulation by which individuals who meet the board's requirements can become certified as rehabilitation providers.
2. To comply with statutory requirements that the board establish qualifications for certification as necessary to ensure competence and integrity of certified individuals, and to ensure the health, safety and welfare of the citizens of the Commonwealth.
3. To establish an examination requirement for certification.
4. To establish criteria for endorsement for applicants certified in other states or by nationally recognized certifying agencies, boards, associations and commissions.
5. To establish a process for renewal of expired certificates.
6. To establish reasonable fees to cover the expenses that the proposed amendments will entail in compliance with statutory requirements.

Substance: The key provisions of each amended regulation are summarized as follows:

1. 18 VAC 115-40-10 includes definitions pertaining to proposed language in the regulation.
2. 18 VAC 115-40-20 establishes penalty fees for late renewal and returned checks, and fees for duplicate certificates.
3. 18 VAC 115-40-22 sets forth the prerequisites for certification and provides for certification by endorsement.
4. 18 VAC 115-40-25 establishes the documentation required for application.
5. 18 VAC 115-40-28 establishes an examination requirement.

6. 18 VAC 115-40-34 sets forth a procedure for reinstatement of a certificate that has expired.

7. 18 VAC 115-40-50 is amended to include unsafe practice resulting for physical or emotional illness as grounds for disciplinary action, along with some formatting changes to existing language.

8. 18 VAC 115-40-60 is repealed, as the terms for reinstatement following disciplinary action are contained in the board's consent order.

Issues:

A. Definitions. A few of the terms used in the regulation are not common usage terms and have specific meanings peculiar to the regulation. In order to prevent confusion for applicants, definitions of these terms are included in the regulation.

Advantages: The definitions in the proposed regulation provide meanings to terms as used in the context of the regulation. Definitions are also valuable enforcement tools when scope of practice issues arise.

Disadvantages: Definitions in the proposed regulation present no disadvantages to the general public, applicants, licensees, the board or the agency.

B. Fees. Presently, there are no penalty fees for late renewals and returned checks, or fees to provide for replacement certificates. The board considered fees assessed for these incidental items by other boards in the agency, and assessed the minimum fees to cover administrative costs as determined by the agency's finance office.

Advantages: Penalty fees for late renewals and returned checks allow for recovery of administrative costs in processing these items, and discourage individuals from practicing with a lapsed certificate. Only those individuals who renew late or send checks with insufficient funds will be affected by these fees.

Other fees will allow certified individuals to replace lost certificates.

Disadvantages: Individuals who renew late or submit checks with insufficient funds will be required to pay a penalty fee.

C. Education and Experience Requirements. Studies by the Joint Legislative Audit and Review Commission, the Board of Commerce, and the Board of Health Professions determined that there is risk of harm to the public from the unregulated provision of rehabilitation services, and concluded that rehabilitation practice requires specialized education and training, and the need to assure the public of initial and continuing occupational competence. The 1994 General Assembly agreed with these assessments by enacting legislation which established mandatory certification for individuals providing these services who are not otherwise licensed. This legislation included a "grandfathering" provision for anyone who was providing rehabilitation services on January 1, 1994.

In response to public confusion about which services required certification, the National Association of Rehabilitation Providers in the Private Sector lobbied the

1995 General Assembly to amend the definition of rehabilitation provider in § 54.1-3510 to those individuals providing discretionary services requiring the exercise of professional judgment to workers compensation claimants. The board proposed criteria for certification based on the types of rehabilitation services that require professional judgment. These criteria were rejected by the Department of Planning and Budget (DPB) on the basis that they exceeded the mandate of § 65.2-603, which does not restrict the requirement for certification to services involving professional judgment. The board reconsidered its proposed education and experience requirements based on DPB's analysis and the services included in the mandate for certification in § 65.2-603.

Advantages: The advantage to the public is inherent in the action of the General Assembly to mandate certification. Studies and public comment leading up to the mandate established the need to properly train, educate and regulate individuals who provide rehabilitation services to a very vulnerable population with special needs.

The public will also benefit from increased availability of services from qualified practitioners once certification is established through regulation. Virginia workers' compensation claimants who have relocated to other states are presently unable to obtain services from certified providers as required under § 65.2-603. Within the Commonwealth, the availability of services is presently limited to those individuals who obtained certification under the "grandfathering" provision. More than 600 individuals who are on a waiting list to apply for this certification will be able to seek employment in the rehabilitation profession once a process is in place to allow them to apply or to register supervision.

Government agencies and private businesses that offer services to workers' compensation claimants will also benefit from the establishment of a certification process. Several employers have contacted the agency with concerns that they are unable to comply with the mandate that only certified individuals can provide vocational rehabilitation services to workers' compensation claimants.

Disadvantages: Certain individuals who wish to obtain this certification may not have the minimum education, training or experience to become certified. However, the experience is not restricted to work with workers' compensation claimants, so it is possible for anyone to meet the requirement within one year of full-time employment. Those who have the requisite education will not have to document any experience.

There will be no disadvantage to private rehabilitation services, as their hiring requirements exceed the qualifications required in the proposed regulations. Employers are eager to have a larger pool of certified providers to select employees from.

It is not anticipated that the proposed regulations will present a disadvantage to public sector service providers, as anyone with one year of experience can become certified to provide services to workers' compensation claimants.

There will be no disadvantage to the consuming public.

D. Examinations. Presently, there is no examination requirement set forth in regulation. Attainment of any professional license or certification is generally contingent upon passing an examination which tests applied knowledge and skills in that profession. The examination is an essential tool for evaluating the competency of an individual to practice in a profession, and to test understanding of the standards of ethics that govern the profession.

The board considered whether or not an examination should be required for certification, and concluded that at a minimum, a broad-based examination covering ethical and legal issues in rehabilitation should be required. The board proposes waiver of the examination requirement for individuals who hold certification as rehabilitation providers in other states or by nationally recognized agencies, boards, associations and commissions.

Advantages: An examination requirement will help the board to ensure that the practitioners under its governance understand the ethical and legal issues involved in the rehabilitation of injured workers.

The public will benefit from having certified providers available whose knowledge of these issues were assessed through examination.

Certified providers will benefit from the knowledge of laws and regulations governing their profession and may avoid disciplinary action through this awareness.

Disadvantages: There will be no disadvantage to individuals who were certified under the "grandfathering" provision as they will not be required to take the examination.

Applicants who do not qualify for endorsement will be required to pay a fee directly to the examination service to sit for the examination. It is expected that the examination fee assessed by the chosen vendor will range from \$75 to \$125.

Employers in the public and private sector may incur costs if they choose to reimburse employees for expenses involved in the certification process.

Reinstatement of a lapsed license. At issue is the responsibility of the board under statutory mandate to ensure the continued competency of those individuals it grants certification to. The board would be failing in this regard if it allowed individuals to renew certificates that had lapsed indefinitely. The board is proposing a reapplication requirement for individuals whose certificates have lapsed more than four years.

Advantages: A reapplication requirement will allow the board to ensure that individuals who have not been providing rehabilitation services for a length of time are knowledgeable of the current laws and regulations governing their practice, and have not been disciplined for misconduct under another license or certificate. The public will benefit from this insurance of the continued competency and integrity of their providers.

Disadvantages: Individuals who allow their certificates to lapse more than four years will have to reapply under the board's current regulation and take the current examination. Persons who have moved out-of-state may be eligible for

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certification by endorsement if they hold a national certification, or a current certificate in another state.

Estimated Fiscal Impact:

A. Projected number of persons affected and their cost of compliance: It is estimated that 600 individuals will apply for certification soon after the effective date of the regulations. After the initial certification period, it is estimated that the number of applicants will average 100 per year. Those applying will pay a \$100 application fee to the board, and an examination fee of approximately \$125 to an outside vendor. Fees for duplicate certificates and penalty fees for late renewals and returned checks will each affect approximately 10 individuals per year.

B. Costs to the agency for implementation: Establishment of the certification program will result in increased expenditures for data processing, contractual services (production and mailing of application packages, notices and amended regulations), personal services (board credentials reviews and hearings, discipline hearings, regulatory review), and enforcement with associated administrative proceedings.

The following updated projected expenditure impact was prepared by the Department of Health Professions' Finance Office:

	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>
Data Processing	9,000	9,000	9,000	9,000
Admin & Finance	6,000	6,000	6,000	6,000
Human Resources	1,000	1,000	1,000	1,000
Enforcement	13,000	13,500	13,500	13,500
Admin Proceedings	4,000	4,500	4,500	4,500
Attorney General	1,500	1,500	1,500	1,500
Board of Health Professions	1,000	1,000	1,000	1,000
Personal Services	22,000	22,000	22,000	22,000
Contractual Services	29,500	29,500	29,500	29,500
Supplies	800	800	800	800
Continuous Charges	1,000	1,000	1,000	1,000
Equipment	<u>500</u>	<u>500</u>	<u>500</u>	<u>500</u>
TOTAL	89,300	90,300	90,300	90,300

All costs to the agency are derived from fees paid by certified rehabilitation providers.

C. Cost to local governments: The impact of these regulations on local governments should be negligible. Inquiries directed to this agency from managers of local community services boards indicate that worker's compensation cases are rarely referred to them, and that they generally have one licensed or certified individual on staff to whom such cases can be delegated.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types

of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the Proposed Regulation. The proposed regulation sets forth requirements for the certification of rehabilitation providers by the Board of Professional Counselors and Marriage and Family Therapists. The primary amendments contained in the proposed regulation are as follows:

- fees are established for duplicate certificates, late renewal, and returned checks;
- establishes criteria for eligibility;
- establishes requirements for the application process;
- establishes requirements for the examination process; and
- details provisions for reinstatement of individuals whose certificates have expired.

Estimated Economic Impact. The proposed regulation is anticipated to have two economic effects: 1) it will likely enhance the quality of rehabilitation provider services in Virginia by guaranteeing that individuals presenting themselves to the public as rehabilitation providers have met minimum standards of professional education and experience; and 2) it will likely increase the entry costs associated with becoming a rehabilitation provider in Virginia.

Quality of Rehabilitation Provider Services. The primary benefit of the proposed regulation is that it establishes the board as a third party guarantor of the professional credentials of rehabilitation providers, thereby reducing the uncertainty and risk consumers confront when purchasing rehabilitation provider services. It would be cost prohibitive for DPB to quantify the exact magnitude of this benefit however.

Increased Entry Costs. The other economic effect of the proposed regulation is that it will increase the minimum costs associated with entry into the rehabilitation provider profession in Virginia. In the wake of the proposed requirements, entry costs must at least include the resources necessary to obtain: 1) 2,000 hours of relevant training or experience, or a degree in an education or health and human services field; and 2) a passing score on a board approved examination. For a Virginia resident, graduating from a major Virginia university in 1995, the tuition expenses associated with a baccalaureate degree would have been approximately \$16,716.¹ DHP estimates that the examination fee, which will be paid directly to the examination service, will be approximately \$125.

¹ This figure is derived by summing the average in-state tuition reported for major Virginia Universities for the four-year period ending in school year 1994-95 (in constant 1995 dollars: 1991-92, \$3,654; 1992-93 \$4,115; 1993-94, \$4,467; and 1994-95, \$4,480)

Businesses and Entities Particularly Affected. The proposed regulation will particularly affect all rehabilitation providers working in Virginia, and those members of the general public who make use of their services.

Localities Particularly Affected. No localities are particularly affected by the proposed regulation.

Projected Impact on Employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the Use and Value of Private Property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of Analysis. The proposed regulation establishes minimum standards for individuals presenting themselves as rehabilitation providers. These minimum standards are expected to: 1) enhance the quality of rehabilitation provider services in Virginia by guaranteeing that individuals presenting themselves to the public as rehabilitation providers have met minimum standards of professional education and experience; and 2) increase the cost of entry into the rehabilitation provider profession in Virginia.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the report of the Department of Planning and Budget.

Summary:

Amendments to the regulations governing the certification of rehabilitation providers are proposed by the Board of Professional Counselors and Marriage and Family Therapists to comply with statutory requirements to establish qualifications for certification and fees to cover administrative expenses, and to establish requirements and processes for application, endorsement, renewal and reinstatement of expired certificates.

**PART I.
GENERAL PROVISIONS.**

18 VAC 115-40-10. Definitions.

A. The terms "board," "rehabilitation provider," and "rehabilitation services," when used in this chapter, shall have the meanings ascribed to them in § 54.1-3500 of the Code of Virginia.

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

"Board" means the Board of Professional Counselors and Marriage and Family Therapists as established by Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia.

"Competency area" means an area in which a person possesses knowledge and skills and the ability to apply them in the rehabilitation setting.

"Health care practitioner" means any individual certified or licensed by any of the health regulatory boards within the Department of Health Professions, except individuals regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Regionally accredited" means an institution accredited by one of the regional accreditation agencies recognized by the United States Secretary of Education as responsible for accrediting senior post secondary institutions and training programs.

"Rehabilitation client" or "client" means an individual receiving rehabilitation services whose benefits are regulated by the Virginia Workers' Compensation Commission.

18 VAC 115-40-20. Fees required by the board.

A. The board has established the following fees applicable to the certification of rehabilitation providers:

Application processing	\$100
Certification renewal	\$50
Duplicate certificate	\$15
Late renewal	\$50
Returned check	\$15

B. Fees shall be made by check or money order payable to the Treasurer of Virginia and forwarded to the board of Professional Counselors and Marriage and Family Therapists. All fees are nonrefundable.

Examination fees shall be made payable to the examination service and mailed directly to the examination service.

**PART II.
RENEWAL AND REINSTATEMENT
REQUIREMENTS FOR CERTIFICATION.**

18 VAC 115-40-22. Criteria for eligibility.

A. Education or experience requirements for certification are as follows:

1. Graduation from a regionally accredited college or university with a degree in an education, health or human services field; or

2. Documentation of 2,000 hours of training or experience in performing those services that will be offered to a workers' compensation claimant under § 65.2-603 of the Code of Virginia.

B. A passing score on a board-approved examination shall be required.

C. The board may grant certification without examination to applicants certified as rehabilitation providers in other states or by nationally recognized certifying agencies, boards, associations and commissions by standards substantially equivalent to those set forth in the board's current regulation.

18 VAC 115-40-25. Application process.

The applicant shall submit to the executive director of the board, at least 90 days prior to the date of the written examination:

1. A completed application form;
2. Documentation of one of the following:

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a. Official transcript or transcripts in the original sealed envelope submitted from the appropriate institutions of higher education directly to the applicant,

b. Employment verification form or forms signed by the employer or his authorized representative or by a licensed health care practitioner who has direct knowledge of the applicant's work in provision of rehabilitation services, or

c. Certificates or official documentation of training in the area in which services will be provided to workers' compensation claimants; and

3. Documentation of the applicant's national or out-of-state license or certificate in good standing where applicable.

PART III. EXAMINATIONS.

18 VAC 115-40-28. General examination requirements.

A. Every applicant for certification as a rehabilitation provider shall take a written examination approved by the board and achieve a passing score as determined by the board.

B. The written examination will be given at least once each year. The board may schedule such additional examinations as it deems necessary.

PART IV. RENEWAL AND REINSTATEMENT.

18 VAC 115-40-35. Reinstatement.

A. A person whose certificate has expired may renew it within four years after its expiration date by paying the renewal fee and the penalty fee prescribed in 18 VAC 115-40-20.

B. A person who fails to renew a certificate for four years or more shall reapply according to the requirements of the regulations in effect at that time.

18 VAC 115-40-38. Change of address.

A certified rehabilitation provider whose mailing address has changed shall submit the new address in writing to the board within 30 days of such change.

PART V. STANDARDS OF PRACTICE; DISCIPLINARY ACTIONS; REINSTATEMENT.

18 VAC 115-40-50. Grounds for revocation, suspension, probation, reprimand, censure, denial of renewal of certificate; petition for rehearing.

Action by the board to revoke, suspend, decline to issue a certificate, place such a certificate on probation or censure, reprimand or fine a certified rehabilitation provider may be taken in accord with the following:

~~1. Violation of the standards of practice in 18 VAC 115-40-40.~~

~~2. 1. Procuring of certification a license, certificate or registration by fraud or misrepresentation.~~

~~3. 2. Violation of or aid to another in violating any provision of Title 54.1 of the Code of Virginia any statute applicable to the provision of rehabilitation services, or any part or portion of this chapter.~~

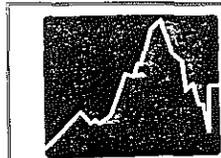
~~4. 3. The denial, revocation, suspension or restriction of a license or certificate to practice in another state, or a United States possession or territory or the surrender of any such license or certificate while an active administrative investigation is pending.~~

~~5. 4. Conviction of a felony or misdemeanor involving moral turpitude.~~

~~5. 5. Providing rehabilitation services without reasonable skill and safety to clients by virtue of physical or emotional illness or substance abuse.~~

18 VAC 115-40-60. Reinstatement following disciplinary action. (Repealed.)

~~In order to be eligible for reinstatement, any person whose certificate has been suspended, revoked or denied by the board under the provisions of 18 VAC 115-40-50 shall, at the conclusion of the term of suspension or two years subsequent to denial or revocation of certification, (i) submit a new application to the board, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion grant the reinstatement if the provider demonstrates that he is able to resume providing services in a manner which does not endanger the public.~~



COMMONWEALTH OF VIRGINIA
BOARD OF PROFESSIONAL COUNSELORS
AND
MARRIAGE AND FAMILY THERAPISTS

Department of Health Professions
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23230-1717
 (804) 662-9912

**APPLICATION FOR CERTIFICATION AS A
 REHABILITATION PROVIDER**

I hereby make application for certification to practice as a Rehabilitation Provider in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a check or money order in the amount of \$100.00 made payable to the Treasurer of Virginia. The application fee is non-refundable.

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK
1. Applicants must complete all sections. 2. Completed application should be mailed to the above address. 3. Application and supporting documents must be received no less than 90 days prior to the date of the written examination.		
I. GENERAL INFORMATION		
Name (Last, First, M.I., Suffix, Maiden Name)	Social Security Number	Date of Birth
Mailing Address (Street and/or Box Number, City, State, ZIP Code)	Home Telephone Number	
Business Name and Address (if different from above)	Business Telephone Number	
II. EDUCATION		
State the name and location of the college or university where a degree in an education, health or human services field has been granted. Applicants must submit official transcripts in sealed, signed envelopes with this application.		
Educational Institution	Dates Attended From To	Major and or Concentration Degree Received Date Degree Conferred
III. TRAINING		
Include copies of certificates/diplomas for any training you have received in the areas in which you intend to provide services to workers' compensation claimants.		
III. EXPERIENCE		
Submit an Employment Verification Form from each workplace in a sealed envelope with the supervisor's signature across the seal. Applicants for certification by endorsement may be required to submit this documentation.		

IV. LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to provide rehabilitation services in order of attainment. Submit Form A-5 if your license or certificate was not issued by one of the Boards in the Virginia Department of Health Professions.

STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

V. ANSWER THE FOLLOWING QUESTIONS:

- | | YES | NO |
|--|-----|-----|
| 1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: | [] | [] |
| 2. Have you ever had any disciplinary action taken against an occupational license, registration or certification to practice or are any such actions pending? If yes, explain in detail (use extra paper if necessary): | [] | [] |
| 3. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) If yes, explain in detail: | [] | [] |
| 4. Have you ever been terminated or asked to withdraw from any health care facility, agency, or practice? If yes, please explain. | [] | [] |

The following statement must be executed by a Notary Public. This form is not valid unless properly notarized.

AFFIDAVIT
 (To be completed before a notary public)

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application for certification to practice as a rehabilitation provider in the Commonwealth of Virginia; that the statements herein contained are true in every respect; that he/she has complied with all requirements of the law; and that he/she has read and understands this affidavit.

Signature of Applicant _____

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

My commission expires on _____

SEAL Signature of Notary Public _____

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COMMONWEALTH OF VIRGINIA
BOARD OF PROFESSIONAL COUNSELORS
AND
MARRIAGE AND FAMILY THERAPISTS
 6606 West Broad Street, 4th Floor
 Richmond, Virginia 23250-1717
 (804) 662-9912

EMPLOYMENT VERIFICATION

The individual named below has applied for certification as a rehabilitation provider. Please verify the applicant's experience in providing rehabilitation services by completing the following questions and return this completed, signed form to the applicant.

Applicant Information:
 Name: _____ Name When Employed if Different: _____
 Address: _____
 Date of Employment: From _____ To _____
 Job Title: _____ Social Security Number: _____
 Employer Information:
 Employer Name: _____ Telephone: _____
 Address: _____
 Nature of Business: _____
 Name and Title of Applicant's Direct Supervisor: _____
 Name and Title of Individual Verifying Employment: _____
 WORK ACTIVITIES AND TECHNIQUES USED: (A position description must be attached if available)

Length of Time Applicant Was Actively Providing the Services Described Above: _____

DECLARATION: I declare that, to the best of my knowledge, the foregoing is true and correct.

Signature: _____ Title: _____

Department of Health Professions

COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Board of _____

Telephone _____

TYPE OF RENEWAL _____

CURRENT EXPIRATION	RENEWAL PERIOD FROM _____ TO _____
CURRENT AMOUNT DUE \$ _____	LATE PAYMENT PAY ONLY, I.E., AFTER _____

INSTRUCTIONS

1. Complete items 1 below if you do not wish to renew.
2. Make any address changes to this application when necessary.
3. Make any name changes on this application and enclose a copy of your existing license or credit order.
4. This notice and license number are all one license.
5. Return this application in the enclosed envelope.

Check here if you do not wish to renew, and sign below.

Signature

NUMBER: _____

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

EDITOR'S NOTICE: The following regulations filed by Virginia Polytechnic Institute and State University are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: 8 VAC 105-10-10 et seq. Traffic and Parking Regulations (amending 8 VAC 105-10-10, 8 VAC 105-10-20, 8 VAC 105-10-40 through 8 VAC 105-10-70, 8 VAC 105-10-85, 8 VAC 105-10-90, 8 VAC 105-10-110 through 8 VAC 105-10-130, 8 VAC 105-10-145 through 8 VAC 105-10-180, 8 VAC 105-10-190, 8 VAC 105-10-200, 8 VAC 105-10-210, 8 VAC 105-10-230, 8 VAC 105-10-240, 8 VAC 105-10-260, 8 VAC 105-10-280, 8 VAC 105-10-290, 8 VAC 105-10-310, 8 VAC 105-10-320, 8 VAC 105-10-330, 8 VAC 105-10-370, 8 VAC 105-10-390 through 8 VAC 105-10-430, 8 VAC 105-10-450, 8 VAC 105-10-490, 8 VAC 105-10-520; adding 8 VAC 105-10-325 and 8 VAC 105-10-345; repealing 8 VAC 105-10-560 through 8 VAC 105-10-600).

Statutory Authority: § 23-9.2:3 of the Code of Virginia.

Summary:

These regulations are established to promote safety and control student, employee and visitor vehicle registration, parking and operation on the campus of Virginia Polytechnic Institute and State University.

8 VAC 105-10-10. Students, faculty, staff, visitors.

A. The mission of the Parking Services Office is to provide safe, and convenient, and secure parking areas and to facilitate travel to, from, and within the campus for members of the university community and guests.

B. The university president has appointed an advisory committee so that members of individuals in the university community can comment on parking and transportation problems and make suggestions as to their solution. The Parking and Transportation Advisory Board makes recommendations on general policies relating to traffic and parking matters on campus. Students, faculty members, and staff members are represented on this committee.

8 VAC 105-10-20. General information.

A. Traffic and parking regulations, as published by the university and in the Virginia Register of Regulations, will be administered by the Parking Services Office and the University Police Department. These regulations, pursuant to authority granted by Virginia state statute to the board of visitors, are enforceable as laws of the Commonwealth.

B. Regulations are needed to aid in safety and orderly conduct of university business, as well as to provide parking facilities within the limits of available space. Students are to obey these regulations as a condition of attendance and faculty and staff members are to obey them as a condition of employment.

C. Changes in these regulations and notices about parking regulations for special events are official when published in the Spectrum and Collegiate Times and when listed on the university's administrative display system on the mainframe computer (PROFS or CMS information screens).

D. If you have any questions, comments, or suggestions, please call the Parking Services Office at (540) 231-3200 or visit the Visitor Information Center on Southgate Drive.

E. The university shall have no responsibility for loss or damage to any vehicle, or its contents, operated or parked on the Virginia Tech campus.

8 VAC 105-10-40. Who must register.

A. All vehicles, motorcycles, and motor scooters on campus requiring state license plates are required to be registered with the Parking Services Office. Vehicles operated by the faculty, staff, and students in connection with their employment or attendance at Virginia Tech are required to display a parking permit before parking on campus or on specified university-leased property. For more information call Parking Services at (540) 231-3200.

B. Visitors, vendors, contractors, and university employees who are employed at university remote sites (*greater than 25 miles from the main campus*) and visiting the university on a short-term basis (30-day maximum) should register for a complimentary visitor permit.

C. Vehicle registration is valid until the registrant is no longer affiliated with the university as a student, faculty, or staff member, or until the permit expires. All parking permits are the property of the university and must be surrendered to Parking Services when university affiliation either changes or ceases.

8 VAC 105-10-50. How to register.

A. General.

1. An individual may register more than one vehicle since the *clingtag hangtag* style permit can be moved from one vehicle to another. Individuals having two vehicles parked on campus at the same time must have each vehicle registered and displaying a permit.

2. A vehicle can be registered to only one person. Only one permit type per vehicle is allowed. Sharing of permits and other unauthorized use may result in a \$100 fine. If a vehicle is shared by two persons needing different permit types, the Parking Services Office needs to be notified before the vehicle can be registered.

B. Student registration.

1. Bring your vehicle information from the Department of Motor Vehicles and Virginia Tech ID to the Visitor Information Center on Southgate Drive to purchase a parking permit. The vehicle must be owned by the student or an immediate family member.

2. Vehicles are to be registered no later than the end of the first week of the semester. Students must be parked in designated student areas at all times. This applies when *whenever* the university is open for business,

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including when classes are not in session and during semester breaks.

C. Faculty/staff registration.

1. ~~Employees must show Faculty and salaried employees are required to submit a Faculty/Staff ID card obtained from the Hokie Passport Office to purchase a permit. Wage employees need to get are required to submit an ID card obtained from the Personnel Office at Southgate Center to purchase a permit.~~

2. ~~Vehicles are to be registered no later than the expiration date of the permit. Employees must register their vehicle(s) before parking on campus. Employees reregistering their vehicle(s) must do so no later than the expiration date on the previous year's permit.~~

3. Full-time salaried employees are eligible to purchase a full-year faculty/staff permit through payroll deduction. Wage employees are not eligible for payroll deduction at this time.

8 VAC 105-10-60. How to display.

A. The registration procedure is not complete until the permit is properly displayed on the vehicle (e.g., ~~inside the vehicle on lower four inches of back window, driver's side on the rearview mirror facing the windshield~~). The permit must be displayed so that it is readable through the window by enforcement officers.

B. Motorcycle permits are to be displayed on the front fork.

C. Bumper stickers are also available for vehicles that cannot be locked ~~where the permit cannot be secured inside~~ (e.g., convertibles and soft-tops such as Jeep CJ, Suzuki Samurai, etc.) and are to be affixed to the driver's side rear bumper.

~~C. D.~~ A vehicle displaying two different types of permits (e.g., displaying a faculty/staff permit and a commuter student permit at the same time) may ~~be cited~~ receive a \$100 unauthorized use fine.

8 VAC 105-10-70. New vehicles.

Original permits (other than bumper style) can be transferred to a new vehicle if ~~by notifying~~ Parking Services is notified of the new vehicle information. If the permit is bumper style, the original permit must be returned to the Parking Services Office to receive a free replacement permit for the new vehicle.

8 VAC 105-10-85. Return check policy.

If a check for a parking permit is returned for insufficient funds, the parking permit will be considered null and void. Parking citations will be written each time ~~your~~ the vehicle is parked on campus. Parking Services ~~reserved~~ reserves the right to tow the vehicle when three or more unpaid citations have accumulated. The Office of the University Bursar will assess a return check fee on each returned check.

8 VAC 105-10-90. Refunds policy.

As a general rule, refunds for parking permits and citations are not granted. ~~Under special circumstances however,~~

~~Parking Services may use its discretion in granting certain refunds.~~

To be considered for a refund, the permit or permits must be returned and a refund application form must be completed. Applications for a full refund must be submitted within five working days of the permit purchase date or by the end of the first week of fall semester classes.

Applications for semester refunds must be submitted by the end of the first week of classes of the semester.

8 VAC 105-10-110. Resident (on campus).

The resident (on campus) permit allows parking only on the right side of the Resident I-Lot (fenced lot at west end of Washington Street), the west end of ~~Lot D (the Stadium D-Lot, (between Lane Stadium and Southgate Drive), and the overflow lot beyond the golf course. Parking is not permitted in Lot D (Stadium Lot) the Stadium D-Lot from 11 p.m. the night before any home football game until the game has ended started as noted in 8 VAC 105-10-390.~~

8 VAC 105-10-120. Commuter (off campus).

A. The commuter (off campus) permit allows parking in the Commuter ~~Lot section of B-Lot (between Perry Street and Prices Fork Road); the left side of the Resident I-Lot (nearest the Vet-Med School on Duck Pond Drive at the west end of Washington Street); the commuter section of the C-Lot (Wallace/Litton Reeves) Lot; and the overflow lot beyond the golf course at the end of the Duck Pond, and the Caldwell House Lot (off Turner Street).~~ Commuter permit holders may also park in designated portions of the Coliseum Parking Lot and along Stadium Road (in marked parking spaces), except at specific times as noted in 8 VAC 105-10-390.

B. Parking in commuter lots is prohibited from 2 a.m. to 6 a.m. unless prior arrangements have been made with the Parking Services Office (7:30 a.m. to 5 p.m., Monday through Friday) or the University Police Department all other times. *Students cannot use campus parking as residence or nonuniversity business parking or both.*

8 VAC 105-10-125. Graduate.

A. The graduate permit allows parking in all areas listed above in the commuter section. In addition to this, graduate students who qualify for a Teaching Assistant (TA) permit (see the Graduate School at 202 Sandy Hall for details) are allowed to park in the TA spaces designated by signs in the B-lot and the ~~lot between Wallace/Litton Reeves and Hillcrest C-Lot.~~

B. Students please note: If student status changes to faculty/staff status before the expiration date on the permit, the student permit must be exchanged for a faculty/staff permit within five working days. *Students with wage jobs at Virginia Tech over the summer are not eligible to purchase a faculty/staff permit.*

8 VAC 105-10-130. Faculty/staff permit.

A. The faculty/staff permit allows parking in any legal parking area on campus not restricted by signs (e.g., ~~visitors visitor spaces, service vehicles vehicle areas, admissions areas, the right side of the Donaldson Brown Hotel (DBH)~~

Lot, CEG, teaching assistants assistant spaces, etc.). New employees, see 8 VAC 105-10-150.

B. Faculty/staff permits are issued to salaried (full or part-time) and wage employees of the university. Graduate teaching assistants, graduate research assistants, and part-time salaried or wage employees who are students (taking more than six hours during fall or spring semesters) are not authorized to purchase a faculty/staff permit. Students enrolled in summer classes or returning fall semester with wage jobs at Virginia Tech over the summer are not eligible to purchase a faculty/staff permit.

C. If faculty/staff status changes to student status before the expiration date on the permit, the faculty/staff permit must be exchanged for a student permit within five working days. Failure to do so will result in a \$100 unauthorized-use fine.

D. Parking in faculty/staff lots is prohibited from 2 a.m. to 6 a.m. unless prior arrangements have been made with the Parking Services Office (7:30 a.m. to 5 p.m. Monday through Friday) or the University Police Department all other times. Faculty, staff, and students cannot use campus parking as residence or nonuniversity business parking or both.

E. Employees with 30 years of service are eligible for a free faculty/staff permit. Contact the Personnel Services Office for details.

8 VAC 105-10-145. Clingtag Hangtag permits.

Clingtag hangtag permits are available for the majority of vehicles on campus and can be purchased for the full year or the semester.

8 VAC 105-10-147. Bumper permits.

Bumper permits are available for motorcycles and vehicles that cannot be locked where the permit cannot be secured inside (e.g., convertibles and soft-tops such as Jeep CJ, Suzuki, Samurai, etc.). These permits can be purchased for the full year or the semester. Only one complimentary permit will be given out with the purchase of a regular permit at the regular price.

8 VAC 105-10-150. New employee (temporary) parking permits.

A. All first-time new wage employees of the university can receive a temporary parking permit. The new employee temporary permit will be valid for not more than 30 calendar days, beginning with the first day of paid employment.

B. The new employee must bring an employment validation form from the hiring department to the Parking Services Office.

C. It is recommended that this process be completed the first day of employment. Unauthorized use of these permits carries a \$100 fine to the person displaying such a permit.

D. Full-time Virginia Tech students (taking more than six hours during fall or spring semesters) who are employed by the university are not eligible for temporary employment permits. a new employee permit. Students enrolled in summer classes or returning fall semester with wage jobs at Virginia Tech over the summer are not eligible for new employee permits.

E. Virginia Tech students taking classes are not eligible for temporary employment permits.

8 VAC 105-10-160. Visitor permits.

A. Visitors (nonstudents or nonfaculty/staff) may park in any faculty, staff, visitor, or student parking space if they have a valid visitor parking permit and if space is not restricted by signs. Some areas restricted by signs include the Owens and Dietrick Dining Hall Lots, service vehicle areas, admissions areas, the right side (as you enter the lot) of the Donaldson Brown Lot, and teaching assistant spaces. Visitor parking permits are available through the Visitor Information Center on off Southgate Drive (7:30 a.m. to 5 p.m., Monday through Friday) or at the University Police Department in the Maintenance Complex on Southgate Drive all other times. Visitor permits must be signed and dated by an authorized parking services or police official and displayed 7 a.m. to 5 p.m., Monday through Friday, unless otherwise signed.

B. University employees who are employed at university remote sites (greater than 25 miles from the main campus) and are visiting the university on a short-term basis (30-day maximum) may register for a visitor permit.

C. Metered parking spaces are also available for short-term visitors on campus. Visitors with parking permits may not park free at parking meters.

D. Visitors may also park in the faculty/staff section (as you enter the lot, left side) of the Donaldson Brown Hotel and Conference Center (DBH) Parking Lot at the corner of College Avenue and Otey Street across from the DBH with a valid visitor permit. DBH guests may park on the right side of the lot (as you enter the lot) and must display a special parking permit issued by the Donaldson Brown Hotel.

8 VAC 105-10-170. Vendors and contractors.

A. Vendors, contractors, and others who visit the campus frequently can apply for a long-term visitors-pass permit if they present a letter from their company or supervisor or organization. These letters should include the name, social security number, and license plate number of each person who needs a pass permit, as well as a contact person and contact phone number.

B. Students are not eligible for vendor or contractor, or long-term visitor permits. Students must park in designated student areas 7 a.m. to 5 p.m., Monday through Friday.

C. These permits are only valid when used by visitors (nonstudent or nonfaculty/staff). If the holder of the permit becomes a Virginia Tech employee or student, then the permit must be returned to Parking Services at the time of the status change.

8 VAC 105-10-180. Turf permits.

Turf permits are available for individuals needing to park state vehicles or contractor vehicles requiring temporary parking on the grass. This permit does not allow parking on sidewalks. These permits are issued by the Parking Services Office.

Proposed Regulations

8 VAC 105-10-190. Special assistance.

Note: If an individual requires special assistance, the parking manager *Parking Services Manager* should be notified at (540) 231-3200 for special arrangements.

8 VAC 105-10-200. Handicap parking.

A. Handicap parking spaces on campus are exclusively for those persons displaying state-authorized DMV handicap license plates or permits. These permits are available to any individual who has a disability of six weeks or longer duration. The Virginia Department of Motor Vehicles office nearest Virginia Tech is located at Route 114 (Peppers Ferry Road) and Walters Drive in Christiansburg (telephone (540) 382-5000). Only state DMV handicap permits allow parking in handicap spaces. State DMV handicap permits also allow free parking at metered spaces.

B. Faculty members, staff members, and students with handicap passes or plates are required to obtain a Virginia Tech parking permit to park on campus.

C. Unauthorized vehicles parked in handicap spaces will be ticketed and towed at the owner's expense. See Part XI 8 VAC 105-10-450 on towing for details on recovering a car.

D. Handicapped individuals may also use the Blacksburg Transit Para-Transit system, which has lift-equipped vehicles for on- and off-campus transportation needs. Call (540) 961-1803 for more information.

8 VAC 105-10-210. Temporary medical disability permits (TMD).

A. A Virginia Tech temporary medical disability permit (TMD) is available for students having mobility impairments lasting six weeks or less. If the disability qualifies for a handicap permit, it should be obtained from the Virginia Department of Motor Vehicles. ~~Because of Virginia state laws, prohibit the use of TMD permits are not valid at~~ handicap spaces at any time.

B. TMD permits allow students to park in faculty/staff area, and are valid only with a Virginia Tech commuter, graduate or resident parking permit. Persons with TMD passes may park in metered spaces as long as the meter is kept current with the proper amount of coins.

C. A temporary medical disability permit can be obtained at the office of Parking Services by presenting a request slip from the Student Health Services or a doctor's statement. This documentation must include how long the disability requires special parking.

D. Unauthorized use of a TMD permit carries a \$100 fine to the person displaying such a permit.

8 VAC 105-10-230. Loading/unloading.

A. *Long-term parking is prohibited at loading docks and other areas used for loading.* Thirty minutes is the maximum time allowed for loading and unloading. A current Virginia Tech parking permit and prior authorization are required from 7 a.m. to 5 p.m. weekdays to use this service. Authorization can be obtained by calling Parking Services 7:30 a.m. to 5 p.m. Monday through Friday, or the University Police Department all other times. Please have available your

license plate number and permit number. *After the vehicle has been loaded or unloaded, it should be moved to a legal parking space. Vehicles in violation of this policy will be ticketed or towed at the owner's expense or both. The policy is enforced 24 hours a day, 7 days a week.*

~~B. To load vehicles for the weekend, only~~ Resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays. ~~You are allowed~~ A maximum of 30 minutes *is allowed* and a call to the Parking Services Office is not necessary. However, Owens and Dietrick Dining Hall lots are reserved exclusively for faculty and staff parking 6 a.m. to 4 p.m., seven days a week.

8 VAC 105-10-240. Disabled vehicles.

A. The Parking Services Office and the University Police Department should be notified immediately if an automobile is disabled. Emergency flashers or signs on the windshield indicating the vehicle is disabled are not sufficient. Any disabled vehicle in a roadway, blocking traffic, creating a hazard, or illegally parked in a handicap space will be towed immediately at the owner's expense. ~~If the disabled vehicle is parked in a legal parking space, a disabled vehicle it is~~ to be removed within 24 hours.

B. The parking lots are not designed or intended for automobile repairs. If repairs become necessary, permission must be secured from the Parking Services Office or the University Police Department. Permission will be granted only for minor repairs and never for more than 24 hours.

8 VAC 105-10-260. Residence hall move-in/move-out.

A. Special parking arrangements are in effect for these periods. One hour is the maximum time allowed for move-in/move-out. Unless otherwise directed, there will be no parking on the grass or on sidewalks. Call the Parking Services Office for more information.

B. Faculty/staff areas affected by move-in and move-out are Washington Street, Kent Street, Owens Dining Hall Lot, Shultz Dining Hall Lot, and the south side of the Drillfield (War Memorial Gym area). Faculty/staff are asked to find alternative parking in C-Lot (Wallace/Litton Reaves), Stanger Lot, B-Lot (behind Whittemore and Derring) and the gravel overflow lot beyond the golf course at the end of the Duck Pond. Faculty/staff should watch for additional information on signs posted in parking lots and in campus publications.

8 VAC 105-10-280. Expired meter.

A. Virginia Tech has parking meters available to meet short-term parking needs of visitors, faculty, staff, and students. Most meters take nickels, dimes, and quarters. The 10 meters nearest the War Memorial Gym are reserved for faculty, staff and visitors only. Parking permits (including visitor permits) never allow *free* parking at meters ~~without paying the meter. State DMV handicap permits do allow free parking at meters.~~

B. Any parking meter covered with a white cover indicates "general parking," a yellow cover indicates "no parking," and a red cover indicates "reserved parking only." A parking space that has a post with no meter head may be used by anyone authorized to park in that area.

Proposed Regulations

C. Meters are enforced from 7 a.m. to 5 p.m., Monday through Friday, with the exception of the meters in the Bookstore lot which are enforced from 7 a.m. to 7:53 p.m., seven days a week. Vehicles parking at meters for an excessive amount of time can be ticketed more than once.

D. Please notify the Parking Services Office before moving a vehicle from a defective meter so that the meter may be checked immediately. Additionally, failure to completely turn the handle on a meter after inserting coins also constitutes an expired meter violation.

8 VAC 105-10-290. Parking in an unauthorized area.

A. Resident, commuter, and graduate student permit parking is prohibited on campus streets and in faculty/staff parking areas (except where signs designate otherwise) from 7 a.m. to 5 p.m., Monday through Friday. Parking at other times may also be prohibited as announced and/or posted in all parking areas.

B. Overnight parking (2 a.m. to 6 a.m.) commuter/graduate student parking on campus is prohibited unless prior arrangements have been made with Parking Services (7:30 a.m. to 5 p.m., Monday through Friday) or the University Police Department all other times. Faculty, staff and students cannot use campus parking as residence or nonuniversity business parking.

~~B. To load vehicles for the weekend, only resident permit holders may park in most faculty/staff areas near residence halls after 2:30 p.m. on Fridays for a maximum of 30 minutes. However, Owens and Dietrick Dining Hall lots are reserved exclusively for faculty and staff parking from 6 a.m. to 4 p.m., seven days a week. C. The policy for loading and unloading vehicles is outlined in 8 VAC 105-10-230.~~

~~C. D. The parking lot across from the Donaldson Brown Hotel and Conference Center (DBH) and in front of Squires Student Center is divided into two sections. The left side (closest to Squires) is reserved for faculty/staff from 7 a.m. to 5 p.m., Monday through Friday. Students may park on this side after hours and on weekends, unless otherwise signed. The right side of the DBH lot is reserved for visitors DBH guests (nonstudents or nonfaculty/staff) 24 hours a day, seven days a week. Only visitors and DBH guests (nonstudents or nonfaculty/staff) are allowed to park in this half of the lot and must display a visitor or DBH parking pass permit.~~

~~D. E. Persons receiving registered with Parking Services who receive an "Unauthorized Area" citation but whose vehicle is registered with the Parking Services Office because of not displaying a hangtag and parked in an authorized area may request that their citation be voided. To make this request you must complete a void form must be completed within 10 calendar days of citation issuance. Forms are available at the Parking Services Office and are to be filled out in person. These forms are necessary to comply with audit procedures. This request may be made a maximum of three times within an academic year.~~

F. Parking in designated service vehicle spaces (between white-painted control lines) is allowed after hours (5 p.m. to 7 a.m.) and on weekends unless signed otherwise. Service drives at the Field House, Cochrane, Ambler, Johnston, Miles,

~~Pritchard, etc. Some service vehicle areas are no parking zones 24 hours a day, seven days a week. These include the Field House, Cochrane, Ambler, Johnston, Miles, Prichard, Litton Reaves, and Saunders. Service drives and loading docks are also restricted 24 hours a day, seven days a week.~~

E. G. Note: If you forget your hangtag on any given day, stop by the Parking Services Office to verify your registration and obtain a temporary one-day permit before parking on campus. There is no charge for this permit.

F. H. Vehicles not registered with Parking Services prior to parking on campus will receive an "Unauthorized Area" citation.

8 VAC 105-10-310. Parking in a no parking zone.

Parking is permitted in authorized, clearly identified parking spaces only. Parking is not allowed in or on lawns, grass, loading zones, bus stops, pedestrian crosswalks, handicap spaces, handicap access ramps, yellow lines or curbs, service drives, service vehicle spaces, and unmarked areas, and fire lanes without specific authorization. Parking on any sidewalk is prohibited at all times. Bagged or covered signs indicate special purpose or no parking.

8 VAC 105-10-320. Other (miscellaneous no parking situations).

A. Vehicles are not permitted to occupy multiple spaces (double parking), park facing in the wrong direction, etc. This violation may also include any of the no parking zones mentioned in 8 VAC 105-10-315.

B. Motorcycles are allowed to park in designated motorcycle areas denoted by "P" signs ("P" means "any university parking permit"). If parked in a regular vehicle space, the motorcycle must display the permit type required in that lot (e.g., a faculty/staff permit is necessary in any non-motorcycle space within a faculty/staff lot). Vehicles are not to be parked in areas designated for motorcycles.

8 VAC 105-10-325. Emergency snow route policy.

When there is an accumulation of three or more inches of snow, emergency snow routes (Washington Street, Kent Street, Drillfield, and most other campus streets) and parking lots will have to be cleared of parked vehicles for the process of snow removal. Parking on emergency snow routes and most other areas of campus will be prohibited until the snow has been removed. Any vehicle parked so that it obstructs or interferes with the process of snow removal may be ticketed and towed at the vehicle owner's expense. During time of inclement weather, please call (540) 231-3200 for specific information on available campus parking.

8 VAC 105-10-330. Overtime parking.

Timed parking areas (e.g., in front of Burruss, drop-off spaces by the library, ATM spaces at the bookstore, etc.) are strictly enforced to provide limited, short-term parking for the purposes of brief business in certain areas by faculty, staff and students. Vehicles parked in excess of time restrictions indicated on courtesy permits will also be in violation of overtime parking.

Proposed Regulations

8 VAC 105-10-345. Parking in a fire lane, bus lane or air intake.

Vehicles parked in fire lanes (usually designated by yellow curbs, striping or signs), bus lanes (designated by BT signs), or air intake areas (behind Pamplin, Southgate, by the Power House, or as designated by signs) will be ticketed or towed, or both, at the owner's expense.

8 VAC 105-10-370. Bicycles.

See Part XIV, Bicycle Information (8 VAC 105-10-500 et seq.).

8 VAC 105-10-390. Football and basketball parking restrictions.

Parking in the Coliseum Lot, C-Lot (Wallace/Litton Reaves), Cochrane/Engle Lot and along Spring and Stadium Roads is strictly forbidden when posted by signs at the following times:

1. After 5:45 7 p.m. on the day before a home varsity football game or weekend home varsity basketball game until the game has started.
2. After 5:15 p.m. on the day of a weekday home varsity men's basketball game until the game has started.
3. The Lane Stadium lot is also restricted from parking after 11 p.m. the night before all home football games until the game has started.
4. Parking in the lots mentioned above is restricted during any other special event when prior notice is given by the posting of signs the morning of the event. Failure to comply with these restrictions will result in the vehicle being ticketed and/or towed at the owner's expense.

8 VAC 105-10-400. Special Purpose and Graduate Housing parking.

~~A. Parking at the Special Purpose Housing complex is limited and only available to residents with special permits. Residents of the Special Purpose Housing complex are required to register their vehicles with the Parking Services Office as well. Visitors who wish to park in these areas should:~~

- ~~1. Park in the gravel parking lot adjacent to the Duck Pond on Oak Lane.~~
- ~~2. Ride the "Heathwood" BT bus from campus and get off at the Special Purpose Housing stop at the Anaerobe Lab on Prices Fork Road. Parking is available in the Commuter "B" lot adjacent to the bus stop on West Campus Drive (except between 2 a.m. and 6 a.m.).~~
- ~~3. Park in I Lot and ride the BT shuttle bus provided. Contact the Office of Residential and Dining Programs or the Blacksburg Transit Office for a schedule.~~

~~B. Special Purpose Housing parking is not permitted at the Anaerobe Lab on Prices Fork Road at any time. Unauthorized vehicles in the lab parking lot may be towed at owner's expense.~~

~~C. A. All residents of Special Purpose Housing, Hillcrest Graduate Housing, and Main Campbell Graduate Housing~~

~~qualify for commuter or graduate parking permits. Special passes permits are required to be used in conjunction with their the Virginia Tech commuter/ or graduate parking permits. These permits will be issued to students designated by the Housing Office.~~

~~4. B. Residents of Special Purpose Housing are only allowed to park overnight in the Special Purpose Housing Lot. They must display both a student Virginia Tech parking permit and the red white Special Purpose Housing permit issued by the Housing Office. Visitors to the complex should park in the gravel overflow lot adjacent to the Duck Pond on Oak Lane.~~

~~2. C. Residents of Main Campbell and Hillcrest are only allowed to park overnight in the Litton Reaves/Wallace Lot (C-Lot). They must display both a student parking permit and the white blue RGP permit issued by the Housing Office.~~

8 VAC 105-10-410. Golf Course, Tennis, and Rec Field Parking.

~~A. Individuals may park in the specially designated parking areas at the Golf Course and Tennis Pavilion only while registered to engage in either activity at the clubhouse and playing golf. In addition to the above restriction, A Virginia Tech parking permit is required to park in these areas this area. Parking for participants at the Tennis Pavilion, Rec Field, and Field House is available in the General Parking Lot below Lane Stadium. Parking behind the Field House is only permitted for handicap parking and service vehicles 24 hours a day, seven days a week. Handicap and Service Vehicle passes are required to park there.~~

~~B. While playing tennis, players must be registered at the Tennis Pavilion. A Virginia Tech parking permit is required to park in the area adjacent to the pavilion.~~

~~C. Parking behind the Field House is only permitted for handicapped patrons and service vehicles 24 hours a day, seven days a week. Handicap and service vehicle permits are required to park there.~~

~~D. Additional parking for participants at the Tennis Pavilion, Rec Field, and Field House is available in the general parking lot below Lane Stadium. A Virginia Tech parking permit is required to park in this lot.~~

8 VAC 105-10-420. Escort service.

~~The University Police Department provides a dusk-to-dawn escort service for individuals who need to walk at night from their dorm or office to their vehicle. Please call (540) 231-SAFE (231-7233) for details.~~

8 VAC 105-10-430. Fines and violations.

~~A. All citations need to be paid or appealed within 10 calendar days. Failure to formally appeal or pay a citation negates any right to further address the violation.~~

~~B. Fines for parking violations are as follows:~~

- ~~1. Most parking and bicycle violations are \$10 each.~~
- ~~2. Unauthorized parking in a designated handicap space is a \$50 violation.~~

2. Expired meter and bicycle violations are \$10.

3. Parking in a handicap space, handicap access, fire lane, bus lane or air intake area is a \$50 violation.

3. 4. Unauthorized or fraudulent use of a Virginia Tech parking permit is a \$100 violation.

B. C. Parking fines not received at the Office of the University Bursar within 10 days from the date of citation issuance, or postmarked within seven days of issuance shall result in an additional \$10 late fee unless the citation is under appeal. Payments sent through campus mail must be received by the 10th day of citation issuance. Lost, stolen, or misplaced citations do not excuse the late fee.

All student accounts with citations 30 days past due will be blocked regardless of amount. All accounts that are over \$100 will be blocked immediately. Accounts must be paid in full for block to be removed.

C. D. Fines may be handled as a payroll deduction as an offset against Commonwealth of Virginia Vendor Debt Setoff Program or assessed against any other moneys money due from the university, or both. Nonpayment of fines may result in blocked class registration and/or withheld grade transcripts. Outstanding fines may also be given to a collection agency. Accounts sent to collections will be assessed an additional collection cost.

~~D. All parking fines will be assessed against either the person who purchased the parking permit or the registered DMV owner of the vehicle.~~ E. When a vehicle is found to be in violation, fines are assessed to:

1. The person who purchased the university permit displayed on the vehicle.

2. (If no parking permit has been issued for the vehicle) the person, company, corporation, or firm in whose name the vehicle is registered with the Virginia Department of Motor Vehicles the corresponding agency of another state or nation;

3. The son, daughter, spouse, or ward of the registered owner enrolled in or employed at Virginia Tech.

8 VAC 105-10-450. Vehicle towing.

A. Vehicles may be ticketed, immobilized or towed, or any combination of these at the owner's expense under the following circumstances:

1. For vehicles displaying lost, stolen, or fraudulent Virginia Tech parking permits.

2. When a vehicle is illegally parked in a handicap zone area, handicap access, or fire lane (such towing is required by state law).

3. When a vehicle is illegally parked, restricting traffic, or creating a traffic hazard.

4. When three or more unpaid citations have accumulated. *Please note: any individual who accumulates 10 or more unpaid citations in an academic year is considered to be abusing parking privileges and may lose parking privileges on campus for the remainder of that period. Parking Services reserves the right to*

confiscate the parking permit attached to such a vehicle and there will be no refund to the owner of that permit.

5. When vehicles are parked on designated snow routes. ~~Most streets and roads on campus are considered snow routes.~~ (Washington Street, Kent Street, Drillfield and most campus streets and parking lots. For more details see 8 VAC 105-10-325.)

6. When vehicles are parked in violation of football and basketball game restrictions.

7. If notified by the Parking Services Office or the University Police Department to move a vehicle, and the owner or user does not accomplish this move within the specified time.

8. *When a vehicle is parked illegally at a loading dock, air intake, or bus lane.*

B. According to state law, if the tow truck is called and the vehicle owner arrives on the scene to move the vehicle, the tow order may be canceled. *If the tow truck has already left the towing company premises, the person responsible for the vehicle may still be required to pay towing costs before being permitted to move the vehicle. A citation for illegal parking will also be issued.*

~~C. If the tow truck is already en route, the person responsible for the vehicle may still be required to pay towing costs before being permitted to move the vehicle. A citation for illegal parking will also be issued.~~

D. C. The Parking Services Office and University Police Department are not responsible for damage resulting from towing or immobilization of vehicles.

8 VAC 105-10-490. Appealing a violation.

A. The appeals hearing officer for the university will review all written appeals involving nonmoving traffic violations. Traffic citations for moving violations are issued by the University Police Department on campus and referred to the local courts for a decision.

B. Citations received for parking in fire lanes, on a yellow line or curb, in roadways, handicap zone area, handicap access, bus lanes, air intake areas, or metered space will not be viewed favorably in the appeals process except in genuine emergency situations as determined by the appeals hearing officer.

C. If a person wishes to appeal a parking or bicycle citation, the procedure below should be followed:

1. All appeals must be filed within 10 calendar days of issuance of the citation. All rights to appeal a citation are waived after this 10-day period. *Failure to formally appeal or pay a citation negates any right to further address the violation.*

2. The appeal must be written on an official appeals form available in the Parking Services Office. This is necessary to ensure the Parking Services Office has all the necessary information to process the appeal and satisfy audit procedures.

Proposed Regulations

3. Please make sure the address and phone numbers you list *listed* are complete, accurate, and legible. The Parking Services Office cannot be responsible if you fail for failure to receive your an appeal notice under these circumstances. Remember to notify the Parking Services Office of any address changes.

4. The issue on appeal is whether or not the cited rule was violated. It is no defense to "not mean" to violate a rule, to "see others" violate it, to "not realize" it was violated, or to have "violated it in the past without penalty."

5. All appeals should be finalized by the last day of classes.

6. The decision of the appeals hearing officer is final.

8 VAC 105-10-520. Parking enforcement.

A. Bicycles may be parked only at bicycle racks, except when permission has been granted to keep a bicycle inside a campus building. (~~Housing must approve keeping a bike in a dormitory room. (Bicycles may be kept in a residence hall room with the agreement of the roommate. Bicycles may not be kept in any other areas of a residence hall. A department head must grant permission to keep a bike in a faculty office.)~~)

B. Mopeds may be parked only at bicycle parking racks.

C. No person is allowed to park a bicycle or moped as follows:

1. On a sidewalk, at a tree or post, on a lawn, next to a building, in a roadway, at a utility pole, light post, banister, parking meter, or other available structure. Always use a bicycle rack.

2. So that it blocks or obstructs any entrance, exit, ramp or breezeway.

3. In any campus building (except as permitted in dormitory rooms and faculty offices).

4. In a parking area designated for motor vehicles.

5. In other than an upright position.

D. Bicycles or mopeds found parked and/or locked in areas other than those allowed may be impounded or immobilized by the Parking Services Office or the University Police Department. The person responsible for the bike will receive a bicycle parking citation.

E. Motorcycles may not be parked in bicycle racks. Students' motorcycles are to be parked in designated student motorcycle areas.

PART XV. AVOIDING PARKING CITATIONS AND TOWING CHARGES.

8 VAC 105-10-560. How to avoid parking citations and towing charges. (Repealed.)

A. ~~Properly display a Virginia Tech parking permit from 7 a.m. to 5 p.m. Monday through Friday. Remember that the parking rules and regulations are in effect whenever the~~

~~university is open for business, including when classes are not in session and during semester breaks.~~

~~B. Park in a clearly identified parking space appropriate for your permit.~~

~~C. Do not loan your permit to others. Shared permits may result in a \$100 "Unauthorized Use of Permit" citation assessed against the permit owner.~~

~~D. Have visiting family and friends obtain a visitor parking permit before parking on campus.~~

~~E. Observe special parking restrictions such as:~~

~~1. Parking lots at the Owens Dining Hall, and Dietrick Dining Hall are reserved for faculty and staff members from 6 a.m. to 4 p.m., seven days a week. The right side of the Donaldson Brown Hotel and Conference Center (DBH) is reserved for visitors (nonstudents or nonfaculty/staff) 24 hours a day, seven days a week. The Bookstore Lot parking meters are enforced from 7 a.m. to 7 p.m., seven days a week.~~

~~2. All dining hall loading docks prohibit parking at all times.~~

~~3. Parking is prohibited in the Coliseum Lot and along Stadium and Spring Roads after 5:15 p.m. on the day before a home varsity football game or weekend home varsity basketball game, or after 5:15 p.m. on the day of a weekday home varsity men's basketball game until the game has started.~~

~~4. Parking is prohibited in the parking lot below Lane Stadium from 11 p.m. the night before any home football games until the game has started.~~

~~5. Other special restrictions, as posted.~~

8 VAC 105-10-570. Ticket payment. (Repealed.)

~~Avoid a \$10 late fee per citation by making sure payment is made to the Office of the University Bursar in Burruss Hall within 10 calendar days of citation issuance; if payment is mailed, the payment envelope must be postmarked within seven days of citation issuance. Payments sent through campus mail must be received by the 10th day of citation issuance. Do not send cash through the mail or deposit cash in the payment box at the Visitor Information Center. Checks should be made payable to Treasurer, Virginia Tech.~~

PART XVI. FEES.

8 VAC 105-10-580. Faculty/staff permits. (Repealed.)

~~The following fees apply for faculty/staff permits:~~

1. Full Year	\$50
2. Semester	\$25
3. Summer	\$12
4. Daily	\$1

8 VAC 105-10-590. Student permits. (Repealed.)

~~The following fees apply for student permits.~~

- 1. Full year _____ \$40
- 2. Semester _____ \$23
- 3. Summer _____ \$10
- 4. Daily _____ \$1

8 VAC 105-10-600. Citation fines. (Repealed.)

The following fees apply for citations:

- 1. Expired Meter _____ \$10
- 2. Parking in an Unauthorized Area _____ \$10
- 3. Parking on Yellow Line or Curb _____ \$10
- 4. Parking in a No Parking Zone _____ \$10
- 5. Parking in a Roadway _____ \$10
- 6. Other _____ \$10
- 7. Overtime Parking _____ \$10
- 8. Parking in a Handicap Zone _____ \$50
- 9. Unauthorized Use of Permit _____ \$100
- 10. Bicycle _____ \$10

VA.R. Doc. No. R97-112; Filed November 4, 1996, 10:53 a.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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act pursuant to § 9-6.14:4.1 A 28 of the Code of Virginia, which exempts the Board of Agriculture and Consumer Services in adopting, amending or repealing regulations pursuant to clause A (ii) of § 59.1-156 B.

Title of Regulation: 2 VAC 5-480-10 et seq. Regulation Governing the Oxygenation of Gasoline (amending 2 VAC 5-480-20).

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

Effective Date: November 1, 1996.

Preamble:

This final regulation will continue authority contained in an emergency regulation (to expire November 12, 1996) governing the oxygenation of gasoline.

On August 11, 1996, a public hearing notice was published in *The Washington Times*. This public comment period and hearing were conducted to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. This regulation is exempt from the public participation requirements of the state law as provided in § 9-6.14:4.1 A 28, § 59.1-156 (A) ii, and § 59.1-156 (B) of the Code of Virginia. The public hearing notice informed the public of the hearing date and provided for the acceptance of written comments through October 1, 1996. The board did not receive any written comments concerning the proposed amendments.

During the public hearing the board heard oral comments from two persons on the amendments to the regulation. Mr. Mike Ward, Director of the Virginia Petroleum Council supported the amendments, pointing out to the board that the amendments convert an emergency regulation adopted one year ago into a permanent regulation. Mr. James E. Syndor, Director of Air Quality Planning for the Virginia Department of Environmental Quality also supported the amendments. A record of the hearing may be obtained from the contact person listed below.

The regulation is for the purpose of complying in this Commonwealth with any oxygenation requirements specified by the federal Clean Air Act or any other federal environmental requirement pertaining to motor fuels. The 1990 amendments to the federal Clean Air Act require states with carbon monoxide nonattainment areas to implement an oxygenated gasoline program in areas designated as nonattainment. The oxygen content

requirement applies during the portion of the year in which the nonattainment areas are prone to high ambient concentrations of carbon monoxide. The Environmental Protection Agency has established this period, which is a specified four months out of twelve. In Virginia this control period begins on November 1 of one year and continues through the end of February of the following year.

Under the amendments the oxygenated fuels regulation is being restructured as a contingency measure in the State Implementation Plan. The Commonwealth of Virginia has submitted and the U.S. Environmental Protection Agency has approved a plan to reduce and maintain carbon monoxide emissions in the Metropolitan Washington Carbon Monoxide Nonattainment Area through the year 2007 such that they do not exceed the 1990 base year level. By maintaining carbon monoxide emissions at or below this level, the area will continue to meet the national air quality standard for carbon monoxide.

The maintenance plan contains the oxygenated fuels regulation as contingency measure to be implemented only if any air quality monitoring station in the area records two exceedances of the carbon monoxide air quality standard in any calendar year. Now with approval of the plan, the sale of oxygenated fuels in the Northern Virginia area is not required as long as the area continues to meet carbon monoxide air quality standard.

Summary:

The amendment provides that the oxygenated gasoline regulation shall apply only after the Director of the Department of Environmental Quality informs the Commissioner of Agriculture and Consumer Services that the air quality standard for carbon monoxide has been exceeded twice in a calendar year in the metropolitan Washington, D.C. area. The period during which the regulation is enforced will end when the director informs the commissioner that enforcement is no longer required under the region's air quality maintenance plan. The beginning and end of the enforcement period will be published in the Virginia Register of Regulations.

Agency Contact: Copies of the regulation may be obtained from J. Alan Rogers, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 402, Richmond, VA 23218, telephone (804) 786-2476.

2 VAC 5-480-20. ~~Exception for aircraft Applicability.~~

A. This chapter shall:

1. Be enforced only at the commencement of the control period that begins at least 180 days after notice by the Commissioner of Agriculture and Consumer Services

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(commissioner) appears in *The Virginia Register of Regulations*, which notice shall state that the Director of the Department of Environmental Quality (director) has informed the commissioner that (because the air quality standard for carbon monoxide has been exceeded two or more times in a calendar year at any one of the air quality monitoring stations in the Metropolitan Washington, D.C.-Virginia-Maryland Statistical Area) the maintenance plan for the Northern Virginia area requires the enforcement of this chapter; and

2. Cease to be enforced when the conditions of subdivision A 1 of this section have occurred and the commissioner receives written notice from the director that enforcement of this chapter is no longer required to satisfy the maintenance plan. The commissioner shall publish this written notice in the *Virginia Register of Regulations*.

B. Nothing in this chapter shall apply to any person who sells or transfers any batch of gasoline for use in aircraft.

DOCUMENTS INCORPORATED BY REFERENCE

ASTM D 4814-95c, Standard Specification for Automotive Spark-Ignition Engine Fuel, published February 1996.

ASTM D 4815-94a, Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C₁ to C₄ Alcohols by Gas Chromatography, published September 1994.

VA.R. Doc. No. R97-109; Filed October 25, 1996, 10:03 a.m.

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-20-10 et seq. General Provisions (amending 9 VAC 5-20-21).

9 VAC 5-80-10 et seq. Permits for New and Modified Sources (adding Article 8 consisting of 9 VAC 5-80-1700 through 9 VAC 5-80-1970; and repealing 9 VAC 5-80-20).

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

Effective Date: January 1, 1997.

Summary:

The regulation amendments concern provisions covering prevention of significant deterioration and include (i) revision of the maximum allowable increases for particulate matter from being based on total suspended particulate to being based on particulate with an aerodynamic diameter of less than or equal to 10 micrometers; (ii) revision of the "Guideline on Air Quality Models"; (iii) exclusion of certain pollutants when determining whether an emissions increase is considered significant; and (iv) updating the notification process to comply with the Code of Virginia and changing the regulation's internal numbering system to reflect requirements of the Registrar of Regulations.

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

Agency Contact: Copies of the regulation may be obtained from Alma Jenkins, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

9 VAC 5-20-21. Documents incorporated by reference.

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

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

Additional information on key federal regulations and non-statutory documents incorporated by reference and their availability may be found in subsection E of this section.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR (1995) in effect July 1, 1995. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

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

D. Copies of materials incorporated by reference in this section may be examined by the public at the headquarters office of the Department of Environmental Quality, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Information on federal regulations and nonstatutory documents incorporated by reference and their availability may be found below in this subsection.

1. Code of Federal Regulations.
 - a. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, 1995, are incorporated herein by reference.
 - (1) 40 CFR Part 50 - National Primary and Secondary Ambient Air Quality Standards.
 - (a) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).
 - (b) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).
 - (c) Appendix C - Measurement Principle and Calibration Procedure for the Continuous

Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

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

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

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

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

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

(i) Appendix I - Reserved.

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

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

(2) 40 CFR Part 51 - Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

Appendix W - Guideline on Air Quality Models (Revised).

(2) (3) 40 CFR Part 58 - Ambient Air Quality Surveillance.

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

(3) (4) 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

The specific provisions of 40 CFR Part 60 incorporated by reference are found in Article 5 (9 VAC 5-50-400 et seq.) of Part II of Chapter 50, Rule 5-5, Environmental Protection Agency Standards of Performance for New Stationary Sources.

(4) (5) 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

The specific provisions of 40 CFR Part 61 incorporated by reference are found in Article 1 (9 VAC 5-60-60 et seq.) of Part II of Chapter 60, Rule 6-1, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants.

(5) (6) 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories.

The specific provisions of 40 CFR Part 63 incorporated by reference are found in Article 2 (9 VAC 5-60-90 et seq.) of Part II of Chapter 60, Rule 6-2, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants for Source Categories.

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

2. U.S. Environmental Protection Agency.

a. The documents specified below following document from the U.S. Environmental Protection Agency is incorporated herein by reference:

(1) ~~Guideline on Air Quality Models (revised), EPA-450/2-027R, OAQPS No. 1.2-080, July 1986, as amended by Supplement A, PB88150058, July 1987.~~

(2) Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. PB82250721, 1980.

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

3. U.S. government.

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

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238 512-1800.

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

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

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

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

(3) D129-91, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)," 1991.

(4) D388-95, "Standard Classification of Coals by Rank," 1995.

(5) D396-92, "Standard Specification for Fuel Oils," 1992.

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(6) D975-94, "Standard Specification for Diesel Fuel Oils," 1994.

(7) D1072-90, "Standard Test Method for Total Sulfur in Fuel Gases," 1990, reapproved 1994.

(8) D1265-92, "Standard Practice for Sampling Liquefied Petroleum (LP) Gases (Manual Method)," 1992.

(9) D2622-94, "Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry," 1994.

(10) D4057-88, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products," 1988.

(11) D4294-90, "Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy," 1990.

b. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400 (610) 832-9585.

5. American Petroleum Institute (API).

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

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

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

a. The following document from the ACGIH is incorporated herein by reference: Threshold Limit Values for Chemical Substances 1991-1992 and Physical Agents and Biological Exposure Indices (ACGIH Handbook).

b. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438; phone (513) 661-7884 742-2020.

7. National Fire Prevention Association (NFPA).

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

(1) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.

(2) NFPA 30, Flammable and Combustible Liquids Code, 1987 Edition.

(3) NFPA 30A, Automotive and Marine Service Station Code, 1987 Edition.

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

PART VIII

Article 8.

Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas.

~~9 VAC 5-80-20. Permits major stationary sources and major modifications locating in prevention of significant deterioration areas.~~

A. 9 VAC 5-80-1700. Applicability.

4. A. The provisions of this section article apply to the construction of any major stationary source or major modification.

2. B. The provisions of this section article apply in prevention of significant deterioration areas designated in ~~9 VAC 5-10-20, Appendix L, 9 VAC 5-20-205.~~

3. C. Where a source is constructed or modified in contemporaneous increments which individually are not subject to approval under this section article and which are not part of a program of construction or modification in planned incremental phases approved by the board, all such increments shall be added together for determining the applicability of this section article. An incremental change is contemporaneous with the particular change only if it occurs between the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

4. D. Unless specified otherwise, the provisions of this section article are applicable to various sources as follows:

a. 1. Provisions referring to "sources," "new or modified sources" or "stationary sources" are applicable to the construction of all major stationary sources and major modifications.

b. 2. Any emissions units not subject to the provisions of this section article may be subject to the provisions of 9 VAC 5-80-10 or 9 VAC 5-80-30.

E. For the purposes of this article, pollutants subject to regulation under the federal Clean Air Act shall not include any pollutant listed under § 112(b) of the federal Clean Air Act or any additions made to the list pursuant to regulations promulgated by the U.S. Environmental Protection Agency.

5. F. Unless otherwise approved by the board or prescribed in these regulations, when this section article is amended, the previous provisions of this section article shall remain in effect for all applications that are deemed complete under the provisions of ~~subdivision R-1 of this section subsection A of 9 VAC 5-80-1870~~ prior to the effective date of the amended section article. Any permit applications that have not been determined to be complete as of the effective date of the amendments shall be subject to the new provisions.

B. 9 VAC 5-80-1710. Definitions.

4. A. As used in this section article, all words or terms not defined here *herein* shall have the meaning given them in 9 VAC 5-10-10 et seq., unless otherwise required by context.

2. B. For the purpose of this ~~section~~ *article*, 9 VAC 5-50-280 and any related use, the words or terms shall have the meaning given them in ~~subdivision B-3 subsection C~~ of this section:

3. C. Terms defined.

"Actual emissions":

(1) a. Means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with ~~subdivisions 3 a (2) through 3 a (4) of this subsection b through d of this definition.~~

(2) b. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The board shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(3) c. The board may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(4) d. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Administrator" means the administrator of the U.S. Environmental Protection Agency (EPA) or an authorized representative.

"Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the federal class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with (i) times of visitor use of the federal Class I areas, and (ii) the frequency and timing of natural conditions that reduce visibility.

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

(1) a. The applicable standards as set forth in 40 CFR Parts 60 and 61;

(2) b. The applicable State implementation plan emissions limitation including those with a future compliance date; or

(3) c. The emissions rate specified as a federally or state enforceable permit condition, including those with a future compliance date.

"Baseline area":

(1) a. Means any intrastate area (and every part of that) designated as attainment or unclassifiable under § 107(d)(1)(C) of the federal Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 $\mu\text{g}/\text{m}^3$ (annual average) of the pollutant for which the minor source baseline date is established.

(2) b. Area redesignations under § 107(d)(3) of the federal Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(a) (1) Establishes a minor source baseline date; or

(b) (2) Is subject to this ~~section~~ *article* or 40 CFR 52.21 and would be constructed in the same state as the state proposing the redesignation.

c. Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline shall not remain in effect if the board rescinds the corresponding minor source baseline date in accordance with subdivision d of the definition of "baseline date."

"Baseline concentration":

(1) a. Means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) (1) The actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in subdivision (2) b of this definition;

(b) (2) The allowable emissions of major stationary sources which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(2) b. The following will not be included in the baseline concentration and will affect the applicable maximum allowable increases:

(a) (1) Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and

(b) (2) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

"Baseline date":

(1) a. *"Major source baseline date"* means:

(a) (1) In the case of particulate matter and sulfur dioxide, January 6, 1975, and

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(b) (2) In the case of nitrogen dioxide, February 8, 1988.

(2) b. "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to this section article submits a complete application under this section article. The trigger date is:

(a) (1) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(b) (2) In the case of nitrogen dioxide, February 8, 1988.

(3) c. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) (1) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under § 107(d)(1)(C) of the federal Clean Air Act for the pollutant on the date of its complete application under this section article or 40 CFR 52.21; and

(b) (2) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

d. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM₁₀ increments, except that the board may rescind any such minor source baseline date where it can be shown, to the satisfaction of the board, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM₁₀ emissions.

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant subject to regulation under the federal Clean Air Act which would be emitted from any proposed major stationary source or major modification which the board, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions

allowed by any applicable standard under 40 CFR Parts 60 and 61. If the board determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination of them, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group" (i.e., which have the same first two-digit code) as described in the Standard Industrial Classification Manual, as amended by the supplement (see 9 VAC 5-10-20, Appendix M 9 VAC 5-20-21).

"Commence," as applied to construction of a major stationary source or major modification, means that the owner has all necessary preconstruction approvals or permits and either has:

(1) a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner, to undertake a program of actual construction of the source, to be completed within a reasonable time.

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for the purposes of permit processing does not preclude the board from requesting or accepting any additional information.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act.

"Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan implementation plan, and any permit

requirements established pursuant to 40 CFR 52.21 or 9-VAC 5-80-10 ~~et seq.~~ *this chapter*, including operating permits issued under an EPA-approved program that is incorporated into the State Implementation Plan *implementation plan* and expressly requires adherence to any permit issued under such program.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"High terrain" means any area having an elevation 900 feet or more above the base of the stack of a source.

"Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

"Indian reservation" means any federally recognized reservation established by treaty, agreement, executive order, or act of Congress.

"Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

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

"Low terrain" means any area other than high terrain.

"Major modification" means:

(1) a. Means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the federal Clean Air Act.

(2) b. Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(3) c. A physical change or change in the method of operation shall not include:

- (a) (1) Routine maintenance, repair and replacement;
- (b) (2) Use of an alternative fuel or raw material by a stationary source which:
 - 1. (a) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally and state enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or 9-VAC 5-80-10 ~~et seq.~~ *this chapter*, or
 - 2. (b) The source is approved to use under any permit issued under 40 CFR 52.21 or 9-VAC 5-80-10 ~~et seq.~~ *this chapter*;

(6) (3) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally and state enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or 9-VAC 5-80-10 ~~et seq.~~ *this chapter*.

"Major stationary source":

(1) a. Means:

(a) (1) Any of the following stationary sources of air pollutants which emits, or has the potential to emit 100 tons per year or more of any pollutant subject to regulation under the federal Clean Air Act:

- 1. (a) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
- 2. (b) Coal cleaning plants (with thermal dryers).
- 3. (c) Kraft pulp mills.
- 4. (d) Portland cement plants.
- 5. (e) Primary zinc smelters.
- 6. (f) Iron and steel mill plants.
- 7. (g) Primary aluminum ore reduction plants.
- 8. (h) Primary copper smelters.
- 9. (i) Municipal incinerators capable of charging more than 250 tons of refuse per day.
- 10. (j) Hydrofluoric acid plants.
- 11. (k) Sulfuric acid plants.
- 12. (l) Nitric acid plants.
- 13. (m) Petroleum refineries.
- 14. (n) Lime plants.
- 15. (o) Phosphate rock processing plants.
- 16. (p) Coke oven batteries.
- 17. (q) Sulfur recovery plants.
- 18. (r) Carbon black plants (furnace process).
- 19. (s) Primary lead smelters.
- 20. (t) Fuel conversion plants.
- 21. (u) Sintering plants.
- 22. (v) Secondary metal production plants.
- 23. (w) Chemical process plants.
- 24. (x) Fossil fuel boilers (or combinations of them) totaling more than 250 million British thermal units per hour heat input.
- 25. (y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
- 26. (z) Taconite ore processing plants.

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27. (aa) Glass fiber processing plants.

28. (bb) Charcoal production plants.

(b) (2) Notwithstanding the stationary source size specified in subdivision (1)(a) a (1) of this definition, stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the federal Clean Air Act; or

(c) (3) Any physical change that would occur at a stationary source not otherwise qualifying under subdivision (1)(a) a (1) or (1)(b) a (2) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.

(2) b. A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(3) c. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) (1) Coal cleaning plants (with thermal dryers).

(b) (2) Kraft pulp mills.

(c) (3) Portland cement plants.

(d) (4) Primary zinc smelters.

(e) (5) Iron and steel mills.

(f) (6) Primary aluminum ore reduction plants.

(g) (7) Primary copper smelters.

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

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

(j) (10) Petroleum refineries.

(k) (11) Lime plants.

(l) (12) Phosphate rock processing plants.

(m) (13) Coke oven batteries.

(n) (14) Sulfur recovery plants.

(o) (15) Carbon black plants (furnace process).

(p) (16) Primary lead smelters.

(q) (17) Fuel conversion plants.

(r) (18) Sintering plants.

(s) (19) Secondary metal production plants.

(t) (20) Chemical process plants.

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

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

(w) (23) Taconite ore processing plants.

(x) (24) Glass fiber processing plants.

(y) (25) Charcoal production plants.

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

(aa) (27) Any other stationary source category which, as of August 7, 1980, is being regulated under Section § 111 or § 112 of the federal Clean Air Act.

"Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations, and those air quality control laws and regulations which are part of the applicable State Implementation Plan implementation plan.

"Net emissions increase" means:

(1) a. Means the amount by which the sum of the following exceeds zero:

(a) (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(b) (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(2) b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(a) (1) The date five years before construction on the particular change commences; and

(b) (2) The date that the increase from the particular change occurs.

(3) c. An increase or decrease in actual emissions is creditable only if the board has not relied on it in issuing a permit for the source under this section article (or the administrator under 40 CFR 52.21), which permit is in effect when the increase in actual emissions from the particular change occurs.

(4) d. An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM₁₀ emissions can be used to evaluate the net emissions increase for PM₁₀.

(5) e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(6) f. A decrease in actual emissions is creditable only to the extent that:

(a) (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) (2) It is federally and state enforceable at and after the time that actual construction on the particular change begins; and

(c) (3) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(7) g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally and state enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Significant":

(4) a. Means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emissions Rate
Carbon Dioxide	100 tons per year (tpy)
Nitrogen Oxides	40 tpy
Sulfur Dioxide	40 tpy
Particulate Matter (TSP)	25 tpy
PM ₁₀	15 tpy
Ozone	40 tpy of volatile organic compounds

Lead	0.6 tpy
Asbestos	0.007 tpy
Beryllium	0.0004 tpy
Mercury	0.1 tpy
Vinyl Chloride	1 tpy
Fluorides	3 tpy
Sulfuric Acid Mist	7 tpy
Hydrogen Sulfide (H ₂ S)	10 tpy
Total Reduced Sulfur (including H ₂ S)	10 tpy
Reduced Sulfur Compounds (including H ₂ S)	10 tpy
Municipal waste combustor Organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶ tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as the sum of SO ₂ and HC ₁)	40 tpy

(2) b. Means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the federal Clean Air Act that subdivision (4) a of this definition does not list, any emissions rate.

(3) c. Notwithstanding subdivision (4) a of this definition, means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 µg/m³ (24-hour average).

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the federal Clean Air Act.

G. 9 VAC 5-80-1720. General.

4. A. No owner or other person shall begin actual construction of any major stationary source or major modification without first obtaining from the board a permit to construct and operate such source.

2. B. No owner or other person shall relocate any emissions unit subject to the provisions of 9 VAC 5-20-160 without first obtaining a permit from the board to relocate the unit.

3. C. Prior to the decision of the board, all permit applications will be subject to a public comment period; a public hearing will be held as provided in subsection R of this section 9 VAC 5-80-1870.

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4. D. The board may combine the requirements of and the permits for emissions units within a stationary source subject to 9 VAC 5-80-10, ~~9 VAC 5-80-20~~, and 9 VAC 5-80-30, and *this article* into one permit. Likewise the board may require that applications for permits for emissions units within a stationary source required by 9 VAC 5-80-10, ~~9 VAC 5-80-20~~, and 9 VAC 5-80-30, and *this article* be combined into one application.

D. 9 VAC 5-80-1730. Ambient air increments.

In areas designated as class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

MAXIMUM ALLOWABLE INCREASE (micrograms per cubic meter)

Class I

Particulate matter:

TSP, annual geometric mean	5
TSP, 24-hour maximum	10
PM ₁₀ , annual arithmetic mean	4
PM ₁₀ , 24-hour maximum	8

Sulfur dioxide:

Annual arithmetic mean	2
24-hour maximum	5
Three-hour maximum	25

Nitrogen dioxide:

Annual arithmetic mean	2.5
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Class II

Particulate matter:

TSP, annual geometric mean	19
TSP, 24-hour maximum	37
PM ₁₀ , annual arithmetic mean	17
PM ₁₀ , 24-hour maximum	30

Sulfur dioxide:

Annual arithmetic mean	20
24-hour maximum	91
Three-hour maximum	512

Nitrogen dioxide:

Annual arithmetic mean	25
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Class III

Particulate matter:

TSP, annual geometric mean	37
TSP, 24-hour maximum	75
PM ₁₀ , annual geometric mean	34

PM₁₀, 24-hour maximum ----- 60

Sulfur dioxide:

Annual arithmetic mean	40
24-hour maximum	182
Three-hour maximum	700

Nitrogen dioxide:

Annual arithmetic mean ----- 50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

E. 9 VAC 5-80-1740. Ambient air ceilings.

No concentration of a pollutant shall exceed:

1. The concentration permitted under the national secondary ambient air quality standard, or
2. The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

F. 9 VAC 5-80-1750. Applications.

4. A. A single application is required identifying at a minimum each emissions point within the emissions unit subject to this ~~section~~ *article*. The application shall be submitted according to procedures approved by the board. However, where several emissions units are included in one project, a single application covering all units in the project may be submitted. A separate application is required for each location.

2. B. For projects with phased development, a single application may be submitted covering the entire project.

3. C. Any application form, report, or compliance certification submitted to the board shall be signed by a responsible official. A responsible official is defined as follows:

a. 1. For a business entity, such as a corporation, association or cooperative, a responsible official is either:

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

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

representative in accordance with procedures of the business entity.

b. 2. For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.

e. 3. For a municipality, state, federal, or other public agency, a responsible official is either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

4. D. Any person signing a document under ~~subdivision F 3-above~~ *subsection C of this section* shall make the following certification:

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

E. *Subsection D of this section shall be interpreted to mean that the signer must have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same [corporate] line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be [company] employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.*

5. ~~As required~~ F. Unless waived under § 10.1-1321.1 of the Virginia Air Pollution Control Law, applications shall not be deemed complete unless the applicant has provided a notice from the locality in which the source is located or is to be located that the site and operation of the source are consistent with all local ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1 of the Code of Virginia.

G. 9 VAC 5-80-1760. Compliance with local zoning requirements.

The owner shall comply in all respects with any existing zoning ordinances and regulations in the locality in which the source is located or proposes to be located; provided, however, that such compliance does not relieve the board of its duty under 9 VAC 5-20-140 of these regulations and § 10.1-1307 E of the Virginia Air Pollution Control Law to independently consider relevant facts and circumstances.

H. 9 VAC 5-80-1770. Compliance determination and verification by performance testing.

4. A. For stationary sources other than those specified in ~~subdivision H-2~~ *subsection B of this section*, compliance with standards of performance shall be determined in accordance with the provisions of 9 VAC 5-50-20 and shall be verified by performance tests in accordance with the provisions of 9 VAC 5-50-30.

2. B. For stationary sources of hazardous air pollutants, compliance with emission standards shall be determined in accordance with the provisions of 9 VAC 5-60-20 and shall be verified by emission tests in accordance with the provisions of 9 VAC 5-60-30.

3. C. Testing required by ~~subdivisions H-1 and 2~~ *subsections A and B of this section* shall be conducted within 60 days by the owner after achieving the maximum production rate at which the new or modified source will be operated, but not later than 180 days after initial startup of the source; and 60 days thereafter the board shall be provided by the owner with two or, upon request, more copies of a written report of the results of the tests.

4. D. For sources subject to the provisions of Rule 5-5 (9 VAC 5-50-400 et seq.) or 6-1 (9 VAC 5-60-60 et seq.), the requirements of ~~subdivisions H-1 through 3~~ *subsections A through C of this section* shall be met in all cases.

5. E. For sources other than those specified in ~~subdivision H-4~~ *subsection D of this section*, the requirements of ~~subdivisions H-1 through 3~~ *subsections A through C of this section* shall be met unless the board:

a. 1. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;

b. 2. Approves the use of an equivalent method;

e. 3. Approves the use of an alternative method, the results of which the board has determined to be adequate for indicating whether a specific source is in compliance;

d. 4. Waives the requirement for testing because, based upon a technical evaluation of the past performance of similar source types, using similar control methods, the board reasonably expects the new or modified source to perform in compliance with applicable standards; or

e. 5. Waives the requirement for testing because the owner of the source has demonstrated by other means to the board's satisfaction that the source is in compliance with the applicable standard.

6. F. The provisions for the granting of waivers under ~~subdivision H-5~~ *subsection E of this section* are intended for use in determining the initial compliance status of a source, and the granting of a waiver does not obligate the board to do so for determining compliance once the source has been in operation for more than one year beyond the initial startup date.

I. 9 VAC 5-80-1780. Stack heights.

The provisions of 9 VAC 5-50-20 H apply.

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J. 9 VAC 5-80-1790. Review of major stationary sources and major modifications source applicability and exemptions.

4. A. No stationary source or modification to which the requirements of ~~subsections K through S of this section 9 VAC 5-80-1800 through 9 VAC 5-80-1880~~ apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements. The board has authority to issue any such permit.

2. B. The requirements of ~~subsections K through S of this section 9 VAC 5-80-1800 through 9 VAC 5-80-1880~~ shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the federal Clean Air Act that it would emit, except as this ~~section article~~ otherwise provides.

3. C. The requirements of ~~subsections K through S of this section 9 VAC 5-80-1800 through 9 VAC 5-80-1880~~ apply only to any major stationary source or major modification that would be constructed in an area designated as attainment or unclassifiable under § 107 (d) (1) (C) of the federal Clean Air Act.

4. D. The requirements of ~~subsections K through S of this section 9 VAC 5-80-1800 through 9 VAC 5-80-1880~~ shall not apply to a particular major stationary source or major modification if:

a. 1. The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution; or

b. 2. The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

- (1) a. Coal cleaning plants (with thermal dryers).
- (2) b. Kraft pulp mills.
- (3) c. Portland cement plants.
- (4) d. Primary zinc smelters.
- (5) e. Iron and steel mills.
- (6) f. Primary aluminum ore reduction plants.
- (7) g. Primary copper smelters.
- (8) h. Municipal incinerators capable of charging more than 250 tons of refuse per day.
- (9) i. Hydrofluoric acid plants.
- (10) j. Sulfuric acid plants.
- (11) k. Nitric acid plants.
- (12) l. Petroleum refineries.
- (13) m. Lime plants.
- (14) n. Phosphate rock processing plants.

(15) o. Coke oven batteries.

(16) p. Sulfur recovery plants.

(17) q. Carbon black plants (furnace process).

(18) r. Primary lead smelters.

(19) s. Fuel conversion plants.

(20) t. Sintering plants.

(21) u. Secondary metal production plants.

(22) v. Chemical process plants.

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

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

(25) y. Taconite ore processing plants.

(26) z. Glass fiber processing plants.

(27) aa. Charcoal production plants.

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

(29) cc. Any other stationary source category which, as of August 7, 1980, is being regulated under Section § 111 or § 112 of the federal Clean Air Act; or

e. 3. The source or modification is a portable stationary source which has previously received a permit under this ~~section article~~:

(1) a. The owner proposes to relocate the source and emissions of the source at the new location would be temporary;

(2) b. The emissions from the source would not exceed its allowable emissions;

(3) c. The emissions from the source would impact no class I area and no area where an applicable increment is known to be violated; and

(4) d. Reasonable notice is given to the board prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the board not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the board.

5. E. The requirements of ~~subsections K through S of this section 9 VAC 5-80-1800 through 9 VAC 5-80-1880~~ shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under Section § 107 of the federal Clean Air Act.

6. F. The requirements of ~~subsections L, N and P of this section 9 VAC 5-80-1810, 9 VAC 5-80-1830, and 9 VAC 5-80-1850~~ shall not apply to a major stationary source or major

modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

- a. 1. Would impact no class I area and no area where an applicable increment is known to be violated, and
- b. 2. Would be temporary.

7. G. The requirements of ~~subsections L, N and P of this section 9 VAC 5-80-1810, 9 VAC 5-80-1830, and 9 VAC 5-80-1850~~ as they relate to any maximum allowable increase for a class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each pollutant subject to regulation under the federal Clean Air Act from the modification after the application of best available control technology would be less than 50 tons per year.

8. H. The board may exempt a stationary source or modification from the requirements of ~~subsection N of this section 9 VAC 5-80-1830~~ with respect to monitoring for a particular pollutant if:

- a. 1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide - $575 \mu\text{g}/\text{m}^3$, 8-hour average

Nitrogen dioxide - $14 \mu\text{g}/\text{m}^3$, annual average

~~Total suspended particulate - $10 \mu\text{g}/\text{m}^3$, 24-hour average~~

~~PM₁₀ - $10 \mu\text{g}/\text{m}^3$, 24-hour average~~

Particulate matter - $13 \mu\text{g}/\text{m}^3$ of PM₁₀, 24-hour average

Sulfur dioxide - $13 \mu\text{g}/\text{m}^3$, 24-hour average

Ozone¹

Lead - $0.1 \mu\text{g}/\text{m}^3$, 3-month average

~~Mercury - $0.25 \mu\text{g}/\text{m}^3$, 24-hour average~~

~~Beryllium - $0.001 \mu\text{g}/\text{m}^3$, 24-hour average~~

Fluorides - $0.25 \mu\text{g}/\text{m}^3$, 24-hour average

~~Vinyl chloride - $15 \mu\text{g}/\text{m}^3$, 24-hour average~~

Total reduced sulfur - $10 \mu\text{g}/\text{m}^3$, 1-hour average

Hydrogen sulfide - $0.2 \mu\text{g}/\text{m}^3$, 1-hour average

Reduced sulfur compounds - $10 \mu\text{g}/\text{m}^3$, 1-hour average; or

- b. 2. The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subdivision [~~J-8-a~~] 1 of this

~~section subsection~~, or the pollutant is not listed in subdivision [~~J-8-a~~] 1 of this ~~section subsection~~.

1. ~~The permitting requirements [equivalent to those contained in of] subsection B of 9 VAC 5-80-1810 shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if:~~

1. ~~The owner of the source or modification submitted an application for a permit under 9 VAC 5-80-10, 9 VAC 5-80-30, or this article before [(the effective date of this article) June 3, 1994], and~~

2. ~~The board subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements [-equivalent to of] subsection B of 9 VAC 5-80-1810 shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.~~

K. 9 VAC 5-80-1800. Control technology review.

4. A. A major stationary source or major modification shall meet each applicable emissions limitation under the ~~State Implementation Plan~~ ~~implementation plan~~ and each applicable emissions standard and standard of performance under 40 CFR Parts 60 and 61.

2. B. A new major stationary source shall apply best available control technology for each pollutant subject to regulation under the federal Clean Air Act that it would have the potential to emit in significant amounts.

3. C. A major modification shall apply best available control technology for each pollutant subject to regulation under the federal Clean Air Act for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

4. D. For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

L. 9 VAC 5-80-1810. Source impact analysis.

The owner of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

1. Any national ambient air quality standard in any air quality control region; or

2. Any applicable maximum allowable increase over the baseline concentration in any area.

¹ No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to this ~~section article~~ would be required to perform an ambient impact analysis including the gathering of ambient air quality data.

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M. 9 VAC 5-80-1820. Air quality models.

~~1. A. All estimates of ambient concentrations required under applications of air quality modeling involved in this section article shall be based on the applicable air quality models, data bases, and other requirements specified in the U.S. Environmental Protection Agency Guideline, EPA-450/2-78-027R, Guideline on Air Quality Models (see 9 VAC 5-10-20, Appendix M) Appendix W to 40 CFR Part 51.~~

~~2. B. Where an air quality impact model specified in the Guideline on Air Quality Models Appendix W to 40 CFR Part 51 is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis, or, where appropriate, on a generic basis for a specific state program. Written approval of the administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with subsection R of this section 9 VAC 5-80-1870.~~

N. 9 VAC 5-80-1830. Air quality analysis.

~~1. A. Preapplication analysis.~~

~~a. 1. Any application for a permit under this section article shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:~~

~~(1) a. For the source, each pollutant that it would have the potential to emit in a significant amount;~~

~~(2) b. For the modification, each pollutant for which it would result in a significant net emissions increase.~~

~~b. 2. With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain such air quality monitoring data as the board determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.~~

~~c. 3. With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.~~

~~d. 4. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the board determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.~~

~~e. 5. The owner of a proposed stationary source or modification of volatile organic compounds who satisfies~~

all conditions of Section IV of Appendix S to 40 CFR Part 51 may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under ~~subdivision N-1 subsection A~~ of this section.

~~2. B. Post-construction monitoring. The owner of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the board determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.~~

~~3. C. Operation of monitoring stations. The owner of a major stationary source or major modification shall meet the requirements of Appendix B to 40 CFR Part 58 during the operation of monitoring stations for purposes of satisfying subsection N of this section.~~

O. 9 VAC 5-80-1840. Source information.

The owner of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section article.

1. With respect to a source or modification to which ~~subsections K, L, N and P of this section 9 VAC 5-80-1800, 9 VAC 5-80-1810, 9 VAC 5-80-1830, and 9 VAC 5-80-1850~~ apply, such information shall include:

a. A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

b. A detailed schedule for construction of the source or modification;

c. A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

2. Upon request of the board, the owner shall also provide information on:

a. The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

b. The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since the baseline date in the area the source or modification would affect.

P. 9 VAC 5-80-1850. Additional impact analyses.

1. A. The owner shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

2. B. The owner shall provide an analysis of the air quality impact projected for the area as a result of general

commercial, residential, industrial and other growth associated with the source or modification.

3. C. The board may require monitoring of visibility in any federal class I area near the proposed new stationary source or major modification for such purposes and by such means as the board deems necessary and appropriate.

~~Q. 9 VAC 5-80-1860. Sources impacting federal class I areas - additional requirements.~~

1. A. Notice to administrator. The board shall transmit to the administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the administrator of the following actions related to the consideration of such permit:

- a. 1. Notification of the permit application status as provided in ~~subdivision R 1 of this section~~ *subsection A of 9 VAC 5-80-1870.*
- b. 2. Notification of the public comment period on the application as provided in ~~subdivision R 6 e of this section~~ *subdivision F 5 of 9 VAC 5-80-1870.*
- c. 3. Notification of the final determination on the application and issuance of the permit as provided in ~~subdivision R 6 i of this section~~ *subdivision F 9 of 9 VAC 5-80-1870.*
- d. 4. Notification of any other action deemed appropriate by the board.

2. B. Notice to federal land managers. The board shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the federal class I area. The board shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under ~~subsection R of this section~~ *9 VAC 5-80-1870*, and shall make available to them any materials used in making that determination, promptly after the board makes such determination. Finally, the board shall also notify all affected federal land managers within 30 days of receipt of any advance notification of any such permit application.

3. C. Federal land manager. The federal land manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the board, whether a proposed source or modification will have an adverse impact on such values.

4. D. Visibility analysis. The board shall consider any analysis performed by the federal land manager, provided within 30 days of the notification required by ~~subdivision Q 2~~

subsection B of this section, that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal class I area. Where the board finds that such an analysis does not demonstrate to the satisfaction of the board that an adverse impact on visibility will result in the federal class I area, the board must, in the notice of public hearing on the permit application, either explain this decision or give notice as to where the explanation can be obtained.

5. E. Denial - impact on air quality related values. The federal land manager of any such lands may demonstrate to the board that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a class I area. If the board concurs with such demonstration, then it shall not issue the permit.

6. F. Class I variances. The owner of a proposed source or modification may demonstrate to the federal land manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a class I area. If the federal land manager concurs with such demonstration and so certifies, the board may, provided that the applicable requirements of this ~~section~~ *article* are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide particulate matter, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

MAXIMUM ALLOWABLE INCREASE
(micrograms per cubic meter)

Particulate matter:

TSP, annual geometric mean	19
TSP, 24-hour maximum	37
PM ₁₀ , annual geometric mean	17
PM ₁₀ , 24-hour maximum	30

Sulfur dioxide:

Annual arithmetic mean	20
24-hour maximum	91
Three-hour maximum	325

Nitrogen dioxide:

Annual arithmetic mean	25
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7. G. Sulfur dioxide variance by governor with federal land manager's concurrence. The owner of a proposed source or modification which cannot be approved under ~~subdivision Q 6~~ *subsection F* of this section may demonstrate to the governor

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that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of 24 hours or less applicable to any class I area and, in the case of federal mandatory class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The governor, after consideration of the federal land manager's recommendation (if any) and subject to the federal land manager's concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the board shall issue a permit to such source or modification pursuant to the requirements of ~~subdivision Q-9 subsection I of this section~~, provided that the applicable requirements of this ~~section~~ article are otherwise met.

8. H. Variance by the governor with the president's concurrence. In any case whether the governor recommends a variance in which the federal land manager does not concur, the recommendations of the governor and the federal land manager shall be transmitted to the president. The president may approve the governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the board shall issue a permit pursuant to the requirements of ~~subdivision Q-9 subsection I of this section~~, provided that the applicable requirements of this ~~section~~ article are otherwise met.

9. I. Emission limitations for presidential or gubernatorial variance. In the case of a permit issued pursuant to ~~subdivision Q-7 or 8 subsection G or H of this section~~ the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

MAXIMUM ALLOWABLE INCREASE
(micrograms per cubic meter)

Period of exposure	Low terrain areas	High terrain areas
24-hour maximum	36	62
3-hour maximum	130	221

R- 9 VAC 5-80-1870. Public participation.

4. A. Within 30 days after receipt of an application the board shall notify the applicant of the status of the application. The notification of the initial determination with regard to the status of the application shall be provided by the board in writing and shall include (i) a determination as to which provisions of 9-VAC-5-80-10 et seq. this chapter are applicable, (ii) the identification of any deficiencies, and (iii) a determination as to whether the application contains sufficient information to begin application review. The determination that the application has sufficient information to

begin review is not necessarily a determination that it is complete. Within 30 days after receipt of any additional information, the board shall notify the applicant of any deficiencies in such information. The date of receipt of a complete application shall be, for the purpose of this ~~section~~ article, the date on which the board received all required information.

2. B. No later than 30 days after receiving the initial determination notification required under ~~subdivision R-4 subsection A of this section~~, the applicant shall notify the public about the proposed source as required in ~~subdivision R-3 subsection C of this section~~. The applicant shall also provide an informational briefing about the proposed source for the public as required in ~~subdivision R-4 subsection D of this section~~.

3. C. The public notice required under ~~subdivision R-2 subsection B of this section~~ shall be placed by the applicant in at least one newspaper of general circulation in the affected air quality control region. The notice shall be approved by the board and shall include, but not be limited to, the name, location, and type of the source, and the time and place of the information briefing.

4. D. The informational briefing shall be held in the locality where the source is or will be located and at least 30 days, but no later than 60 days, following the day of the publication of the public notice in the newspaper. The applicant shall inform the public about the operation and potential air quality impact of the source and answer any questions concerning air quality about the proposed source from those in attendance at the briefing. At a minimum, the applicant shall provide information on and answer questions about (i) specific pollutants and the total quantity of each which the applicant estimates will be emitted and (ii) the control technology proposed to be used at the time of the informational briefing. Representatives from the board shall attend and provide information and answer questions on the permit application review process.

5. E. Upon a determination by the board that it will achieve the desired results in an equally effective manner, an applicant for a permit may implement an alternative plan for notifying the public as required in ~~subdivision R-3 subsection C of this section~~ and for providing the informational briefing as required in ~~subdivision R-4 subsection D of this section~~.

6. F. Within one year after receipt of a complete application, the board shall make a final determination on the application. This involves performing the following actions in a timely manner:

a. 1. Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

b. 2. Make available in at least one location in each air quality control region in which the proposed source or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

e. 3. If appropriate, hold a public briefing on the preliminary determination prior to the public comment period but no later than the day before the beginning of the public comment period. The board shall notify the public of the time and place of the briefing, by advertisement in a newspaper of general circulation in the air quality control region in which the proposed source or modification would be constructed. The notification shall be published at least 30 days prior to the day of the briefing.

d. 4. Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment. *The notification shall contain a statement of the estimated local impact of the proposed source or modification, which at a minimum shall provide information regarding specific pollutants and the total quantity of each which may be emitted, and shall list the type and quantity of any fuels to be used.* The notification shall be published at least 30 days prior to the day of the hearing. *Written comments shall be accepted by the board for at least 15 days after any hearing, unless the board votes to shorten the period.*

e. 5. Send a copy of the notice of public comment to the applicant, the administrator and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief ~~executive~~ *elected official and chief administrative officer* of the city and county where the source or modification would be located *and any other locality particularly affected, any comprehensive regional land use planning agency the planning district commission and any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification.*

f. 6. Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.

g. 7. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearings in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The board shall consider the applicant's response in making a final decision. The board shall make all comments available for public inspection in the same locations where the board made available preconstruction information relating to the proposed source or modification.

h. 8. Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this ~~section~~ *article*.

i. 9. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the board made available preconstruction information and public comments relating to the source or modification.

S. 9 VAC 5-80-1880. Source obligation.

4. A. Any owner who constructs or operates a source or modification not in accordance (i) with the application submitted pursuant to this ~~section~~ *article* or (ii) with the terms and conditions of any permit to construct or operate, or any owner of a source or modification subject to this ~~section~~ *article* who commences construction or operation after the effective date of these regulations without applying for and receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in subsection ~~Z~~ *of this section* 9 VAC 5-80-1950.

2. B. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The board may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

3. C. Approval to construct shall not relieve any owner of the responsibility to comply fully with applicable provisions of the ~~State Implementation Plan~~ *implementation plan* and any other requirements under local, state or federal law.

4. D. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of ~~subsections K through S of this section~~ 9 VAC 5-80-1800 through 9 VAC 5-80-1880 shall apply to the source or modification as though construction had not yet commenced on the source or modification.

T. 9 VAC 5-80-1890. Environmental impact statements.

Whenever any proposed source or modification is subject to action by a federal agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 USC § 4321), review conducted pursuant to this ~~section~~ *article* shall be coordinated by the administrator with the broad environmental reviews under that Act and under Section § 309 of the federal Clean Air Act to the maximum extent feasible and reasonable.

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U. 9 VAC 5-80-1900. Disputed permits.

If a permit is proposed to be issued for any major stationary source or major modification proposed for construction in any state which the governor of an affected state or Indian governing body of an affected tribe determines will cause or contribute to a cumulative change in air quality in excess of that allowed in this part within the affected state or Indian reservation, the governor or Indian governing body may request the administrator to enter into negotiations with the persons involved to resolve such dispute. If requested by any state or Indian governing body involved, the administrator shall make a recommendation to resolve the dispute and protect the air quality related values of the lands involved. If the persons involved do not reach agreement, the administrator shall resolve the dispute. The administrator's determination, or the results of agreements reached through other means, shall become part of the applicable State Implementation Plan *implementation plan* and shall be enforceable as part of such plan.

V. 9 VAC 5-80-1910. Interstate pollution abatement.

1. A. The owner of each source or modification, which may significantly contribute to levels of air pollution in excess of an ambient air quality standard in any air quality control region outside the Commonwealth, shall provide written notice to all nearby states of the air pollution levels which may be affected by such source at least 60 days prior to the date of commencement of construction.

2. B. Any state or political subdivision may petition the administrator for a finding that any source or modification emits or would emit any air pollutant in amounts which will prevent attainment or maintenance of any ambient air quality standard or interfere with measures for the prevention of significant deterioration or the protection of visibility in the State Implementation Plan *implementation plan* for such state. Within 60 days after receipt of such petition and after a public hearing, the administrator will make such a finding or deny the petition.

3. C. Notwithstanding any permit granted pursuant to this section *article*, no owner or other person shall commence construction or modification or begin operation of a source to which a finding has been made under the provisions of subdivision V 2 subsection B of this section.

W. 9 VAC 5-80-1920. Innovative control technology.

1. A. Prior to the close of the public comment period under subsection R 9 VAC 5-80-1870, an owner of a proposed major stationary source or major modification may request, in writing, that the board approve a system of innovative control technology.

2. B. The board, with the consent of the governors of affected states, shall determine that the source or modification may employ a system of innovative control technology, if:

a. 1. The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

b. 2. The owner agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under subdivision K 2 of this section 9 VAC 5-80-1800 B by a date specified by the board. Such date shall not be later than four years from the time of startup or seven years from permit issuance;

c. 3. The source or modification would meet the requirements of subsections K and L of this section 9 VAC 5-80-1800 and 9 VAC 5-80-1810 based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the board;

d. 4. The source or modification would not, before the date specified by the board:

(1) (a) Cause or contribute to a violation of an applicable national ambient air quality standard; or

(2) (b) Impact any area where an applicable increment is known to be violated;

e. 5. All other applicable requirements including those for public participation have been met; and

f. 6. The provisions of subsection Q of this section 9 VAC 5-80-1860 (relating to class I areas) have been satisfied with respect to all periods during the life of the source or modification.

3. C. The board shall withdraw any approval to employ a system of innovative control technology made under this section *article*, if:

a. 1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or

b. 2. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

c. 3. The board decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

4. D. If a source or modification fails to meet the requirement level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with subdivision W 3 subsection C of this section, the board may allow the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

X. 9 VAC 5-80-1930. Reactivation and permanent shutdown.

1. A. The reactivation of a stationary source is not subject to provisions of this section *article* unless a decision concerning shutdown has been made pursuant to the provisions of subdivisions X 2 through X 4 subsections B through D of this section or 9 VAC 5-80-40 P 5.

2. B. Upon a final decision by the board that a stationary source is shut down permanently, the board shall revoke the permit by written notification to the owner and remove the

source from the emission inventory or consider its emissions to be zero in any air quality analysis conducted; and the source shall not commence operation without a permit being issued under the applicable provisions of ~~9 VAC 5-80-10 et seq~~ *this chapter*.

3. C. The final decision shall be rendered as follows:

a. 1. Upon a determination that the source has not operated for a year or more, the board shall provide written notification to the owner (i) of its tentative decision that the source is considered to be shut down permanently; (ii) that the decision shall become final if the owner fails to provide, within three months of the notice, written response to the board that the shutdown is not to be considered permanent; and (iii) that the owner has a right to a formal hearing on this issue before the board makes a final decision. The response from the owner shall include the basis for the assertion that the shutdown is not to be considered permanent and a projected date for restart-up of the source and shall include a request for a formal hearing if the owner wishes to exercise that right.

b. 2. If the board should find that the basis for the assertion is not sound or the projected restart-up date allows for an unreasonably long period of inoperation, the board shall (i) hold a formal hearing on the issue, if one is requested; or (ii) render a final decision to consider the shutdown permanent, if no hearing is requested.

4. D. Nothing in these regulations shall be construed to prevent the board and the owner from making a mutual determination that a source is shut down permanently prior to any final decision rendered under ~~subdivision X-3 subsection C~~ of this section.

~~Y.~~ 9 VAC 5-80-1940. Transfer of permits.

1. A. No person shall transfer a permit from one location to another, or from one piece of equipment to another.

2. B. In the case of a transfer of ownership of a stationary source, the new owner shall abide by any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer.

3. C. In the case of a name change of a stationary source, the owner shall abide by any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change.

4. D. The provisions of this ~~subsection~~ *section* concerning the transfer of a permit from one location to another should not apply to the relocation of portable facilities that are exempt from the provisions of ~~subsections K through S~~ of this *section* 9 VAC 5-80-1800 through 9 VAC 5-80-1880 by ~~subdivision J-4 c~~ of this *section* 9 VAC 5-80-1790 D 3.

Z. 9 VAC 5-80-1950. Permit invalidation, revocation, and enforcement.

1. A. Permits issued under this ~~section~~ *article* shall be subject to such terms and conditions set forth in the permit as the board may deem necessary to ensure compliance with all applicable requirements of the regulations.

2. B. The board may revoke any permit if the permittee:

a. 1. Knowingly makes material misstatements in the permit application or any amendments to it;

b. 2. Fails to comply with the terms or conditions of the permit;

c. 3. Fails to comply with any emission standards applicable to an emissions unit included in the permit;

d. 4. Causes emissions from the stationary source which result in violations of, or interfere with the attainment and maintenance of, any ambient air quality standard; or fails to operate in conformance with any applicable control strategy, including any emission standards or ~~emission~~ *emission* limitations, in the ~~State Implementation Plan~~ *implementation plan* in effect at the time that an application is submitted; or

e. 5. Fails to comply with the applicable provisions of this ~~section~~ *article*.

3. C. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation contained in ~~subdivision Z-2 subsection B~~ of this section or for any other violations of these regulations.

4. D. Violation of these regulations shall be grounds for revocation of permits issued under this ~~section~~ *article* and are subject to the civil charges, penalties and all other relief contained in 9 VAC 5-20-10 et seq. and the Virginia Air Pollution Control Law.

5. E. The board shall notify the applicant in writing of its decision, with its reasons, to change, suspend or revoke a permit, or to render a permit invalid.

AA. 9 VAC 5-80-1960. Circumvention.

Regardless of the exemptions provided in this ~~section~~ *article*, no owner or other person shall circumvent the requirements of this section by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

[9 VAC 5-80-1970. Review and confirmation of this chapter by board.

A. Prior to January 1, 2000, the department shall perform an analysis of this *article* and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the *article*; (ii) alternatives which would achieve the stated purpose of this *article* in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of this *article*; (iv) the results of a review of current state and federal statutory and regulatory requirements, including

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identification and justification of requirements of this article which are more stringent than federal requirements; and (v) the results of a review as to whether this article is clearly written and easily understandable by affected entities.

B. Upon review of the department's analysis, the board shall confirm the need to (i) continue this article without amendment; (ii) repeal this article; or (iii) amend this article. If the board's decision is to repeal or amend this article, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.]

VA.R. Doc. No. R97-109; Filed October 29, 1996, 2:01 p.m.

EDITOR'S NOTICE: At the State Air Pollution Control Board's October 9, 1996, meeting, the board adopted Parts I through VIII and Parts X through XIV of 9 VAC 5-91-10 et seq. Action on Part IX (9 VAC 5-91-590 through 9 VAC 5-91-630) was deferred. This action was taken in order to allow the Office of the Attorney General to reexamine issues surrounding permit revocation authority. Reconsideration of Part IX by the board is expected to occur at the board's January 1997 meeting.

Title of Regulation: 9 VAC 5-110-10 et seq. Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area (REPEALED).

VA.R. Doc. No. R96-437; Filed June 19, 1996, 11:50 a.m.

Title of Regulation: 9 VAC 5-91-10 et seq. Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area.

Statutory Authority: §§ 46.2-1178.1, 46.2-1179, 46.2-1180, and 46.2-1187.2 of the Code of Virginia.

Effective Date: January 24, 1997

Summary:

The regulation concerns provisions covering motor vehicles emissions inspections. The regulation applies to gasoline-powered vehicles that have actual gross weights of 10,000 pounds or less, are of model years 1968 and newer, and are registered in (i) the Counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, and Fauquier and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. It requires biennial emissions inspections in order to register the motor vehicle in the area described above. The regulation also describes requirements for inspection stations, licensing inspectors, and certifying repair facilities and repair technicians.

Most amendments are technical in nature and result from the development of the technical specifications of the test equipment. These specifications were not complete at the time the board authorized the public hearings. The development of the specifications was the responsibility of the Environmental Protection Agency but

that process was hampered by federal budget changes and the workload for those working on the enhanced I/M issue, including regulatory changes. In fact, Virginia had to assist the development of the specifications along with several other states planning test-and-repair programs. There were also a number of changes made for grammatical reasons, for clarity, or to eliminate redundancy. Substantive changes for other reasons include:

1. In Part II, 9 VAC 5-91-30, language was included to prohibit manufacturers or distributors of emissions inspection equipment from owning or operating emissions inspection stations. Although this part of the law related to the originally proposed centralized, test-only program, the law requires the regulation to contain the prohibition.

2. In Part II, 9 VAC 5-91-40, language was added to cause a review of the regulation and need for the regulation after three years, as required by law.

3. In Part III, 9 VAC 5-91-190, language was added to clarify that installation of aftermarket parts acceptable to the EPA and the California Air Resources Board is not considered tampering.

4. In Part III and Part VI, the phase-in schedule for the various individual test standards and test components was changed or added. A graphic illustration of the proposed schedule (without potential delays) is attached.

5. In Part IV, 9 VAC 5-91-260, language was added to comply with a provision in the statute that the regulation address motorist convenience. The language will allow the department to issue special permits if it is determined that a geographic area has little or no testing capacity. These permits may be for mobile testing equipment or some other temporary testing means.

6. In Part VI, 9 VAC 5-91-420 G, changes were made to the start date and vehicle applicability of the On-Board Diagnostic (OBD) testing in order to comply with the final August 1996 federal regulation on this topic. This aspect testing only affects 1996 and new vehicles so equipped and does not begin to fail vehicles due to malfunctions detected by this system until January of 2000.

7. In Part VI, 9 VAC 5-91-420 N, the phase-in of the waiver repair cost was changed based on comments that a longer phase-in of this cost was needed. A change in the federal regulation allows this. The waiver cost is now proposed to be \$250 through June of 1998, \$350 for the following six months and \$450 after July 1998. Each figure is proposed to be adjusted by the CPI in order to allow motorists to become familiar with the concept.

8. In Part XII, language was added at the end to make clear that any civil charge that might be applied should be calculated based on an average of the remote sensing readings exceeding the standard, rather than the smallest or largest exceedance.

9. In Part XIII, 9 VAC 5-91-780, language was added to ensure that, as directed by statute, the federal facility

administrator was also responsible for remitting the administrative fee to the department for vehicle that might be tested in order to comply with the law but are not registered in the program area. Additional language provides for a Notice of Violation to be issued to the facility administrator for noncompliance.

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

Agency Contact: Copies of the regulation may be obtained from David J. Kinsey, Office of Nonattainment and Mobile Source Planning, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4432.

CHAPTER 91.

REGULATIONS FOR THE CONTROL OF MOTOR VEHICLE EMISSIONS IN THE NORTHERN VIRGINIA AREA.

PART I. DEFINITIONS.

9 VAC 5-91-10. General.

A. For the purpose of this chapter and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in 9 VAC 5-91-20.

B. Unless specifically defined in the Virginia Motor Vehicle Emissions Control Law (§ 46.2-1176 et seq. of the Code of Virginia) or in this chapter, terms used shall have the meanings commonly ascribed to them.

9 VAC 5-91-20. Terms defined.

"Access code" means the security phrase or number which allows emissions inspectors, the department, and analyzer service technicians to perform specific assigned functions using the certified analyzer system, as determined by the department.

"Actual gross weight" means the weight of a motor vehicle as registered with the Department of Motor Vehicles and which may encompass the empty weight (EW), motorist-declared gross weight (GW), or gross vehicle weight rating (GVWR). For the purpose of determining applicability of emissions test procedures and standards, the GVWR shall be used, if available. If GVWR is unavailable, the GW shall be used. If neither is available, the EW shall be used.

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Administrator" means the administrator of the U.S. Environmental Protection Agency (EPA) or an authorized representative.

"Affected motor vehicle" means any motor vehicle which:

1. Was manufactured for the 1968 model year or a more recent model year including the most recent model year;
2. Is designed for the transportation of persons or property;
3. Is powered by an internal combustion engine; and

4. For the Northern Virginia Emissions Inspection Program, has an actual gross weight of 10,000 pounds or less.

The term "affected motor vehicle" does not mean any:

1. Vehicle powered by a clean special fuel as defined in § 58.1-2101 of the Code of Virginia, provided the federal Clean Air Act (42 USC § 4701 et seq.) permits such exemptions for vehicles powered by clean special fuels;
 2. Motorcycle;
 3. Vehicle which, at the time of its manufacture, was not designed to meet emissions standards set or approved by the federal government;
 4. Any antique motor vehicle as defined in § 46.2-100 of the Code of Virginia and licensed pursuant to § 46.2-730 of the Code of Virginia; [or
 5. Firefighting equipment, rescue vehicle, or ambulance; or]
- [~~5~~. 6.] Vehicle for which no testing standards have been adopted by the board.

"Air intake systems" means those systems which allow for the induction of ambient air (to include preheated air) into the engine combustion chamber for the purpose of mixing with a fuel for combustion.

"Air pollution" means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety; to animal or plant life; or to property; or which unreasonably interfere with the enjoyment by the people of life or property.

"Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia.

"Air system" means a system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of hydrocarbons and carbon monoxide gases and to assist catalytic reaction.

"Alternative fuel" means an internal combustion engine fuel other than (i) gasoline, (ii) diesel, or (iii) fuel mixtures containing more than 15% volume of gasoline.

"Alternative evaporative system purge and pressure test" means a method and equipment, as approved by the administrator or the department, which performs evaporative system purge testing and evaporative system pressure testing by pressurizing and testing the evaporative system by means of introducing gases to the system at the fuel filler inlet, and detecting pressure integrity and exhaust gas concentrations, and by testing the integrity of the fuel filler cap.

"ASM" means Acceleration Simulation Mode testing which is a dynamometer-based emissions test performed in one or more, discreet, simulated road speed and engine load modes, and equipment which can be used to perform any such test.

"Basic engine systems" means those parts or assemblies which provide for the efficient conversion of a compressed air

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and fuel charge into useful power to include but not limited to valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and post-combustion emissions control device integrity.

"Bi-fuel" means any motor vehicle capable of operating on one of two different fuels, usually gasoline and an alternative fuel, but not a mixture of the fuels. That is, only one fuel at a time.

"Board" means the State Air Pollution Control Board or its designated representative.

"Calibration" means establishing or verifying the total response curve of a measurement device using several different measurements having precisely known quantities.

"Calibration gases" means gases of precisely known concentrations which are used as references for establishing or verifying the calibration curve of a measurement device.

"Canister" means a mechanical device capable of adsorbing and retaining hydrocarbon vapors.

"Catalytic converter" means a post combustion device which oxidizes hydrocarbons, carbon monoxide gases, and may also reduce oxides of nitrogen.

"Certified enhanced analyzer system" or "analyzer system" means the complete system which samples and reads concentrations of hydrocarbon, carbon dioxide, nitrogen oxides and carbon monoxide gases and which is approved by the department for use in the Enhanced Emissions Inspection Program in accordance with Part X (9 VAC 5-91-640 et seq.). The system includes the exhaust gas handling system, the exhaust gas analyzer, evaporative system pressure and purge test equipment, associated automation hardware and software, data media, the analyzer system cabinet, the dynamometer and appurtenant devices, vehicle identification equipment, and associated cooling and exhaust fans and gas cylinders.

"Certificate of emissions inspection" means a document, device, or symbol, whether recorded in written or electronic form, as prescribed by the director and issued pursuant to this chapter, which indicates that (i) an affected motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this chapter; (ii) the requirement of compliance with the emissions standards has been waived; or (iii) the affected motor vehicle has failed the emissions inspection.

"Chargeable inspection" means an initial inspection, or a reinspection that occurs 15 days or later after the initial inspection, on an affected motor vehicle, for which the station owner is entitled to collect an inspection fee. No fee shall be paid for (i) inspections for which a vehicle emissions inspection report has not been issued, (ii) inspections that are conducted by the department for referee purposes, (iii) inspections which were ordered due to on-road test failures but which do not result in a failure at an inspection station, or (iv) the first reinspection done at the same station that performed the initial inspection within 14 days.

"Confidential information" means secret formulae, secret processes, secret methods or other trade secrets which are

proprietary information certified by the signature of the responsible person for the owner to meet the following criteria: (i) information for which the owner has been taking and will continue to take measures to protect confidentiality; (ii) information that has not been and is not presently reasonably obtainable without the owner's consent by private citizens or other firms through legitimate means other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding; (iii) information which is not publicly available from sources other than the owner; and (iv) information the disclosure of which would cause substantial harm to the owner.

"Consent order" means a mutual agreement between the department and any owner, operator, emissions inspector, or emissions repair technician that such owner or other person will perform specific actions for the purpose of diminishing or abating the causes of air pollution or for the purpose of coming into compliance with this chapter. A consent order may include agreed upon civil charges. Such orders may be issued without a [formal] hearing.

"Curb idle" means vehicle operation whereby the transmission is disengaged and the engine is operated with the throttle in the closed or idle stop position with the resultant engine speed between 300 and 1,100 revolutions per minute (rpm), or at another idle speed if so specified by the manufacturer.

"Data handling system" means all the computer hardware, software and peripheral equipment used to conduct emissions inspections and manage the enhanced emissions inspection program.

"Data medium" or "data media" means the medium contained in the certified analyzer system and used to electronically record test data.

"Day" means a 24-hour period beginning at midnight.

"Dedicated-fuel vehicle" means a vehicle which was designed and manufactured to operate and operates on one specific fuel.

"Department" means any employee or other representative of the Virginia Department of Environmental Quality, as designated by the director.

"Director" means the director of the Virginia Department of Environmental Quality or a designated representative.

"Dual fuel" means a vehicle which operates on a combination of fuels, usually gasoline or diesel and an alternative fuel, at the same time. That is, the mixed fuels are introduced into the combustion chamber of the engine.

"Emissions control systems" means those parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole purpose of reducing emissions.

"Emissions inspection" means an emissions inspection of a motor vehicle performed by an emissions inspector employed by or working at an emissions inspection station or fleet emissions inspection station, using the tests, procedures, and provisions set forth in this chapter.

"Emissions inspection station" means a facility or portion of a facility which has obtained an emissions inspection station permit from the director authorizing the facility to perform emissions inspections in accordance with the provisions of this chapter.

"Emissions inspector" means a person licensed by the department to perform inspections of vehicles required under the Virginia Motor Vehicle Emissions Control Law and is qualified in accordance with this chapter.

"Emissions repair facility" means a facility, or portion of a facility, which has obtained a certification in accordance with Part VII (9 VAC 5-91-500 et seq.) to perform emissions related repairs on motor vehicles.

"Emissions repair technician" or "emissions repair mechanic" means a person who has obtained a certification in accordance with Part VIII (9 VAC 5-91-550 et seq.) to perform emissions related repairs on motor vehicles.

"Emissions standard" means any provision of Part III (9 VAC 5-91-160 et seq.) or Part XIV (9 VAC 5-91-790 et seq.) which prescribes an emission limitation, or other emission control requirements for motor vehicle air pollution.

"Empty weight (EW)" means that weight stated as the EW on a Virginia motor vehicle registration or derived from the motor vehicle title or manufacturer's certificate of origin. The EW may be used to determine emissions inspection standards.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection including procedures, emissions standards, and equipment required by 40 CFR Part 51, Subpart S or equivalent and consistent with applicable requirements of the federal Clean Air Act. The director shall administer the enhanced emissions inspection program. Such program shall require biennial inspections at official emissions inspection stations, which may be test and repair facilities, in accordance with this chapter. Nothing in this program shall bar enhanced emissions inspection stations or facilities from also performing vehicle repairs.

"Equivalent test weight (ETW)" means the weight of a motor vehicle as automatically determined by the emissions analyzer system based on vehicle make, model, body, style, model year, engine size, permanently installed equipment, and other manufacturer and aftermarket supplied information, and used for the purpose of assigning dynamometer resistance and exhaust emissions standards for the conduct of an exhaust emissions inspection.

"Evaporative system pressure test" or "pressure test" means a physical test of the evaporative emission control system on a motor vehicle to determine whether the evaporative system vents emissions of volatile organic compounds from the fuel tank and fuel system to an on-board emission control device, and prevents their release to the ambient air under normal vehicle operating conditions.

"Evaporative system purge test" or "purge test" means a test which measures the instantaneous purge flow in standard liters per minute from the canister to the motor intake manifold, based upon computation of the total volume

of the flow in standard liters over a prescribed driving cycle, or an equivalent procedure approved by the department.

"Exhaust gas analyzer" means an instrument which is capable of measuring the concentrations of certain air pollutants in the exhaust gas from a motor vehicle.

"Facility" means something that is built, installed or established to serve a particular purpose; includes, but is not limited to, buildings, installations, public works, businesses, commercial and industrial plants, shops and stores, apparatus, processes, operations, structures, and equipment of all types.

"Federal Clean Air Act" means 42 USC § 7401 et seq.

"Federal employee" means civilian or military personnel employed or stationed at a federal facility, including contractor personnel, for more than 60 days in a calendar year.

"Federal facility" means a facility or complex that is owned, leased, or operated by a United States government agency, including parking areas provided to federal employees at the facility.

"Fleet" means 20 or more motor vehicles which are owned, operated, leased or rented for use by a common owner.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the director.

"Flexible-fuel vehicle" means any motor vehicle having a single fuel tank and capable of operating on two or more fuels, either one at a time or any mixture of two or more different fuels.

"Formal hearing" means ~~[administrative proceedings other than those informational or factual inquiries of an informal nature provided in §§ 9-6.14:7.1 and 9-6.14:11 of the Administrative Process Act and includes only (i) opportunity for private parties to submit factual proofs in formal proceedings as provided in § 9-6.14:8 of the Administrative Process Act in connection with the making of regulations or (ii) a similar right of private parties or requirement of public agencies a board or department process which provides for the right of private parties to submit factual proofs]~~ as provided in § 9-6.14:12 of the Administrative Process Act in connection with case decisions. [Formal hearings do not include the factual inquiries of an informal nature provided in § 9-6.14:11 of the Administrative Process Act.]

"Fuel control systems" means those mechanical, electro-mechanical, galvanic or electronic parts or assemblies which regulate the air-to-fuel ratio in an engine for the purpose of providing a combustible charge.

"Fuel filler cap pressure test" or "fuel filler cap test" or "gas cap test" means a test of the ability of the fuel filler cap to prevent the release of fuel vapors from the fuel tank under normal operating conditions.

"Gas span" means the adjustment of an exhaust gas analyzer to correspond with known concentrations of gases.

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"Gas span check" means a procedure using known concentrations of gases to verify the gas span adjustment of an analyzer.

"Gross vehicle weight rating (GVWR)" means the maximum recommended combined weight of the motor vehicle and its load as prescribed by the manufacturer and is (i) expressed on a permanent identification label affixed to the motor vehicle; (ii) stated on the manufacturer's certificate of origin; or (iii) coded in the vehicle identification number.

"Gross weight (GW)" means the weight stated as GW on a Virginia motor vehicle registration and has been declared by the customer at the time of registration, based on the empty weight and the maximum weight the vehicle may legally carry under such registration.

"Heavy duty vehicle" means any affected motor vehicle (i) which is rated at more than 8,500 pounds GVWR or (ii) which has a loaded vehicle weight or GVWR of more than 6,000 pounds and has a basic frontal area in excess of 45 square feet.

"Idle mode" means a condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position.

"Ignition systems" means those parts or assemblies which are designed to cause and time the ignition of a compressed air and fuel charge.

["Informal fact finding" means an informal conference or consultation proceeding used to ascertain the fact basis for case decisions as provided in § 9-6.14:11 of the Administrative Process Act.]

"Inspection area" means the area that is occupied by the certified analyzer system and the vehicle being inspected.

"Inspector access code" means the security phrase or number issued by the department to an emissions inspector.

"Inspection fee" means the amount of money that the station owner may collect from the motor vehicle owner for each chargeable inspection.

"Inspector number" means the alpha or numeric identifier issued by the department to every emissions inspector at the time of licensing.

"Light duty truck" means any affected motor vehicle [~~registered with the Department of Motor Vehicles as a truck and~~] which (i) has a loaded vehicle weight or GVWR of 6,000 pounds or less and meets any one of the criteria below; or (ii) is rated at more than 6,000 pounds GVWR but less than 8,500 pounds GVWR and has a basic vehicle frontal area of 45 square feet or less; and meets one of the following criteria:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle.
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons.

3. Equipped with special features enabling off-street or off-highway operation and use.

"Light duty truck 1" or "LDT1" means any affected motor vehicle which meets the criteria above and is rated at 6,000 pounds GVWR or less. LDT1 is a subset of light duty trucks.

"Light duty truck 2" or "LDT2" means any affected motor vehicle which meets the criteria above and is rated at greater than 6,000 pounds GVWR. LDT2 is a subset of light duty trucks.

"Light duty vehicle" means an affected motor vehicle that is a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Loaded vehicle weight (LVW)" or "curb weight" means the weight of a vehicle and its standard equipment; i.e., the empty weight as recorded on the vehicle's registration or the base shipping weight as recorded in the vehicle identification number, whichever is greater; plus the weight of any permanent attachments, the weight of a nominally filled fuel tank, plus 300 pounds.

"Locality" means a city, town, or county created by or pursuant to state law.

"Mobile fleet emissions inspection station" means a facility or entity which provides emissions inspection equipment or services to a fleet emissions inspection station on a temporary basis. Such equipment is not permanently installed at the fleet facility but is temporarily located at the fleet facility for the sole purpose of testing vehicles owned, operated, leased or rented for use by a common owner.

"Model year" means, except as may be otherwise defined in this chapter, the motor vehicle manufacturer's annual production period which includes the time period from January 1 of the calendar year prior to the stated model year to December 31 of the calendar year of the stated model year; provided that, if the manufacturer has no annual production period, the term "model year" shall mean the calendar year of manufacture. For the purpose of this definition, model year is applied to the vehicle chassis, irrespective of the year of manufacture of the vehicle engine.

"Motor vehicle" means any motor vehicle as defined in § 46.2-100 of the Code of Virginia as a motor vehicle and which:

1. Was manufactured for the 1968 model year or more recent model year;
2. Is designed for the transportation of persons or property; and
3. Is powered by an internal combustion engine.

"Motor vehicle dealer" means a person who is licensed by the Department of Motor Vehicles in accordance with §§ 46.2-1500 and 46.2-1508 of the Code of Virginia.

"Motor vehicle inspection report" or "vehicle inspection report" means a report of the results of an emissions inspection, indicating whether the motor vehicle has (i) passed, (ii) failed, (iii) been rejected, or (iv) obtained an emissions inspection waiver. The report shall accurately

identify the motor vehicle and shall include inspection results, recall information, warranty and repair information, and a unique identification number.

"Motor vehicle owner" means any person who owns, leases, operates, or controls a motor vehicle or fleet of motor vehicles.

"Normal business hours" for emissions inspection stations, means a daily eight-hour period Monday through Friday, between the hours of 8 a.m. and 6 p.m., with the exception of national holidays, temporary closures noticed to the department and closures due to the inability to meet the requirements of this chapter. Nothing in this chapter shall prevent stations from performing inspections at other times in addition to the "normal business hours."

"Northern Virginia emissions inspection program" means the emissions inspection program required by this chapter [~~to be implemented~~] in the Northern Virginia program area.

"Northern Virginia program area" or "program area" means the territorial area encompassed by the boundaries of the following localities: the counties of Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Operated primarily" means [~~for motor vehicles registered by the Virginia Department of Motor Vehicles and garaged outside of the program area,~~] the area within which the affected motor vehicle is primarily driven. A vehicle is primarily driven in the program area if the vehicle is operated in the program area for an amount of annual mileage equal to or greater than (i) 50% of its annual mileage or (ii) 6,000 miles, whichever is greater, or routinely driven into or within the program area as determined by recordation of travel in the program area more than three times in a two-week period by remote sensing or on-road testing.

"Order" means any decision or directive of the board or the director, including orders, consent orders, and orders of all types rendered for the purpose of diminishing or abating the causes of air pollution or enforcement of this chapter. Unless specified otherwise in this chapter, orders shall only be issued after the appropriate administrative proceeding.

"Original condition" means the condition of the vehicle, parts, and components as installed by the manufacturer but not necessarily to the original level of effectiveness.

"Original Equipment Manufacturer (OEM) dedicated fuel vehicle" means a vehicle which was configured by the vehicle manufacturer to operate only on one specific fuel other than (i) gasoline, (ii) diesel, or (iii) fuel mixtures containing more than 15% by volume of gasoline.

"Owner" means any person who owns, leases, operates, controls or supervises a facility or motor vehicle.

"Party" means any person who actively participates in the administrative proceeding or offers comments through the

public participation process and is named in the administrative record. The term "party" also means the department.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Pollutant" means any substance the presence of which in the outdoor atmosphere is or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interferes with the enjoyment by the people of life or property.

"Public hearing" means unless indicated otherwise an informal proceeding, similar to that provided for in § 9-6.14:7.1 of the Administrative Process Act, held to afford persons an opportunity to submit views and data relative to a matter on which a decision of the board is pending.

"Referee station" means those facilities operated or used by the department to (i) determine program effectiveness, (ii) resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) provide such other technical support and information, as appropriate, to emissions inspection stations and motor vehicle owners.

"Reinspection" means a type of inspection selected by the department or the emissions inspector when a request for an inspection is accompanied by a completed motor vehicle inspection report indicating a previous failure.

"Remote sensing" means the observation, measurement, and recordation of motor vehicle exhaust emissions from motor vehicles while travelling on roadways or in specified areas by equipment which is not connected to the vehicle. Such equipment may use light sensing and electronic stimuli in conjunction with devices, including videographic and digitized images, to detect and record vehicle identification information, such as registration or other identification numbers.

"Span gas" means gases of known concentration used as references to adjust or verify the accuracy of an exhaust gas analyzer that are approved by the department and are so labeled.

"Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm of Hg (29.92 in. of Hg).

"Standardized instruments" means laboratory instruments calibrated with precision gases traceable to the National Institute of Standards and Technology and accepted by the department as the standards to be used for comparison purposes. All candidate instruments are compared in performance to the standardized instruments.

"State Implementation Plan" means the plan, including any revision thereof, which has been submitted by the Commonwealth and approved in Subpart VV of 40 CFR Part 52 by the administrator under § 110 of the federal Clean Air Act, or promulgated in Subpart VV of 40 CFR Part 52 by the administrator under § 110(c) of the federal Clean Air Act, or promulgated or approved by the administrator pursuant to regulations promulgated under § 301(d) of the federal Clean

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Air Act and which implements the relevant requirements of the federal Clean Air Act.

"Tactical military vehicle" means any motor vehicle designed to military specifications or a commercially designed motor vehicle modified to military specifications to meet direct transportation support of combat, tactical, or military relief operations, or training of personnel for such operations.

"Tampering" means to alter, remove or otherwise disable or reduce the effectiveness of emissions control equipment on a motor vehicle.

"Test" means an emissions inspection of a vehicle, or any portion thereof, performed by an emissions inspector at an emissions inspection station, using the procedures and provisions set forth in this chapter.

"Test and repair" means motor vehicle emissions inspection stations which perform emissions inspections and may also perform vehicle repairs. No provision of this chapter shall bar emissions inspection stations from also performing vehicle repairs.

"Thermometer, certified" means a laboratory grade ambient temperature measuring device with a range of at least 20°F through 120°F, and an attested accuracy of at least $\pm 1^\circ\text{F}$ with increments of 1°, with protective shielding.

"Thermostatic air cleaner" means a system that supplies warm air to the air intake during cold engine operation and is active during cold engine warm-up only.

"Tier 1" means new gaseous and particulate tail pipe emission standards for use in certifying new light duty vehicles and light duty trucks which began to be phased in with the 1994 model year and are completely phased-in during the 1996 model year, as promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 86, as amended in the Federal Register, Volume 56, Number 108, page 25724, on June 5, 1991.

"True concentration" means the concentration of the gases of interest as measured by a standardized instrument which has been calibrated with 1.0% precision gases traceable to the National Bureau of Standards.

"Two speed idle test" means a vehicle exhaust emissions test, performed in accordance with paragraph (II) of 40 CFR Part 51, Appendix B to Subpart S, which measures the concentrations of pollutants in the exhaust gases of an engine (i) while the motor vehicle transmission is not propelling the vehicle and (ii) while the engine is operated at both curb idle and at a nominal engine speed of 2,500 rpm.

"Variance" means the temporary exemption of an owner or other person from specific provisions of this chapter, or a temporary change in this chapter as it applies to an owner or other person.

"Virginia Motor Vehicle Emissions Control Program" means the program for the inspection and control of motor vehicle emissions established by Virginia Motor Vehicle Emissions Control Law.

"Virginia Register Act" means Chapter 1.2 (§ 9-6.15 et seq.) of Title 9 of the Code of Virginia.

"Virginia Motor Vehicle Emissions Control Law" means Article 22 (§ 46.2-1176 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia.

"Zero gas" means a gas, usually air or nitrogen, which is used as a reference for establishing or verifying the zero point of an exhaust gas analyzer.

PART II. GENERAL PROVISIONS.

9 VAC 5-91-30. Applicability and authority of the department.

A. The provisions of this chapter, unless specified otherwise, apply to the following:

1. Any owner of an affected motor vehicle, including new motor vehicles, specified in subsection B of this section (i) on [~~or after July 1~~ October 9], 1997, or (ii) later upon written notification of the emissions inspection requirement by the Department of Environmental Quality or the Department of Motor Vehicles.

2. Any owner of an emissions inspection station or fleet emissions inspection station under the auspices of the enhanced emissions inspection program.

3. Any person who conducts an emissions inspection under the auspices of the enhanced emissions inspection program.

4. Any owner of an emissions repair facility performing emissions repairs on motor vehicles affected by this chapter.

5. Any emissions repair technician performing emissions repairs on motor vehicles affected by this chapter.

B. The provisions of this chapter, unless specified otherwise, apply to the following affected motor vehicles:

1. Any affected motor vehicle, including new motor vehicles, registered by the Virginia Department of Motor Vehicles and garaged within the Northern Virginia program area.

2. Any affected motor vehicle, including new motor vehicles, registered by the Virginia Department of Motor Vehicles and garaged outside of the Northern Virginia program area but operated primarily in the Northern Virginia program area.

3. Any affected motor vehicle, including new motor vehicles, (i) owned or operated by a United States government agency located within the Northern Virginia program area, (ii) operated on or commuting to a federal facility within the Northern Virginia program area, or (iii) owned or operated by a United States government agency located outside the Northern Virginia program area but operated primarily in the Northern Virginia program area.

4. Any affected motor vehicle, including new motor vehicles, (i) owned or operated by a state or local government agency located within the Northern Virginia

program area, (ii) operated on or commuting to a state or local government facility within the Northern Virginia program area, or (iii) owned or operated by a state or local government agency located outside the Northern Virginia program area but operated primarily in the Northern Virginia program area.

Motor vehicles having obtained a valid enhanced emissions inspection pass or waiver from another program area or another state within the most recent 12 months may be determined by the director to have complied with the enhanced emissions inspection required by this chapter for initial registration in Virginia. The valid period for such emissions inspection shall be determined by the director, not to exceed one year. The subject motor vehicle and proof of emissions inspection results from an enhanced emissions inspection program shall be presented to the department in such cases. Such vehicles are subject to all other provisions of this chapter.

The director may temporarily defer the emissions inspection requirement for motor vehicles registered in but temporarily located outside the program area at the time of such requirement based on information including, but not limited to, the location of the vehicle, the reason for and length of its temporary location, and demonstration that it is not practical or reasonable to return the vehicle to the program area for inspection. All such information shall be provided by the registered owner and is subject to verification by the department.

C. Motor vehicles being titled for the first time shall be considered to have an enhanced emissions inspection valid for two years. Such vehicles are not exempt from the emissions inspection program and are subject to all other provisions of this chapter.

D. Pursuant to § 46.2-1180 B of the Motor Vehicle Emissions Control Law, motor vehicles of the current model year and the four immediately preceding model years, held for sale in a licensed motor vehicle dealer's inventory, may be registered for one year upon sale without obtaining an emissions inspection in accordance with conditions enumerated below.

1. The vehicle must be registered in the program area.
2. The vehicle has not failed its most recent emissions inspection.
3. The vehicle has not previously been registered under the provisions of this subsection.
4. The motor vehicle dealer guarantees in writing to the customer and to the department that the emissions equipment on the motor vehicle is operating in compliance with the warranty of the manufacturer or distributor, or both if applicable, at the time of sale.
 - a. The document supplied must describe the method by which this compliance was determined and provide a copy of any emissions readings obtained from the vehicle for the purpose of making this showing.
 - b. The document must state in prominent or bold print that the certification in no way warrants or guarantees

that the vehicle complied with the emission standards used in the Virginia enhanced emissions inspection program, or similar language approved by the department and that the customer has a right to request an emissions inspection, which may be at the expense of the customer, in lieu of such extension.

5. A written request, including the documentation cited above, must be presented to the department not more than 30 days prior to the date of sale so that the department can record such temporary emissions validation period and furnish it to the Department of Motor Vehicles.

6. Such temporary validation period shall not be granted more than once for any motor vehicle.

7. For the purposes of subsection D of this section, any used motor vehicle will be considered to be one model year old on the first day of October of the next calendar year after the model year described on the vehicle title or registration, and shall increase in age by one year on the first day of each October thereafter.

E. [Manufacturers and distributors of emissions testing equipment are prohibited from directly or indirectly owning or operating any emissions testing facility or having any direct or indirect financial interest in any such facility other than the leasing of or providing financing for equipment related to emissions testing.

F.] The provisions of this chapter, unless specified otherwise, apply only to those pollutants for which emission standards are set forth in Part III (9 VAC 5-91-160 et seq.).

[G. Applicants for inspection station permits and emissions repair facility certificates shall have a Virginia business license and the application shall only be for a facility in Virginia.]

[F. H.] By the adoption of this chapter, the board confers upon the department the administrative, enforcement and decision making authority enumerated herein.

9 VAC 5-91-40. Establishment of regulations.

A. This chapter is established to implement the provisions of the Virginia Motor Vehicle Emissions Control Law and the federal Clean Air Act.

B. This chapter shall be adopted, amended or repealed in accordance with the provisions of the Air Pollution Control Law, Virginia Motor Vehicle Emissions Control Law, Articles 1 and 2 of the Administrative Process Act, and the Public Participation Procedures in Appendix E of 9 VAC 5-10-10.

C. Regulations, amendments and repeals shall become effective as provided in § 9-6.14:9.3 of the Administrative Process Act, except in no case shall the effective date be less than 60 days after adoption by the board.

D. If necessary in an emergency situation, the board may adopt, amend or stay a regulation under § 9-6.14:4.1 of the Administrative Process Act, but such regulation or stay of regulation shall remain effective no longer than one year unless readopted following the requirements of subsection B of this section.

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[E. Within three years after the effective date of this chapter (January 24, 1997), the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including the identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities.

F. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment; (ii) repeal this chapter; or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.]

9 VAC 5-91-50. Documents incorporated by reference.

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

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

Additional information on key federal regulations and nonstatutory documents incorporated by reference and their availability may be found in subsections E and F of this section.

B. Any reference in this chapter to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the latest revision to the CFR in effect on July 1, [1995 1996]. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

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

D. Copies of materials incorporated by reference in this part may be examined by the public at the headquarters office of the Department of Environmental Quality, Air Division, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) are incorporated herein by reference:

- a. 40 CFR Part 51 - Requirements for Preparation, Adoption and Submittal of Implementation Plans, specifically Subpart S (Inspection and Maintenance Program Requirements).
- b. 40 CFR Part 85 - Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines, specifically Subpart W (Emission Control System Performance Warranty Short Tests).

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

F. Environmental Protection Agency, Motor Vehicle Emissions Laboratory.

1. The following document from the Environmental Protection Agency is incorporated herein by reference: Environmental Protection Agency technical report, "EPA Recommended Practice for Naming I/M Calibration Gas," EPA-AA-TSS-83-8-B, September 1983.

[2. The following document from the Environmental Protection Agency is incorporated herein by reference: Environmental Protection Agency technical guidance, Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA-AA-RSPD-IM-96-2, July 1996.]

[2. 3.] Copies may be obtained from: Environmental Protection Agency, Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

G. California Bureau of Automotive Repair.

1. The following document from the California Bureau of Automotive Repair is incorporated herein by reference: BAR [90 97], Test Analyzer System Specifications, [October 1994 1996].

2. Copies may be obtained from: Department of Consumer Affairs, Bureau of Automotive Repair, California Vehicle Inspection Program, 3116 Bradshaw Road, Sacramento, California 95827.

9 VAC 5-91-60. Hearings and proceedings.

A. The primary hearings and proceedings associated with the promulgation and enforcement of statutory and regulatory provisions are as follows:

1. For public hearing and informational proceeding required before considering regulations, authorized under § 46.2-1180 of the Virginia Motor Vehicle Emissions Control Law, the procedure for public hearings or informational proceedings shall conform to (i) § 9-6.14:7.1 of the Administrative Process Act and (ii) the Public Participation Procedures in Appendix E of 9 VAC 5-10-10.

2. For the public hearing required before considering variances and amendments to and revocation of variances, the procedure for a public hearing shall conform to the provisions of 9 VAC 5-91-80.

3. For the informal fact finding used to make case decisions, the procedure for an informal fact finding shall conform to § 9-6.14:11 of the Administrative Process Act.

4. For the formal hearing for the enforcement or review of orders, licenses, permits and certifications and for the enforcement of regulations, the procedure for a formal hearing shall conform to § 9-6.14:12 of the Administrative Process Act and § [~~10.1-1037~~ 10.1-1307] D and F of the Air Pollution Control Law.

B. The director may adopt policies and procedures to supplement the statutory procedural requirements for the various proceedings cited in subsection A of this section.

C. Records of hearings and proceedings may be kept in one of the following forms:

1. Oral statements or testimony at any public hearing or informational proceeding will be stenographically or electronically recorded, and may be transcribed to written form.

2. Oral statements or testimony at any informal [~~proceeding~~ fact finding] will be stenographically or electronically recorded, and may be transcribed to written form.

3. Formal hearings will be recorded by a court reporter, or electronically recorded for transcription to written form.

D. Availability of records of hearings and proceedings shall be as follows:

1. A copy of the transcript of a public hearing or informational proceeding, if transcribed, will be provided within a reasonable time to any person upon receipt of a written request and payment of the cost; if not transcribed, the additional cost of preparation will be paid by the person making the request.

2. A copy of the transcript of an informal fact finding, if transcribed, will be provided within a reasonable time to any person upon receipt of a written request and payment of cost; if not transcribed, the additional cost of preparation will be paid by the person making the request.

3. Any person desiring a copy of the transcript of a formal hearing recorded by a court reporter may purchase the copy directly from the court reporter; if not transcribed, the additional cost of preparation will be paid by the person making the request.

9 VAC 5-91-70. Appeal of case decisions.

A. Any owner, emissions inspector, emissions repair technician, or other party significantly affected by any action of the director or the department taken without a formal hearing may request a formal hearing in accordance with § 9-6.14:12 of the Administrative Process Act, provided a formal hearing has not been waived and a petition requesting

such [formal] hearing is filed with the director within 30 days after notice of the action is mailed or delivered to such owner, emissions inspector, emissions repair technician, or party requesting notification of such action.

B. In cases where the director or the department fails to make a case decision within the time frame specified by §§ 9-6.14:11 and 9-6.14:12, the owner, emissions inspector, emissions repair technician, or other party significantly affected, may provide written notice to the director that a decision is due in accordance with § 9-6.14:11 or § 9-6.14:12 of the Administrative Process Act. Appeals thereafter shall be in accordance with the Administrative Process Act.

C. Prior to any formal hearing, an informal fact finding shall be held pursuant to § 9-6.14:11 of the Administrative Process Act, unless the named party and the director consent to waive the informal fact finding and go directly to a formal hearing.

D. Any decision of the director resulting from a formal hearing or from an informal fact finding wherein the parties have agreed to waive a formal hearing shall constitute the final decision appealable to court.

E. Judicial review of any final decision shall be afforded in accordance with § 9-6.14:16 of the Administrative Process Act.

F. Nothing in this section shall prevent disposition of any case by consent.

G. Any petition for a formal hearing or any notice or petition for an appeal by itself shall not constitute a stay of decision or action.

9 VAC 5-91-80. Variances.

A. The board may in its discretion grant variances to any provision of this chapter after an investigation and public hearing. If a variance is appropriate, the board shall issue an order to this effect. Such order shall be subject to amendment or revocation at any time for reasons specified in the order.

B. The board shall adopt variances and amend or revoke variances if warranted only after conducting a public hearing pursuant to public advertisement in at least one major newspaper of general circulation in the Northern Virginia program area of the subject, date, time and place of the public hearing at least 30 days prior to the scheduled hearing. The [public] hearing shall be conducted to give the public an opportunity to comment on the variance and the [public] hearing record shall remain open for a minimum of 15 days after the hearing for the purpose of receiving additional public comment.

9 VAC 5-91-90. Right of entry.

Whenever it is necessary for the purposes of this chapter, the department may enter, at reasonable times, any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys, audits or investigations as authorized by § 46.2-1187.1 of the Virginia Motor Vehicle Emissions Control Law.

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9 VAC 5-91-100. Conditions on approvals.

A. The director may impose conditions upon permits, licenses, certifications and other approvals issued pursuant to this chapter, (i) which may be necessary to carry out the Virginia Motor Vehicle Emissions Control Law and (ii) which are consistent with this chapter. Except as specified herein, nothing in this chapter shall be understood to limit the power of the department in this regard.

B. A license, permit, or certification applicant may consider any condition imposed by the director as a denial of the requested permit, license, certification or other approval, which shall entitle the applicant to appeal the decision pursuant to 9 VAC 5-91-70.

C. The existence of a permit, license or certification under this chapter shall not constitute a defense to a violation of the Virginia Air Pollution Control Law, the Virginia Motor Vehicle Emissions Control Law or this chapter and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of any governmental entities having jurisdiction.

9 VAC 5-91-110. Procedural information and guidance.

A. The department may adopt detailed policies and procedures which:

1. Request data and information in addition to and in amplification of the provisions of this chapter;
2. Specify the methods and means to determine compliance with applicable provisions of this chapter;
3. Set forth the format by which all data and information should be submitted; and
4. Set forth how the regulatory programs should be implemented.

B. In cases where this chapter specifies that procedures or methods shall be approved by, acceptable to or determined by the director or the department; the owner, emissions inspector, emissions repair technician, or any other affected person may request information and guidance concerning the proper procedures and methods and the board or the department shall furnish in writing such information on a case-by-case basis.

9 VAC 5-91-120. Export and import of motor vehicles.

A. A person may remove the catalyst and fuel filler inlet restrictor from used motor vehicles scheduled for shipment to or from a foreign country provided that:

1. The export or import of the motor vehicle meets the provisions of subsection B of this section; and
2. The removal of the emissions control equipment does not take place prior to 10 days before the vehicle is turned over to the port authorities and the reinstallation of the emissions control equipment takes place within 10 days after receipt of the vehicle by the motor vehicle owner from the port authorities in the United States if such equipment is required for the vehicle configuration.

B. To be exempted under the provisions of subsection A of this section, the motor vehicle must:

1. Be exported or imported under a U.S. Environmental Protection Agency approved catalyst control program;
2. Be exported or imported under a Department of Defense privately owned vehicle import control program; or
3. Be entered through U.S. Customs under cash bond and formal entry procedures, (19 CFR Part 12 - Special classes of merchandise) and be modified to bring it into conformity with applicable federal motor vehicle emission standards (40 CFR Part 86 - Control of air pollution from new motor vehicle engines: Certification and test procedures).

9 VAC 5-91-130. Relationship of state regulations to federal regulations.

A. In order for the Commonwealth to fulfill its obligations under the federal Clean Air Act, some provisions of this chapter are required to be approved by the U.S. Environmental Protection Agency and when approved those provisions become federally enforceable.

B. In cases where this chapter specifies that procedures or methods shall be approved by, acceptable to or determined by the director or the department or specifically provides for decisions to be made by the director or the department, it may be necessary to have such actions (approvals, determinations, exemptions, exclusions, or decisions) reviewed and confirmed as acceptable or approved by the U.S. Environmental Protection Agency in order to make them federally enforceable. Determination of which state actions require federal confirmation or approval and the administrative mechanism for making associated confirmation or approval decisions shall be made on a case-by-case basis in accordance with U.S. Environmental Protection Agency regulations and policy.

9 VAC 5-91-140. Delegation of authority.

In accordance with the Motor Vehicle Emissions Control Law, the director, or a designee acting for him, may perform any act provided under this chapter.

9 VAC 5-91-150. Availability of information.

A. Emissions data in the possession of the department shall be available to the public without exception.

B. Any other records, reports or information in the possession of the department shall be available to the public with the following exception:

The department shall consider such records, reports or information, or particular part thereof, confidential in accordance with the Virginia Uniform Trade Secrets Act, § 59.1-336 et seq. of the Code of Virginia, upon a showing satisfactory to the department by any station owner that such records, reports or information, or particular part thereof, meet the criteria in subsection C of this section and the station owner provides a certification to that effect signed by a responsible person for such owner. Such records, reports or information, or particular part thereof, may be disclosed,

however, to other officers, employees or authorized representatives of the Commonwealth of Virginia and the U.S. Environmental Protection Agency concerned with carrying out the provisions of the Motor Vehicle Emissions Control Law and the federal Clean Air Act.

C. In order to be exempt from disclosure to the public under subsection B of this section, the information must satisfy the following criteria:

1. Information for which the station owner has been taking and will continue to take measures to protect confidentiality;
2. Information that has not been and is not presently reasonably obtainable without the consent of the station owner or motor vehicle owner by private citizens or other firms through legitimate means other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding;
3. Information which is not publicly available from sources other than the station owner; and
4. Information the disclosure of which would cause substantial harm to the station owner.

PART III.
EMISSION STANDARDS FOR MOTOR VEHICLE AIR POLLUTION.

9 VAC 5-91-160. Exhaust emission standards for two-speed idle testing in enhanced emissions inspection programs.

A. No motor vehicle subject to the two-speed idle test shall discharge carbon monoxide (CO), or hydrocarbons (HC) in its exhaust emissions in excess of standards set forth in Table III-A when measured with a certified analyzer system and in accordance with the two-speed idle inspection procedures prescribed in Part VI (9 VAC 5-91-410 et seq.).

B. The measured concentration of CO plus CO₂ shall be greater than or equal to 6.0%.

C. The standards in Table III-A may be adjusted by no more than one percentage point for CO and 100 ppm for HC in order to meet the requirements of the Environmental Protection Agency or the federal Clean Air Act.

[D. During a transitional period, not to exceed 90 days prior to the date described in 9 VAC 5-91-30 A 1, the emissions standards in Table III A, the analyzer system operations in this chapter, and appropriate test procedures as determined by the director, may be applied to all motor vehicles subject to 9 VAC 5-90-10 et seq. (repealed) in lieu of the standards and procedures contained therein, and the analyzer system operations contained in 9 VAC 5-100-10 et seq.]

TABLE III-A.
EXHAUST EMISSION STANDARDS FOR TWO-SPEED IDLE EMISSIONS INSPECTIONS.

Model Year	HC (ppm)	CO (%)
For idle test and 2500 RPM test for		

vehicles up to 8500 pounds GVWR:		
1994 & later Tier 1	220	1.2
1981 & later	220	1.2
1980	220	2.0
1975-79	400	4.0
1970-74	600	6.0
1968-69	800	8.0
For vehicles from 8501 to 10000 pounds GVWR:		
1994 & later Tier 1	220	1.2
1981 & later	220	1.2
1980	220	2.0
1975-79	400	4.0
1970-74	800	6.5
1968-69	1000	8.0

9 VAC 5-91-170. Exhaust emission standards for ASM testing in enhanced emissions inspection programs.

A. No motor vehicle shall discharge carbon monoxide (CO), hydrocarbons (HC), or oxides of nitrogen (NO_x) in its exhaust emissions in excess of standards set forth in tables in Part XIV (9 VAC 5-91-790 et seq.) when measured with a certified analyzer system and in accordance with the ASM inspection procedures prescribed in Part VI (9 VAC 5-91-410 et seq.).

B. The director may determine, based on results of emissions inspections verified by the department and in consultation with vehicle manufacturers, that emissions standards for [affected or] specific vehicle models, model years, or weight classifications shall remain at the phase-in level as specified in 9 VAC 5-91-790 rather than being adjusted automatically to the final standards specified in 9 VAC 5-91-800.

9 VAC 5-91-180. Exhaust emissions standards for on-road [~~device measurements~~ testing through remote sensing].

A. No motor vehicle shall exceed the emissions standard for carbon monoxide (CO) set forth in Table III-B when measured with a [~~certified on-road testing system~~ remote sensing device] and in accordance with the inspection procedures prescribed in Part XII (9 VAC 5-91-740 et seq.).

B. Any motor vehicle determined to have exceeded any emissions standards in Table III-B [at least] twice within 90 days when measured by [~~an on-road testing~~ a remote sensing] device in accordance with the procedures of Part XII (9 VAC 5-91-740 et seq.) may be subject to an emissions inspection at an emissions inspection station in accordance with Part XII.

C. The department may adjust the standards in Table III-B by no more than two percentage points if it is determined that the standard is causing a false failure rate in excess of 20% or less than 5.0% as measured by the results of emissions inspections at emissions inspection stations. [Such adjustments may be for specific model years within each model year group based on manufacturer's emissions control technology.]

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TABLE III-B.
EXHAUST EMISSION STANDARDS FOR [~~ON-ROAD TESTING MEASUREMENTS~~ REMOTE SENSING].

Model Year	CO (%)
1968-74, 4 cyl. engines and fewer	6.30
1968-74, more than 4 cyl.	5.90
1975-78, 6000 lb. and less	[3.80 4.80]
1975-78, more than 6000 lb.	5.10
1979 and newer, 8500 lb. and less	[3.80 4.80]
1979 and newer, more than 8500 lb.	5.10
1996 and newer, 6000 lb. and less	3.80
1996 and newer, more than 6000 lb.	5.10

D. For any [~~single-month~~ 30-day period], up to 5.0% of the [number of] vehicles [measured three times] which have been detected as having the cleanest measurements, based on an average of three measurements using on-road testing equipment within [~~any 30-day~~] period, may, at the discretion of the director, be recorded as having passed an emissions inspection and such result shall be entered into the emissions inspection record for that vehicle.

[~~1-On-road testing~~ E. Remote sensing] measurements used for such purposes shall be from at least two different on-road testing locations.

[~~2-On-road testing~~ F. Remote sensing] measurements obtained while a vehicle is decelerating shall not be used for the purpose described in this [~~subsection~~] section.

9 VAC 5-91-190. Emissions control systems standards.

A. In accordance with § 46.2-1048 of the Code of Virginia and 9 VAC 5-40-5670, no motor vehicle manufactured for the model year 1973 or for subsequent model years shall be operated on the highways of the Commonwealth unless it is equipped with an emissions control system or device, or combination of such systems or devices, such as a crankcase emissions control system or device, exhaust emissions control system or device, fuel evaporative emissions control system or device, or other emissions control system or device which has been installed in accordance with federal laws and regulations.

B. In accordance with 9 VAC 5-40-5670, Applicability of and Compliance with Air Quality Standards, no motor vehicle or engine shall be operated if any motor vehicle emissions control system or device has been defeated or replaced by installing any part or component which is not (i) a standard factory replacement part or component or factory equivalent and (ii) a part or component certified by the U.S. Environmental Protection Agency to comply with the Federal Motor Vehicle Control Program requirements.

[C. In accordance with 40 CFR 51.357 (b)(2), the installation of any aftermarket parts approved by the Environmental Protection Agency or by the California Air Resources Board for installation as a part of a vehicle's emissions control equipment shall not be considered tampering.]

[G. D.] In accordance with 9 VAC 5-40-5670, no motor vehicle or engine shall be operated with the motor vehicle emissions control system or device removed or otherwise rendered inoperable.

[~~D. E.~~] The provisions of this section shall not prohibit or prevent shop adjustments or replacement, or both, of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.

9 VAC 5-91-200. Evaporative emissions [systems] standards.

A. Standards for evaporative emissions inspections shall be those described in 9 VAC 5-91-450 and 9 VAC 5-91-460 for applicable motor vehicles.

B. Evaporative system fuel filler cap (gas cap) [~~and pressure test~~] standards shall apply [~~upon implementation of the enhanced emissions inspection program~~] beginning January 5, 1998.

C. [Evaporative system pressure test standards shall apply beginning July 1, 1998.

D.] Evaporative system purge testing [~~shall begin and~~] standards shall apply [~~two years after implementation of the enhanced emissions inspection program and upon a successful~~] January 4, 1999, unless a] demonstration, based on the results of voluntary testing performed by the department or emissions inspection stations, [shows] that such testing is applicable to and can be accurately performed on [less than] a majority of the vehicles subject to the enhanced emissions inspection program. The director shall determine whether such demonstration warrants the [~~implementation delay~~] of evaporative system purge test standards, and shall notify all permittees, licensee, and certificate holders [of the decision to delay implementation] no later than [~~six months prior to the implementation of such standards~~] July 1, 1998.

9 VAC 5-91-210. Visible emissions standards.

In accordance with 9 VAC 5-40-5670, no motor vehicle shall discharge visible air pollutants for longer than five consecutive seconds after the engine has been brought up to operating temperature.

PART IV. PERMITTING AND OPERATION OF EMISSIONS INSPECTION STATIONS.

9 VAC 5-91-220. General provisions.

A. The director shall issue, suspend, revoke or deny permits and establish procedures and other instructions for the operation of emissions inspection stations.

B. An emissions inspection station permit is valid only for the facility and owner identified on the permit and is not transferable to any other owner or facility. No facility shall be represented as an emissions inspection station unless the owner holds a valid permit issued by the director.

C. The emissions inspection station permit holder shall inform the department of any transfer or sale of the business

or change in the name of the station, ownership, partnership, or name of leasee or operator within 10 days of such change.

D. All documents, permits, data media and other inspection related materials shall revert to the ownership of the department if the emissions inspection station is abandoned or if the emissions inspection business is discontinued by the permit holder.

[E. Emissions inspection stations shall inspect all subject vehicles, which they are required by permit to inspect, in a timely manner and without prior repair or adjustment except to remedy rejection conditions.

F. All emissions inspections, including retests, shall be conducted in their entirety according to the phase-in schedules for emission standards and test components contained in Parts III (9 VAC 5-91-60 et seq.) and VI (9 VAC 5-91-410 et seq.) of the this chapter.]

9 VAC 5-91-230. Applications.

A. Applications for permits shall be made to, and in accordance with procedures approved by, the department.

B. Applications for permits shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or in other cases, by the owner; or in the case of governmental entities, by the highest executive official of such entities or his designee. A person is a duly authorized agent only if the authorization is made in writing by the corporate president or by an equivalently responsible officer in the case of organizations other than corporations. Such signature shall constitute personal affirmation that the statements made in the application are true and complete to the best of the knowledge and belief of the signer.

C. An application for permit shall identify the facility for which application is made to become an emissions inspection station. A separate application is required for each facility and each facility requires a separate permit.

1. More than one inspection lane may be included in a single permit but, in such case, any enforcement action taken in regard to that permit shall apply to all lanes contained in the permit.

2. In the case of mobile fleet emissions inspection station permits, the application shall identify the fleet that will be tested as well as the planned dates and times of operations.

D. Applications for permits shall include such information as may be required by the department to determine compliance with applicable requirements of this chapter. The information required shall include, but is not limited to, the following:

1. The name of the applicant.

2. The street and mailing address of the facility or the permittee, or both, as determined by the department, and number of inspections lanes planned.

3. Demonstration that the analyzer system used by each facility for which a permit is requested complies with the provisions of Part X (9 VAC 5-91-640 et seq.).

4. Proof of business ownership, articles of incorporation, partnership agreements, and lease agreements and proof of conformity with local zoning, use, or business licensing laws, ordinances or regulations.

E. The applicant shall provide any other information that the department deems necessary to determine conformity with this chapter.

F. The applicant shall provide any subsequent changes to the information required under subsection B of this section within 30 days of such change.

[G. Application for a permit to test fleet vehicles using mobile testing equipment shall be made at least 30 days prior the commencement of any testing and must be signed by appropriate responsible persons of each party.]

9 VAC 5-91-240. Standards and conditions for permits.

A. No permit for an emissions inspection station or fleet emissions inspection station shall be issued unless the director determines that:

1. The station owner has obtained and properly installed an analyzer system certified by the department, tools and electronic data processing and other equipment to adequately conduct the required emissions inspection in the manner prescribed by this chapter;

2. The station owner has employed properly trained and licensed personnel to perform the necessary emissions inspections;

3. For mobile fleet emissions inspection stations, a fleet emissions inspection permit has been issued for the fleet that will be tested; and

4. The station owner has complied with all other requirements of this chapter which pertain to emissions inspection stations.

B. No permit shall be issued to a facility which has a permit currently under suspension by the director until such suspension period has elapsed.

C. No permit shall be issued pursuant to this section unless it is shown to the satisfaction of the director that the emissions inspection station shall operate without causing a violation of the applicable provisions of this chapter and the Virginia Motor Vehicle Emissions Control Law.

D. Any permit applicant whose permit has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director [and in accordance with 9 VAC 5-91-610].

E. Permits issued under this section shall contain, but not be limited to, the following elements:

1. The street address of the facility or the permittee, or both;

2. The name of the permittee or permittees;

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3. The expiration date of the permit; and
4. Other requirements as may be necessary to ensure compliance with this chapter.

9 VAC 5-91-250. Action on permit application.

A. After receipt of an application or any additional information, the department shall advise the applicant of any deficiency in such application or information.

B. Processing time for a permit is normally 90 days following receipt of a complete application. The department may extend this time period if additional information is required. Processing steps may include, but not be limited to:

1. Completion of a preliminary review and a preliminary decision of the director;
2. Inspection or audit of the facility; and
3. Completion of the final review and the final decision of the director.

C. The director normally will take action on all applications after completion of the review, unless more information is needed. The director shall issue the permit or notify the applicant in writing of the decision, with the reasons, not to issue the permit.

9 VAC 5-91-260. Emissions inspection station permits, categories.

A. A permit shall be issued to a qualified applicant in the following categories, as determined by the department.

1. Emissions inspection station.
2. Fleet emissions inspection station meeting the requirements of 9 VAC 5-91-370.

[3. In accordance with § 46.2-1180 A 5 of the Code of Virginia, the director may issue special permits for the operation of emissions inspections facilities in geographic areas which have been determined by the department, based on the number of available emissions inspection facilities or lanes relative to vehicle population density, to be inadequately provided for. Such stations may have special permit conditions which restrict their operational hours, geographic location, data connection, quality control or other processes in order to effectively address the need and the intent of the Virginia Motor Vehicle Emissions Control Law.]

B. A permit shall be valid only for the emissions inspection station and operator, owner or leasee to which it is issued and shall not be valid for any other emissions inspection station nor any other operator, owner or leasee.

C. A permit shall be valid for time periods determined by the department, not to exceed three years.

D. Upon expiration of the permit, the emissions inspection station shall no longer be authorized to perform inspections.

E. A permit shall expire whenever the owner voluntarily discontinues the operation of an emissions inspection station.

Remaining emissions inspection materials shall be returned to the department immediately.

F. A permit shall expire and documents or data media related to emissions inspections, re inspections, waivers and audits shall become the property of the department when the owner of record abandons the place of business and cannot be located.

9 VAC 5-91-270. Permit renewals.

A. Renewals of permits shall be subject to the same provisions of this chapter as are original permits.

B. It is the responsibility of the emissions inspection station to have a current valid permit. The department will endeavor to notify emissions inspection stations prior to the expiration of their permit.

C. When supported by justification which the department deems adequate, the director may, upon request by a station owner, extend the expiration date of a permit by a period not to exceed 90 days for the purpose of allowing sufficient time for a station owner to correct such deficiencies in the application as have been identified by the department and to allow completion of the application review by the department.

D. It is the responsibility of the emissions inspection station to notify the department of the expiration of a suspension period.

9 VAC 5-91-280. Permit revocation, surrender of materials.

Upon notice of revocation, emissions inspection stations shall surrender to the department all permits, forms, data media and documents issued by or purchased from the department.

9 VAC 5-91-290. Emissions inspection station operations.

A. Emissions inspection station operations shall be conducted in accordance with applicable statutes and this chapter.

B. Emissions inspection stations shall cooperate with the department during the conduct of audits, investigations and complaint resolutions.

C. Emissions inspection stations, except fleet emissions inspection stations permitted under 9 VAC 5-91-370, shall conduct emissions inspections during normal business hours and shall inspect every vehicle presented for inspection within a reasonable time period.

D. Emissions inspection stations which have performed a chargeable inspection that resulted in a test failure shall provide one free reinspection upon request within 14 calendar days of the first test failure.

E. Emissions inspection stations finding it necessary to suspend inspections due to analyzer system malfunction or any other reason shall refund any inspection fee collected when a station cannot accommodate a customer's request for a free reinspection in accordance with 9 VAC 5-91-420 M.

F. Emissions inspection stations shall notify the department when they are unable to perform emission

inspections and shall notify the department when they are able to resume inspections.

G. Emissions inspection stations shall:

1. Employ at least one emissions inspector.
2. Have an emissions inspector on duty during posted emissions inspection hours, if applicable.
3. Only allow licensed emissions inspectors to conduct inspections.

H. Emissions inspection stations shall provide to emissions inspection customers any information which has been provided to the emissions inspection station by the department and which is intended to be provided to the customer.

I. Emissions inspection stations shall allow emissions inspection customers to have viewing access to the inspection process.

9 VAC 5-91-300. Emissions inspection station records.

A. Emissions inspection stations shall have records available at the station for inspection by the department any time during normal business hours.

B. Test, waiver, and repair records, as appropriate, shall be maintained by the permittee for 12 months or until transferred to the department.

C. Certificates of vehicle emissions inspection and motor vehicle inspection reports shall be issued only by emissions inspection stations holding valid permits issued by the department.

D. Documents and data pertaining to emissions inspections and waivers shall be kept in a secure location and only be available to emissions inspectors or authorized personnel, as approved by the department.

E. Missing or stolen emissions inspection data or other official documents shall be reported to the department within 24 hours.

F. Emissions inspection stations shall be accountable for all documents and media issued to them by the department. Emissions inspection stations shall be subject to quality assurance and control procedures as defined in 40 CFR 51.363.

G. Emissions inspection stations shall maintain a file of the name, address, and inspector number of all currently employed emissions inspectors authorized by the permittee to perform emissions inspections at that emissions inspection station and shall notify the department of any changes. The emissions inspection station shall provide the file to the department upon request.

9 VAC 5-91-310. Sign and permit posting.

A. Emissions inspection stations shall post a sign, approved or provided by the department, which conforms to local ordinances or codes, designating the location as a Virginia Motor Vehicle Emissions Control Program Inspection

Station in a conspicuous location on the permitted premises, within view of the public.

B. Emissions inspection station permits shall be posted in a frame, in a conspicuous place on the permitted premises, within view of the public and approved by the department.

C. Emissions inspection stations shall post the following in a conspicuous location on the permitted premises, within view of the public, and in a manner approved by the department:

1. Notice of availability of the applicable exhaust emissions standards prescribed in Part III (9 VAC 5-91-160 et seq.) and Part XIV (9 VAC 5-91-790 et seq.);
2. The fees charged for emissions inspections; and
3. The hours of operation for emissions inspections;

D. Emissions inspection stations shall post all signs required by this chapter in a location approved by the department and in a manner that does not violate local sign ordinances or codes.

E. Fleet emissions inspection stations and mobile fleet emissions inspection stations permitted under 9 VAC 5-91-370 shall be exempt from the sign posting requirements in subsections A and C of this section.

9 VAC 5-91-320. Equipment and facility requirements.

A. Emissions inspection stations shall have adequate facilities to perform all elements of the emissions inspection.

B. Emissions inspection stations shall be equipped in accordance with this chapter and applicable statutes.

C. Emissions inspection stations which no longer meet the requirements of this part shall cease inspection operations and may be subject to enforcement actions in accordance with Part IX (9 VAC 5-91-590 et seq.).

D. Emissions inspection stations shall be equipped with the following equipment, tools and reference materials at all times. Fleet and mobile fleet emissions inspection stations shall be so equipped during inspection periods reported to the department.

1. A certified analyzer system in accordance with Part X (9 VAC 5-91-640 et seq.).
2. Span gases approved by the department and equipment for performing gas span checks.
3. Hand tools and equipment for the proper performance of inspections as approved by the department.
4. Suitable nonreactive exhaust hoses.
5. A current emissions control systems application guide which contains a quick reference for emissions control systems and their uses on specific make, model, and model year vehicles. This may be in an electronic form.
6. Analyzer manufacturer's maintenance and calibration manual.
7. Certified thermometer.

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8. A ventilation system which conforms to the Building Officials and Code Administrators (BOCA) mechanical code for automotive service stations and for facilities in which vehicle engines are operated in excess of 10 continuous seconds and which conforms to the applicable local building or safety code, zoning ordinance, or OSHA requirement.

a. The ventilation system shall discharge the vehicle exhaust outside the building.

b. The flow of the exhaust collection system shall not cause dilution of the exhaust at the sample point in the probe.

9. A cooling fan, used to ventilate the engine compartment, which is capable of generating at least 3,000 standard cubic feet per minute of air flow directed at the vehicle's cooling system at a distance of 12 inches.

10. This regulation (9 VAC 5-91-10 et seq.).

11. Telephone.

12. Dedicated phone line for use by the analyzer system in emissions inspection stations except fleet emissions inspection stations which have been authorized by the director to use a nondedicated phone line pursuant to an agreement between the director and the fleet emissions inspection station, based on vehicle maintenance or registration cycles.

13. Department approved paper for use in the analyzer system printer.

E. Emissions inspection stations shall maintain equipment, tools, and reference materials in proper working order and available at the emissions inspection station at all times.

F. It is the responsibility of the permit holder to maintain a safe and healthy working environment for the conduct of emissions inspections.

9 VAC 5-91-330. Analyzer system operation.

A. Emissions inspection stations shall maintain the analyzer in such a manner that will permit the proper operation in accordance with the requirements of the manufacturer, this chapter, applicable statutes, and any procedures developed by the department.

B. The analyzer shall be gas spanned and leak checked according to 40 CFR Part 51, Appendix A to Subpart S or other procedure as approved by the department.

C. No additions or modifications shall be made to the analyzer unless approved by the analyzer manufacturer and the department.

1. All repairs to the analyzer system must be performed by an authorized manufacturer representative.

2. No analyzer replacement parts shall be used that are not original equipment replacement, or equivalent, as approved by the department.

D. No person shall tamper or circumvent any system or function of the analyzer.

E. Emissions inspection stations shall be responsible for preventing any tampering or unauthorized use of the analyzer or its functions.

F. Analyzer lockout conditions shall be removed only by authorized service or department personnel.

G. The analyzer system shall be capable of electronically transmitting to and receiving data from the department computer network related to the administration of the Virginia Vehicle Emissions Control Program.

9 VAC 5-91-340. Motor vehicle inspection report; certificate of emissions inspection.

A. Emission inspection stations and emissions inspectors shall be responsible for ensuring that all motor vehicle inspection reports are legible, and properly completed and printed with all information appearing in the correct location on the form.

B. Emissions inspectors and emissions inspection stations shall be responsible for ensuring that all emissions inspection results are properly communicated to the department.

C. Certificates of vehicle emissions inspection shall be used only for documentation of official test results and registration of vehicles as appropriate.

D. Certificates of emission inspections and motor vehicle inspection reports shall be issued only by licensed emissions inspectors employed by permitted emissions inspection stations.

9 VAC 5-91-350. Data media.

Data media used for the collection of official test data shall become property of the department.

9 VAC 5-91-360. Inspector number and access code usage.

A. The department shall assign each emissions inspector a unique number and numerical code known as an access code to gain access to the analyzer at the inspector's place of employment.

B. Access codes and inspector numbers shall be added and deleted only by department personnel.

C. An access code shall be used only by the inspector to whom it was assigned.

D. An inspector's name printed on a motor vehicle inspection report shall be an endorsement that the entire test was performed by the inspector whose name appears on the vehicle inspection report. Each inspector must sign his full name on [any the] vehicle inspection report for each emission inspection conducted.

E. Emissions inspection stations and emissions inspectors shall report any unauthorized use of an access code to the department within 24 hours of the discovery of unauthorized use.

F. Emissions inspection stations and inspectors shall be responsible for any violation or fraudulent inspection which occurs using inspector numbers or access codes.

G. Emissions inspection stations shall be responsible for all certificates of vehicle emissions inspection and motor vehicle inspection reports issued by that emissions inspection station.

9 VAC 5-91-370. Fleet emissions inspection stations; mobile fleet emissions inspection stations.

A. A person by whom there are 20 or more vehicles commonly owned, operated, leased or rented may be permitted as a fleet emissions inspection station and may conduct inspections of that fleet or contract to have such inspections conducted. As a fleet inspection station, inspections shall be conducted only on vehicles commonly owned, operated, leased, or rented by that person or political subdivision and not for employees or the general public. A fleet emissions inspection station shall comply with all applicable requirements for emissions inspection stations except those from which they are specifically exempted.

B. Fleet emissions inspections stations may, upon application and granted permit, have fleet vehicles inspected through the use of mobile emissions inspection stations which have obtained a permit from the director to conduct inspections of that fleet.

C. Fleet emissions inspection stations using mobile fleet emissions inspections equipment shall notify the department of the planned dates, times and location of intended inspections not later than two weeks prior to testing and, upon request by the department, shall provide a list of vehicles to be inspected.

D. Each fleet emissions inspection station is responsible for all vehicle emissions inspection records and data for vehicles inspected in that facility.

E. Fleets and fleet emissions inspection stations shall provide a list, updated annually, of vehicles not registered in the program area but otherwise subject to this chapter.

PART V.

EMISSIONS INSPECTOR TESTING AND LICENSING.

9 VAC 5-91-380. Emissions inspector licenses and renewals.

A. The director shall issue, suspend, revoke or deny licenses, and establish procedures and other instructions for emissions inspectors.

B. Applicants shall qualify under 9 VAC 5-91-390 and shall demonstrate to the department proof of identification and the ability to properly conduct vehicle emissions inspections according to this chapter prior to being issued an emissions inspector license.

C. Application for licenses shall be made to, and in accordance with procedures approved by, the department.

D. Licenses are valid for time periods determined by the department, not to exceed three years.

1. Upon expiration of the license, the emissions inspector shall no longer be authorized to perform emissions inspections.

2. Upon expiration of the license, the applicant shall be required to pass the testing requirements in 9 VAC 5-91-390 before being relicensed.

E. When supported by justification which the department deems adequate, the director may, upon written request by an emissions inspector, extend the expiration date of a license by a period not to exceed 90 days for the purpose of allowing sufficient time for an inspector to correct such deficiencies in the application, such as completion of the required instruction, as have been identified by the department and to allow completion of the application review by the department. Such application for license extension may require demonstration of the applicant's ability to perform an emissions inspection at an emissions inspection or referee facility to the satisfaction of the department.

F. No person shall represent themselves as an emissions inspector without holding a valid license issued by the director.

1. Licenses shall be made available to department personnel upon request.

2. It is the responsibility of the emissions inspector to have a current valid license. The department will endeavor to notify inspectors prior to the expiration of their license.

3. Licenses are valid only for the person to whom they are issued.

4. Emissions inspector access codes are valid only for the person to whom they are issued. Emissions inspectors shall not provide access codes to anyone.

G. Upon notification of revocation, the inspector shall surrender to the department all licenses issued by the director. It is the responsibility of the emissions inspector to notify the department of the termination of a suspension period.

H. Emissions inspectors shall keep their current mailing address and place of employment on file with the department and must notify the department of any changes in employment or mailing address.

I. Emissions inspectors may perform emissions inspections at more than one permitted emission inspection station after notification to the department and with the authorization of the emissions inspection station owners.

J. The provisions of this part apply to both initial licenses and any renewals of licenses.

9 VAC 5-91-390. Qualification requirements for emissions inspector licenses.

A. Applications to qualify for emissions inspector licenses shall be filed with the department and the issuance of the licenses shall be administered by the department. Applications for such licenses shall be completed on forms provided by the department. Before an applicant may be

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given a license, he must comply with the requirements of this section. The department will notify applicants of the evaluation requirements prior to testing.

B. An applicant shall demonstrate the ability to operate the certified analyzer systems properly and perform testing as required by this chapter.

C. No emissions inspector license shall be issued unless it is shown to the satisfaction of the director that the emissions inspector has the ability and resources to perform emissions inspections without causing a violation of the applicable provisions of this chapter and the Virginia Motor Vehicle Emissions Control Law.

D. Any applicant whose license has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

E. An applicant shall bear a valid motor vehicle driver's or operator's license and shall present proof of such license to the department at the time of application.

F. An applicant shall demonstrate knowledge, skill, and competence concerning the conduct of emissions inspections. Such knowledge, skill and competence shall be demonstrated by completing training courses approved by the department and by passing a qualification test (scoring 80% or higher) which may include, but not be limited to, knowledge of the following;

1. Operation and purpose of emissions control systems.
2. General relationship of hydrocarbon, oxides of nitrogen (NO_x), and carbon monoxide emissions to timing and air-to-fuel ratio control.
3. General information regarding adjustment and repair based on manufacturers' specifications.
4. This regulation (9 VAC 5-91-10 et seq.).
5. General information regarding contemporary diagnostic and engine tune-up procedures.
6. The provisions of the Emissions Control Systems Performance Warranty pursuant to § 207(b) of the federal Clean Air Act as it applies to this chapter.
7. Visual inspection of the required emissions control equipment for 1973 and newer vehicles.
8. Operation of and proper use, care, maintenance, and gas span checking of certified analyzer systems.
9. Proper use of and distribution of motor vehicle inspection reports, certificates of emissions inspection, and supplemental documents.
10. Inspections for visible smoke emissions.
11. Functional testing of the evaporative emissions control system as required in the enhanced emissions inspection program.
12. Safety and public health as it applies to the Virginia Vehicle Emissions Control Program.

13. Public relations as it applies to the Virginia Vehicle Emissions Control Program.

9 VAC 5-91-400. Conduct of emissions inspectors.

Emissions inspectors shall be truthful and cooperate with the department during the conduct of audits, investigations and complaint resolution [and all official matters].

PART VI. INSPECTION PROCEDURES.

9 VAC 5-91-410. General.

A. The key steps in the emissions inspection procedure are as follows:

1. Preliminary inspection of the vehicle to determine whether to accept the vehicle for testing or reject it, as approved by the department and according to 9 VAC 5-91-420 C, based on safety and health concerns as related to the safe performance of an emissions inspection. The results of such preliminary inspection shall be provided to the customer.
2. Advise the customer of the ability of the emissions inspection station to perform emissions related repairs including the availability of certified emissions repair technicians and necessary equipment. [If the vehicle failed the test, inform the customer of their right to seek repairs elsewhere.]
3. An agreement between the customer and the emissions inspection station, oral or written, that an emissions inspection will be performed and the requisite fee paid.
4. Determination of the type of exhaust [analysis test required], either ASM or two-speed idle.
5. The inspection of emissions control equipment.
6. The test of exhaust emissions levels using a certified analyzer system.
7. The evaporative system pressure test, pressure test of the fuel filler cap, and evaporative system purge test as applicable and according to the procedure determined automatically by the analyzer system.
8. The distribution of documents and emissions inspection results.
9. Advise customers of emissions inspection results, options for waiver if applicable, and the obligation of the station to perform a free retest within 14 days for failed vehicles and the conditions placed on the motorist in regard to free retests.
10. Conduct free retest, if necessary, within 14 days of original test.

B. The emissions inspection station may charge a fee not to exceed the amount specified in § 46.2-1182 of the Code of Virginia.

9 VAC 5-91-420. Inspection procedure; rejection, pass, fail, waiver.

A. All aspects of the inspection shall be performed by an emissions inspector, using the instructions programmed in the certified analyzer system and procedures approved by the department, within the designated inspection area, and on the permitted premises.

B. The emissions inspection station shall notify the customer prior to initiating an emissions inspection that the emissions inspection station is either able or unable to perform the emission related repairs required by 9 VAC 5-91-480 for that particular vehicle should that vehicle fail the inspection. The emissions inspector shall not conduct an inspection on a motor vehicle unless the customer gives approval after being so notified.

C. The emissions inspector shall not conduct an inspection on a motor vehicle if the vehicle is in an unsafe condition for testing according to the following conditions. The customer shall be informed of any such condition.

1. The vehicle shall not have holes or detectable leaks in the exhaust system. The inspector may check the system for leaks by listening for such leaks or by measuring carbon dioxide. The presence of leaks shall cause the vehicle to be rejected from testing.

2. The motor vehicle shall be evaluated for the presence of visible smoke emissions. Those vehicles exhibiting any smoke emissions from the engine crankcase or exhaust system or both, shall be rejected from testing.

3. The vehicle shall not have any mechanical problems, such as engine, brake, or transmission problems or engine, radiator, or transmission fluid leaks which would create a safety hazard for the applicable test, or bias test results. Such conditions shall cause the vehicle to be rejected from testing.

4. For vehicles receiving a test while operating on a dynamometer, the vehicle shall be rejected from testing if [drive wheel] tread wear indicators, tire cords, bubbles, cuts, or other damage are visible. Such vehicles shall be rejected from testing if space-saver spare tires are being used on a drive axle or if they do not have reasonably sized tires on the drive axle or axles based on dynamometer manufacturer safety criteria or if the set of tires is a mixture of radial and bias ply. Vehicles may be rejected if they have different sized tires on the drive axle or axles. Drive wheel tires shall be checked with a gauge for appropriate tire pressure and adjusted as necessary as recommended by the tire or vehicle manufacturer.

5. The vehicle shall be rejected from testing if the fuel filler cap (gas cap) is missing.

6. The vehicle shall be rejected from testing if a known, emissions-related, manufacturers recall has not been satisfied according to Part XI (9 VAC 5-91-720 et seq.).

7. Vehicles which are overheated shall be rejected from testing.

D. The emissions inspection procedure shall be performed under the following conditions:

1. The entire vehicle shall be in normal operating condition as indicated by a temperature gauge or touch test on the radiator hose. If ASM testing is performed, a cooling fan shall be directed at the engine cooling system if the ambient temperature exceeds 72°F.

2. The inspection shall be performed with the transmission in park or neutral for two-speed idle testing, or in drive (if automatic), second or third gear (if manual), as appropriate, for ASM testing; and with all accessories off.

3. [All electronic and mechanical testing equipment shall be properly attached according to vehicle and analyzer manufacturer requirements and instructions.

4. For the purpose of conducting the evaporative system pressure test and gas cap test, the vehicle shall be turned off unless the vehicle manufacturer has instructed otherwise.

5.] The analyzer probe shall be properly inserted into the exhaust system.

a. The analyzer probe shall be inserted into the tailpipe as recommended by the analyzer manufacturer for a quality sample, or at least 10 inches if not specified by the manufacturer.

b. If a baffle or screen prevents probe insertion to an adequate depth, a suitable probe adapter or extension boot which effectively lengthens the tail pipe must be used.

c. If the vehicle is equipped with multiple exhaust outlets, a suitable analyzer manufacturer recommended adapter or other apparatus shall be used in order to provide a single supply of the sample exhaust to the analyzer.

d. Vehicle exhaust shall be vented safely out of the inspection area and facility.

[4. 6.] If the vehicle stops running or the engine stalls during the test it shall be started as soon as possible and shall be running for at least 30 seconds prior to the restart of the test.

[5. 7.] The exhaust test shall be terminated upon reaching the overall maximum test time for the applicable test, or if CO plus CO₂ concentration falls below 6.0% as determined by the analyzer system.

E. In consideration of maintaining inspection integrity:

1. The temperature of the inspection area shall be between 41°F and 110°F during the inspection. Inspection area temperatures shall be accurately measured in a well-ventilated location away from vehicle engine and exhaust heat sources and out of direct sunlight. The analyzer shall not be operated when the temperature of the inspection area is not within the range stated above.

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2. The analyzer system shall be kept in a stable environment which affords adequate protection from the weather and local sources of hydrocarbons or other pollutants that may interfere with analyzer performance or accuracy of test results, or both.

3. The electrical supply to the analyzer system shall be able to meet the manufacturer's requirements for voltage and frequency stability.

4. The inspection location shall meet all applicable zoning requirements.

5. The analyzer system shall be operated according to quality assurance procedures and other procedures approved by the department.

F. The emissions inspector shall accurately identify and enter vehicle and owner information as required for vehicle emissions inspection records. The data entered into the analyzer and recorded on the certificate of vehicle emissions inspection shall be the data from the vehicle being inspected and must be obtained from that vehicle.

G. For 1973 and newer model year vehicles, the emissions inspector shall perform an inspection of the emissions control systems. The inspection shall include:

1. Examination of the emissions control information decal (sticker) under the hood, reference manual, and applications guide to determine if the vehicle, as manufactured or certified for sale or use within the United States, should be equipped with a catalytic converter system, air injection system, fuel evaporative emissions control system, positive crankcase ventilation system, exhaust gas recirculation valve, on-board diagnostic system, or thermostatic air cleaner system, as appropriate.

2. Visual inspection for the presence and operability of the air injection system, catalytic converter system, fuel evaporative emissions control system, positive crankcase ventilation system, exhaust gas recirculation valve, and thermostatic air cleaner system based on determinations made in 9 VAC 5-91-420 G 1. If any of these parts or systems are inoperable, or have been removed or damaged, or rendered inoperable, the vehicle will not qualify for a certificate of emissions inspection approval or waiver. If systems are missing which the reference manual or applications guide indicates should be present, the motor vehicle manufacturer's emissions control information provided for that vehicle shall apply.

3. For [1996 and newer] vehicles so equipped, electronic inspection of the applicable on-board diagnostic (OBD) system [~~phase I or phase II,~~] according to manufacturer specifications.

~~[a. Emissions-related results of sensing of OBD phase I systems shall be recorded in the inspection record and reported to the customer.~~

b. a.] Beginning January [~~1, 1998~~ 4, 1999], emissions-related results of sensing of OBD phase II

systems shall be recorded in the inspection record and reported to the customer.

[~~a. b.~~] Beginning January [~~4 3~~], 2000, emissions-related failure codes provided by OBD phase II systems [of vehicle model years 1996 and newer] shall cause the vehicle to fail the emissions inspection.

H. For vehicles otherwise subject to ASM testing based on model year and weight classification, the department may determine, due to complications identified in consultation with vehicle manufacturers, that certain vehicle makes or models shall be tested using the two-speed idle test in lieu of the ASM test or using a mixture of test modes such as an ASM 2525 coupled with an idle test.

I. For 1981 model year and newer vehicles with a GVWR up to and including 8,500 pounds, the exhaust emissions inspection procedure shall be an ASM, two-mode (ASM 5015 plus ASM 2525), loaded test, performed while the vehicle is operating on the analyzer system dynamometer. The test shall be preceded by a 30- [~~60 90~~] second preconditioning period, as determined by the department, using the ASM 2525 load simulation.

J. The exhaust emissions inspection procedure shall be a two-speed idle test as specified in paragraph (II) of Appendix B of 40 CFR Part 51, Subpart S, and 9 VAC 5-91-440 for the following vehicles:

1. Vehicles with a GVWR greater than 8,500 pounds and up to and including 10,000 pounds,

2. Vehicles of model years 1968 through 1980,

3. Vehicles which employ full-time four wheel drive systems,

4. Vehicles which have traction control or anti-lock brake systems which have been determined by the manufacturer, to permanently interfere with proper [ASM] testing; or

5. Vehicles which have some other configuration which has been determined by the department to permanently interfere with proper [ASM] testing.

K. The vehicle's evaporative emissions control system shall be checked by performing (i) an evaporative system pressure test, (ii) a fuel filler cap pressure test, (iii) an evaporative system purge test, or (iv) any combination thereof, as applicable and according to the phase-in of [standards testing] specified in 9 VAC 5-91-200.

1. [Beginning January 5, 1998,] the evaporative system pressure test shall be performed on vehicles of model year 1973 and newer [and the results recorded in the inspection record and reported to the customer. Beginning July 1, 1998, a failure of the evaporative system pressure test shall cause the vehicle to fail the inspection].

2. A separate fuel filler cap pressure test shall be performed on vehicles of model year 1973 and newer unless the evaporative system pressure test [will be performed and the] method employed includes a test of the fuel filler cap.

3. [Beginning July 1, 1998, unless determined to the contrary by the director by March 1, 1998,] the evaporative system purge test shall be performed on vehicles of model year 1981 and newer which receive ASM exhaust emissions testing, according to the phase-in standards in Part III (9 VAC 5-91-160 et seq.) [and the test results recorded in the record and reported to the customer. Beginning January 4, 1999, a failure of the evaporative system purge test shall cause the vehicle to fail the emissions inspection].

L. In order to obtain a vehicle registration from the Department of Motor Vehicles, a certificate shall be issued by an emissions inspector or the department indicating that the vehicle has either passed the emissions inspection or has received a waiver as specified below. A motor vehicle shall pass the emissions inspection and a certificate of vehicle emissions inspection and a motor vehicle inspection report indicating the vehicle has passed shall be issued if:

1. The motor vehicle meets the applicable emissions control systems inspection requirements;
2. The vehicle emissions levels are the same as or less than the applicable exhaust emission standards in Part III (9 VAC 5-91-160 et seq.) and Appendix A, as applicable;
3. There are no smoke emissions visible from the vehicle engine crankcase or tail pipe, or both; and
4. The vehicle passes the evaporative system pressure and purge tests or fuel filler cap pressure test as applicable.

M. If the vehicle fails the initial emissions inspection, a certificate of emissions inspection and a motor vehicle inspection report shall be issued indicating a failure, and the owner shall have 14 days in which to have repairs or adjustments made and return the vehicle to the emissions inspection station which performed the initial inspection for one free reinspection.

N. A certificate of vehicle emissions inspection waiver may be issued if all of the following conditions are met:

1. The vehicle passes the emissions control systems inspection (1973 and newer model year vehicles only) described by subsection G of this section.
2. There are no smoke emissions visible from the vehicle engine crankcase or exhaust system, or both.
3. The vehicle continues to exceed applicable emissions standards after emissions related repairs required by 9 VAC 5-91-480 have been performed.
4. An amount equal to or greater than the adjusted waiver cost for enhanced emissions inspection programs, listed below, has been spent on emissions related repairs as specified in 9 VAC 5-91-480 and according to 40 CFR 51.360 (a) (1) (as amended in 60 Federal Register 20934, April 28, 1995) provided that (i) proof that appropriate repairs have been accomplished and costs for that specific vehicle have been provided to the emissions inspection station in the form of an

itemized bill, invoice, paid work order, or statement in which emissions related parts or repairs, or both, are specifically identified, (ii) the emissions inspector has confirmed that the repair work was performed or approved by a certified emissions repair technician at a certified emissions repair facility, and (iii) the repair work was performed no earlier than 60 days prior to the initial inspection.

5. The repair cost requirements for waiver eligibility for the enhanced emissions inspection program shall be adjusted annually to reflect the increase in the Consumer Price Index (CPI), as described at 40 CFR 51.360(a)(7), and shall be phased-in as follows [÷ unless delayed by an action of the director. The director may delay each phase-in by up to 12 months if it is determined that such a delay will not cause the waiver rate to exceed 3.0% of failed vehicles.]

a. Through [~~December 31, 1997~~ January 4, 1998], the amount shall be \$250 multiplied by the CPI as provided by the Environmental Protection Agency (EPA) according to the Clean Air Act.

b. From January [4 5], 1998, through June 30, 1998, the amount shall be \$350 multiplied by the CPI as described above.

c. From July 1, 1998, and henceforward, the amount shall be \$450 multiplied annually by the CPI as described above.

6. A waiver shall not be issued for a vehicle which is eligible for the emissions control systems performance warranty, under the provisions of § 207(b) of the federal Clean Air Act. In accordance with the provisions of § 207(b) of the federal Clean Air Act, the repair costs necessary for compliance with emissions standards specified in Part III (9 VAC 5-91-160 et seq.) will be borne by the vehicle manufacturer or authorized dealer representative.

O. The analyzer system shall generate an electronic record of the certificate of emissions inspection and transmit the appropriate data to the department and the emissions inspector shall make distribution of the vehicle inspection report to the customer.

P. The emissions inspector shall advise the customer as specified below upon completion or termination of the inspection procedure.

1. If the test is terminated prior to completion, explain reasons for failure of vehicle or equipment and advise of free retest and time limit, if applicable.

2. If the vehicle passes or receives a waiver, provide a motor vehicle inspection report and advise motorist of registration requirement and process, including the process to be used in case of interruption of the electronic data transfer system.

3. If the vehicle fails:

a. Give vehicle inspection report of failure to customer;

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- b. Advise of type of failure;
- c. Advise of free retest and time limit;
- d. Advise of repair facility information as provided by the department; and
- e. Advise of waiver requirements.

Q. In cases of complaints or disputes between the emissions inspector or emissions inspection station and the customer, the customer shall be advised of the location and phone number of a department representative to be contacted to obtain assistance in resolving disputes.

9 VAC 5-91-430. ASM test procedure.

A. The ASM equipment shall be in proper operating condition according to manufacturers instructions prior to initiating a test.

1. The vehicle shall be maneuvered onto the dynamometer with the drive wheels positioned on the dynamometer rolls. Prior to test initiation, the rolls shall be rotated until the vehicle laterally stabilizes on the dynamometer. Vehicles that cannot be stabilized on the dynamometer shall be rejected from testing. Drive wheel tires shall be dried if necessary to prevent slippage.

2. Prior to initiating the ASM exhaust test procedure [7 :]

[a.] Vehicles which are required to receive [OBD or] evaporative emissions testing shall be connected to the [evaporative emissions appropriate] test equipment according to [9-VAC-5-91-460 9 VAC 5-91-450 and vehicle and analyzer manufacturer instructions].

[b.] The [OBD test] evaporative emissions pressure test and fuel filler cap test, including second chance fuel filler cap test if required, shall be performed prior to the ASM test.

[c. The evaporative emissions pressure test and fuel filler cap test shall only be performed while the vehicle is not running unless the vehicle manufacturer has instructed otherwise.

d. Vehicles which are required to receive the evaporative system purge test shall be connected to the appropriate test equipment according to 9 VAC 5-91-460 and vehicle and analyzer manufacturer instructions.]

3. When ambient temperatures exceed 72°F, testing shall not begin until the cooling fan is positioned and activated. The cooling fan shall be positioned to direct air to the vehicle cooling system, but shall not be directed at the catalytic converter.

4. Testing shall not begin until the vehicle is restrained according to the instructions provided by the analyzer equipment manufacturer. In addition, the parking brake shall be set for front wheel drive vehicles prior to the start of the test, unless parking brake functions on front axle or if is automatically disengaged when in gear.

5. Testing shall not begin until the exhaust ventilation system is properly functioning and attached or positioned as necessary.

6. To ensure that the motor vehicle and the dynamometer are in a warmed-up condition prior to official testing, a 30- [60 90] second preconditioning, as determined by the department, shall be performed using the ASM 2525 load simulation.

7. Prior to each test or mode of a test, the system shall automatically select the load setting of the dynamometer [from a supplied look-up table].

8. Engine speed shall be monitored by means of an RPM sensor and recorded in the test record.

B. The test sequence shall consist of both ASM modes described in this section. Vehicles that fail the first chance test as described [within 150% of the standard] shall receive a second chance test. The second chance test shall consist of a repetition of the mode or modes that were failed in the first chance test.

[4. C.] The ASM [5015 2525] mode timer shall start when the dynamometer speed (and corresponding power) are maintained at [45 25] ± 1.0 miles per hour for five continuous seconds. If the acceleration simulation exceeds the tolerance specified by the analyzer equipment manufacturer for more than five consecutive seconds after the mode timer is started, the test mode timer shall be reset. Should this happen a second time, the test shall be aborted and another started. The dynamometer shall apply the required torque load for [45.0 25.0] mph at any testing speed within the tolerance of [45 25] ± 1.0 miles per hour (i.e., constant torque load over speed range). The torque tolerance shall be ± 5.0% of the correct torque at [45 25] mph.

[2. 1.] The analyzer shall automatically select the proper load setting for the dynamometer and test standards, based on the Equivalent Test Weight (ETW) and the look-up table in Part XIV (9 VAC 5-91-790 et seq.), using vehicle identification information. Vehicles for which a load setting is not automatically selected, and for which a test weight is not available shall be tested using the following default settings:

[DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3-CYL.	4-CYL.	5 & 6-CYL.	8-CYL.	>8-CYL.
SEDAN	7.9	11.4	13.8	16.4	16.0
STATION WAGON	8.1	11.7	13.8	16.1	16.1
MINI-VAN	10.2	14.1	15.8	17.9	18.2
PICKUP TRUCK	9.6	13.1	16.4	19.2	21.1
SPORT/UTILITY	10.1	13.4	15.5	19.4	21.1

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FULL VAN	10.3	13.9	17.7	19.6	20.5
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UTILITY					
FULL VAN	9.1	12.5	15.5	17.3	18.3

DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	8.1	11.8	14.3	16.9	16.6
STATION WAGON	8.3	12.1	14.2	16.6	16.6
MINI-VAN	10.4	14.5	16.3	18.5	18.7
PICKUP TRUCK	9.8	13.4	16.8	19.8	21.7
SPORT/UTILITY	10.5	13.8	15.9	19.9	21.7
FULL VAN	10.8	14.4	18.2	20.2	21.1

[3. 2.] If the dynamometer speed or torque falls outside the speed or torque tolerance for more than two consecutive seconds, or for more than five seconds total, the test mode time shall reset to zero and resume timing. The minimum mode length shall be 45 seconds. The maximum mode length shall be 90 seconds elapsed time.

[4. 3.] During the 10 second period used for the pass/fail decision, dynamometer speed shall not fall more than 0.5 mph (absolute drop, not cumulative). If the speed at the end of the 10 second period is more than 0.5 mph less than the speed at the start of the 10 second period, testing shall continue until the speed stabilizes enough to meet this criterion.

[5. 4.] The pass/fail analysis shall begin after an elapsed time of 30 seconds. A pass or fail determination shall be made for the vehicle and the mode shall be terminated as follows:

[DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	9.5	11.5	13.7	13.3
STATION WAGON	6.8	9.7	11.5	13.4	13.3
MINI-VAN	8.8	11.7	13.2	14.9	15.3
PICKUP TRUCK	8.0	10.9	13.6	16.0	17.8
SPORT/UTILITY	8.8	11.2	12.9	16.1	17.8
FULL VAN	9.0	11.6	14.7	16.3	17.2

a. The vehicle shall pass the ASM [5015 2525] mode and the mode shall be immediately terminated if, at any point between an elapsed time of 30 seconds and 90 seconds, the 10 second running average measured values for each pollutant are simultaneously less than or equal to the applicable test standards described in Part XIV (9 VAC 5-91-790 et seq.).

b. The vehicle shall fail the ASM [5015 2525] mode and the mode shall be terminated if subdivision [B-5 C 4] a of this section is not satisfied by an elapsed time of 90 seconds.

[6. 5.] Upon termination of the ASM [5015 2525] mode, the vehicle [and dynamometer] shall immediately begin [~~accelerating~~ a transition] to the speed required for the ASM [2525 5015] mode. The dynamometer torque shall smoothly transition during the [~~acceleration~~ transition] period and shall automatically reset to the load required for the ASM [2525 5015] mode as specified in subdivision [B-8 D 1] of this subsection.

DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	10.1	12.3	14.5	14.3
STATION WAGON	7.0	10.4	12.2	14.2	14.4
MINI-VAN	8.9	12.5	14.0	15.9	16.3
PICKUP TRUCK	8.1	11.4	14.4	16.9	18.8
SPORT/	8.9	11.8	13.6	17.1	18.8

[7. D.] The ASM [2525 5015] mode timer shall start when the dynamometer speed (and corresponding power) are maintained within [25 15] \pm 1.0 miles per hour for five continuous seconds. If the acceleration simulation exceeds the tolerance specified by the analyzer system manufacturer for more than five consecutive seconds after the mode timer is started, the test mode timer shall be reset. Should this happen a second time, the test shall be aborted and another started. The dynamometer shall apply the required torque for [25-0 15.0] mph at any testing speed within the tolerance of [25 15] \pm 1.0 miles per hour (i.e., constant torque load over speed range). The torque tolerance shall be \pm 5.0% of the correct torque at [25 15] mph.

[8. 1.] The analyzer shall automatically select the proper load setting for the dynamometer and test standards, based on the ETW and the look-up table in

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Part XIV (9 VAC 5-91-790 et seq.), using vehicle identification information. Vehicles for which a load setting is not automatically selected, and for which a test weight is not available shall be tested using the following default settings:

[DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	9.5	11.5	13.7	13.3
STATION WAGON	6.8	9.7	11.5	13.4	13.3
MINI-VAN	8.8	11.7	13.2	14.9	15.3
PICKUP TRUCK	8.0	10.9	13.6	16.0	17.8
SPORT/UTILITY	8.8	11.2	12.9	16.1	17.8
FULL VAN	9.0	11.6	14.7	16.3	17.2

DEFAULT ASM 2525 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	6.9	10.1	12.3	14.5	14.3
STATION WAGON	7.0	10.4	12.2	14.2	14.4
MINI-VAN	8.9	12.5	14.0	15.9	16.3
PICKUP TRUCK	8.1	11.4	14.4	16.9	18.8
SPORT/UTILITY	8.9	11.8	13.6	17.1	18.8
FULL VAN	9.1	12.5	15.5	17.3	18.3

[DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 8.6" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	7.9	11.4	13.8	16.4	16.0
STATION WAGON	8.1	11.7	13.8	16.1	16.1
MINI-VAN	10.2	14.1	15.8	17.9	18.2
PICKUP TRUCK	9.6	13.1	16.4	19.2	21.1

SPORT/UTILITY	10.1	13.4	15.5	19.4	21.1
FULL VAN	10.3	13.9	17.7	19.6	20.5

DEFAULT ASM 5015 DYNAMOMETER HORSEPOWER SETTINGS FOR 20" ROLLERS BASED ON NUMBER OF ENGINE CYLINDERS

VEHICLE TYPE	3 CYL.	4 CYL.	5 & 6 CYL.	8 CYL.	>8 CYL.
SEDAN	8.1	11.8	14.3	16.9	16.6
STATION WAGON	8.3	12.1	14.2	16.6	16.6
MINI-VAN	10.4	14.5	16.3	18.5	18.7
PICKUP TRUCK	9.8	13.4	16.8	19.8	21.7
SPORT/UTILITY	10.5	13.8	15.9	19.9	21.7
FULL VAN	10.8	14.4	18.2	20.2	21.1

[9. 2.] If the dynamometer speed or torque falls outside the speed or torque tolerance for more than two consecutive seconds, or for more than five seconds total, the mode timer shall reset to zero and resume timing. The minimum mode length shall be 40 seconds. The maximum mode length shall be 90 seconds elapsed time.

[40. 3.] During the 10 second period used for the pass/fail decision, dynamometer speed shall not fall more than 0.5 mph (absolute drop, not cumulative). If the speed at the end of the 10 second period is more than 0.5 mph less than the speed at the start of the 10 second period, testing shall continue until the speed stabilizes enough to meet this criterion.

[44. 4.] The pass/fail analysis shall begin after an elapsed time of 30 seconds. A pass or fail determination shall be made for the vehicle and the mode shall be terminated as follows:

a. The vehicle shall pass the ASM [2525 5015] mode if, at any point between an elapsed time of 30 seconds and 90 seconds, the 10-second running average measured values for each pollutant are simultaneously less than or equal to the applicable test standards described in [Appendix A Part XIV (9 VAC 5-91-790 et seq.)]. If the vehicle passed the ASM [5015 2525] mode, the ASM [2525 5015] mode shall be terminated upon obtaining passing scores for all three pollutants.

b. The vehicle shall fail the [initial first chance] ASM [2525 5015] mode if subdivision [B-44 D 4] a of this section is not satisfied by an elapsed time of 90 seconds.

[42. E.] The inspector shall perform a second chance test on vehicles which fail either mode of the previous test sequence as follows:

[a. 1.] If the vehicle fails the first-chance test, the test timer shall reset to zero and a second-chance test shall be performed, except as noted below. The second-chance test shall have an overall maximum test time of 145 seconds if one mode is repeated, an overall maximum time of 290 seconds if two modes are repeated.

[b. 2.] If the vehicle failed only the ASM [5015 2525] mode of the first chance test, then that mode shall be repeated upon completion of the [first chance] ASM [2525 5015] mode. The repeated mode shall be performed as described in this section except that the provisions of subdivision B [6 5] of this section shall be omitted.

[c. 3.] If the vehicle [fails failed] only the ASM [2525 5015] mode of the first chance test, then the [first chance] ASM [2525 5015] mode shall not end at 90 seconds but shall continue for up to 180 seconds.

[d. 4.] If the vehicle failed both ASM 5015 and ASM 2525 modes of the first chance test, then the vehicle shall receive a second-chance test for the ASM 2525 mode [immediately following the first chance ASM 5015 mode] . If the vehicle fails the second-chance ASM 2525 mode, then the vehicle shall fail the test, otherwise the vehicle shall also receive a second-chance ASM 5015 mode test.

9 VAC 5-91-440. Two-speed idle test procedure.

A. The emissions inspection procedure shall be a two-speed idle test as specified in paragraph (II) of Appendix B of 40 CFR Part 51, Subpart S.

1. The two-speed idle test shall consist of a test of the vehicle's exhaust emissions at idle and at 2500 rpm while the vehicle's gear selector is in neutral or park.

2. The idle test shall be administered prior to the 2500 rpm test. The tests shall be run consecutively.

3. The complete test shall consist of a first chance idle mode test; followed by a first chance 2500 RPM mode test; followed by a second chance 2500 RPM mode test if the first one was failed; followed by a second chance idle mode if the first one was failed and if the [second chance] 2500 RPM mode test was passed.

4. If the vehicle fails the first chance test, the second chance test shall be omitted if no exhaust hydrocarbon concentration less than 1800 ppm is detected within an elapsed time of 30 seconds.

5. Motor vehicle manufacturers and the Environmental Protection Agency may issue special test instructions for specific vehicle models which shall be followed in lieu of the test procedures specified in this section if such instructions are provided through the administrator.

6. In order to pass the two-speed idle test, the vehicle's exhaust shall not exceed the standards listed in 9 VAC 5-91-160.

[7. Prior to initiating the two-speed idle exhaust test procedure:

a. Vehicles which are required to receive OBD or evaporative emissions testing shall be connected to the appropriate test equipment according to 9 VAC 5-91-450 and vehicle and analyzer manufacturer instructions.

b. The OBD test, evaporative emissions pressure test and fuel filler cap test, including second chance fuel filler cap test if required, shall be performed prior to the two-speed idle test.

c. The evaporative emissions pressure test and fuel filler cap test shall only be performed while the vehicle is not running unless the vehicle manufacturer has instructed otherwise.]

B. The idle test mode shall be performed as follows:

1. The vehicle transmission shall be in neutral or park and the parking brake applied; the engine shall be operating at curb idle according to manufacturer specifications, and there shall not be any manipulation of the engine throttle mechanism.

2. The engine speed (RPM) shall be obtained and shall be between 350 and 1100 RPM for the duration of the test mode.

3. The pass/fail analysis shall begin after an elapsed time of 10 seconds.

4. The minimum idle mode elapsed time shall be 30 seconds and the maximum idle mode elapsed time shall be 90 seconds.

5. The exhaust concentrations shall be measured as percent carbon monoxide and parts per million hydrocarbons after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

C. The 2500 RPM mode shall be performed as follows:

1. The vehicle transmission shall be in neutral or park.

2. The vehicle engine speed shall be increased from idle to between 2200 and 2800 RPM and maintained at that level.

3. If the engine speed varies outside the parameters of 2200 to 2800 RPM for more than two seconds during a sampling period, the value shall be invalid and the test duration extended to allow another sampling. If the engine speed varies outside such parameters more than 10 seconds, the 2500 RPM test mode shall be invalid and another initiated.

4. The pass/fail analysis shall begin after an elapsed time of 10 seconds.

5. The minimum 2500 RPM mode elapsed time shall be 30 seconds [, unless the vehicle failed the first chance

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idle mode,] and the maximum [initial first chance] 2500 RPM mode elapsed time shall not exceed 90 seconds. [If the vehicle failed the first chance idle mode the 2500 RPM mode shall continue for 90 seconds.]

6. If a second chance 2500 RPM mode is conducted immediately thereafter, the maximum total 2500 RPM mode elapsed time shall not exceed 180 seconds.

7. The exhaust concentrations shall be measured as percent carbon monoxide and parts per million hydrocarbons after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

9 VAC 5-91-450. Fuel system evaporative pressure test and gas cap pressure test procedure.

A. The evaporative pressure test and fuel filler cap test shall be performed according to the requirements of 40 CFR 51.357 (a) (10) and (b) (3), or according to alternate procedures approved by the Environmental Protection Agency and approved by the department as part of a certified analyzer system.

B. If the certified analyzer system uses the procedures in 40 CFR 51.357 (a) (10), the test shall be performed as follows:

1. The gas cap shall be removed and the appropriate adapter connected to the fuel filler inlet.

2. The gas cap shall be connected to an appropriate adapter, either as part of the adapter connected to the fuel filler inlet or as part of a separate gas cap test rig.

3. The vapor hose or line in the fuel system connecting the evaporative canister to the fuel tank shall be clamped as close as possible to the canister. If the vapor line cannot be clamped to prevent vapor passage, it shall be disconnected from the canister and plugged to prevent vapor passage.

4. The fuel tank shall be pressurized with ambient air, or a suitable, equivalent gas, to a pressure of 14 inches, \pm 0.5 inches, of water.

5. The flow shall be turned off and the decay of pressure monitored for up to two minutes.

6. If at any time during the two minutes the fuel tank vapor system is being monitored the pressure drops from the starting pressure by more than six inches of water, the test shall be terminated and the vehicle shall be determined to fail the evaporative pressure test.

7. After two minutes, the clamp shall be removed from the vapor line or the line shall be unplugged and the system monitored for a drop in pressure. If a pressure drop is detected, and the fuel tank vapor system did not fail the conditions in step 6 above, the vehicle shall pass the fuel tank portion of the evaporative pressure test. If the gas cap is also connected to the fuel filler neck adapter during the fuel tank evaporative pressure test then the gas cap shall also pass and the vehicle shall pass the evaporative system pressure test.

8. If no pressure drop was detected after unclamping or unplugging the vapor line, the fuel tank, and cap if attached to the fuel inlet adapter, shall be pressurized to a pressure of 28 inches, \pm 1.0 inches, of water, and steps 5, 6, and 7 above repeated.

9. If the gas cap was connected to an adapter on a separate gas cap test rig, the gas cap shall be pressurized to a pressure of 28 inches, \pm 1.0 inches, of water.

10. The flow shall be turned off and the decay of pressure monitored for up to two minutes.

11. If at any time during the two minutes the gas cap test rig is being monitored the pressure drops from the starting pressure by more than six inches of water, the test shall be terminated and the vehicle shall be determined to fail the evaporative pressure test; otherwise the vehicle shall pass the gas cap test.

12. If both the fuel tank and gas cap pressures tests are passed, the vehicle shall pass the evaporative system pressure test.

13. At the termination of the test, the vapor hose and gas cap shall be reinstalled.

C. If the vehicle fails the evaporative system pressure test solely because of the failure of the gas cap test, a new gas cap may be installed and a second chance gas cap test performed. Any failure and subsequent pass under this second chance testing must be recorded as part of the emissions inspection and reported to the customer.

9 VAC 5-91-460. Fuel system evaporative purge test procedure.

A. The evaporative purge test shall be conducted only on vehicles receiving the ASM exhaust emissions test and shall be conducted in conjunction with that test.

B. The evaporative purge test shall be performed according to the requirements of 40 CFR 51.357 (a) (9) and (b) (3), or according to alternate procedures approved by the Environmental Protection Agency and approved by the department as part of a certified analyzer system.

C. If the certified analyzer system uses the procedures in 40 CFR 51.357 (a) (9), the test shall be performed as follows:

1. Prior to initiating the ASM exhaust emissions test, the vapor hose or line between the evaporative canister and the engine shall be disconnected at one end and the purge flow meter installed, reconnecting the system.

2. The vehicle shall undergo the ASM test and the evaporative purge flow shall be monitored.

3. If the purge flow meter indicates a total flow volume of over one liter at any time over the course of the ASM exhaust emissions test, the vehicle shall pass the evaporative purge test.

4. If the ASM exhaust emissions test ends prior to a purge of one liter, and the vehicle did not receive a second chance ASM test, the vehicle shall be operated

up to an additional 90 seconds in the ASM 2525 mode in order to detect a purge exceeding one liter. Otherwise, the vehicle shall be determined to have failed the evaporative purge test.

5. At the termination of the test the flow meter shall be disconnected and the vapor hose reconnected.

D. If the evaporative purge test is conducted by introducing an inert gas to the evaporative system and determining its presence in the exhaust, the test shall be conducted as follows:

1. Prior to initiating the ASM exhaust emissions test, the gas cap shall be removed and an appropriate fuel filler inlet adapter installed.

2. Helium or a suitable inert gas shall be introduced into the fuel tank according to the specifications of the analyzer system manufacturer.

3. The exhaust shall be monitored for the flow of [helium the gas used].

4. At the end of ASM exhaust emissions test, if the helium concentration has at no time exceeded 25 ppm, the vehicle shall be determined to have failed the evaporative purge test; except that if the vehicle passed or failed the ASM exhaust emissions test without requiring a second chance test in either mode, the vehicle shall be operated the additional time periods allowed for whichever second-chance test modes have not been performed in order to obtain a passing concentration of 25 ppm. Otherwise, the vehicle shall fail the evaporative purge test.

5. At the termination of the test, the gas cap shall be properly reinstalled.

9 VAC 5-91-470. Short test standards for warranty eligibility.

A. For 1981 and newer model year light-duty vehicles for which any of the test procedures described in 9 VAC 5-91-420 are utilized to establish Emissions Performance Warranty eligibility, (i.e., 1981 and newer model year light-duty vehicles at low altitude and 1982 and newer model year vehicles at high altitude certification standards of 1.5 grams per mile HC and 15 grams per mile CO or less) short test emissions for all tests and test modes for HC shall not exceed 220 parts per million as hexane and 1.2% CO.

B. For 1981 and newer model year light-duty trucks for which any of the test procedures described in 9 VAC 5-91-420 are utilized to establish Emissions Performance Warranty eligibility, (i.e., 1981 and newer model year light-duty trucks at low altitude and 1982 and newer model year trucks at high altitude certification standards of 2.0 grams per mile HC and 26 grams per mile CO or less) short test emissions for all tests and test modes for HC shall not exceed 220 parts per million as hexane and 1.2% CO.

9 VAC 5-91-480. Emissions related repairs.

A. Emissions related repairs generally include only those adjustments to and maintenance and repair of the motor vehicle components and systems which are directly related to the reduction of exhaust and evaporative emissions

necessary to comply with the applicable emissions standards. The expenditure for emissions related repairs does not include the inspection fee as specified in § 46.2-1182 of the Virginia Motor Vehicle Emissions Control Law, the expense of emissions related adjustments, repairs or replacements required by subdivision G 2 of 9 VAC 5-91-420 or the expenses associated with the adjustments to and maintenance, replacement, and repair of emissions control equipment on the vehicle if the need for such adjustment, maintenance, or repair is due to obvious disconnection of, tampering with, or abuse to such emissions control equipment. Emissions control equipment means any part, assembly or system originally installed by the manufacturer for the sole or primary purpose of reducing emissions.

B. Repairs and maintenance including but not limited to the following systems may qualify as emissions related repairs insofar as the purpose is to reduce exhaust or evaporative emissions:

1. Air intake systems.
2. Ignition systems.
3. Electrical systems.
4. Fuel control systems.
5. Emissions control systems.
6. Basic engine systems.
7. Engine cooling systems for microprocessor based air and fuel control systems.
8. On-board diagnostic systems.

9 VAC 5-91-490. Engine and fuel changes.

A. For those vehicles in which the original engine has been replaced, the following conditions shall apply:

1. The emissions standards and applicable emissions control equipment for the year and model of the vehicle body or chassis, or the engine, whichever is newer, according to the registration or title, shall apply.
2. For those diesel powered vehicles which have been converted to operate on fuels other than diesel, the emissions standards and applicable emissions control equipment for the year, make and model of the gasoline equivalent for the vehicle chassis, according to the registration, shall apply.
3. Exceptions and final determinations regarding this section may be granted by the department provided information is verifiable by inspection of the vehicle engine and emissions control equipment by the department.

B. For those vehicles titled or registered as model year 1973 and newer, that were assembled by other than a licensed manufacturer, such as kit cars, the applicable emissions control equipment and emissions standards shall be based upon a determination of the year of the vehicle engine. The year of the engine shall be presumed to be that stated by the vehicle owner unless it is determined by the department, after physical inspection of the vehicle engine,

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that the year of the engine is other than stated by the owner. The emissions standards for a vehicle of this classification shall be determined by the year of manufacture of the engine.

C. For those vehicles which have the capability or are equipped to operate on either gasoline or an alternative fuel, and are subject to emissions inspections, the vehicle shall be tested while operating on gasoline.

D. In order to provide for the accurate inspection and registration coordination of motor vehicles in which the original engine has been replaced, questions shall be referred to the department for resolution.

PART VII.

VEHICLE EMISSIONS REPAIR FACILITY CERTIFICATION.

9 VAC 5-91-500. Applicability and authority.

A. The director shall issue, deny, suspend or revoke certification and establish procedures and other instructions for the operation of vehicle emissions repair facilities where vehicle emissions related repairs will apply toward a vehicle emissions inspection waiver.

B. The provisions of this part apply to initial certifications, renewals of certification, reinstatements and requalifications.

C. The director shall issue a certification for any emissions repair facility qualified or requalified under 9 VAC 5-91-510 except facilities whose suspension period has not expired.

9 VAC 5-91-510. Certification qualifications.

A. Application for certification shall be made to the department in accordance with procedures approved by the department.

B. Applicants shall demonstrate to the department the ability to conform to this chapter.

C. Certifications shall be valid only to the emissions repair facility, owner, or leasee for which it is issued and may not be transferred or used at any other emissions repair facility nor by any other owner.

D. Transfer or sale of business, or changes in name or location will require notification to the department and may require new certification.

E. The department may require proof of business ownership, articles of incorporation, partnership agreements and lease agreements prior to certification of an emissions repair facility.

F. All emissions repair facility certification documentation shall be posted in a conspicuous place on the certified premises, within view of the public and approved by the department.

G. Certification is valid for time periods determined by the department, not to exceed three years. [The director may extend such certification once, for up to 180 days, if shown that the availability of training or equipment prevent recertification prior to expiration.]

H. Equipment, tools, and reference materials, including but not limited to the following list, are required to be available in

certified emissions repair facilities contingent on commercial availability.

1. For vehicles subject to the Northern Virginia emissions inspection program and serviced by that emissions repair facility, current reference material, either in manual or electronic form, to include:

- a. Emissions control systems and application guides.
- b. Emissions related repair guides.

2. Necessary tools and equipment, either as components or as a complete system, for emissions related repairs as listed below:

- a. [An A four-gas] exhaust emissions analyzer capable of analyzing exhaust emissions from vehicles on which emissions repairs are being performed.
- b. Oscilloscope or other automotive analyzer capable of displaying ignition patterns, cylinder power contributions, and square wave and injection patterns of vehicles.
- c. Ammeter, DC.
- d. Ohmmeter.
- e. Voltmeter, AC/DC.
- f. Tachometer, RPM meter.
- g. Fuel pressure gauge capable of fuel injection diagnosis.
- h. Cam-angle dwell meter.
- i. Ignition timing light with timing advance meter and adjustment.
- j. Compression test gauge and cylinder leak-down tester.
- k. Vacuum pump with gauge for applying simulated manifold vacuum to emissions control devices.
- l. Temperature gauge (32° to 300°F) for measuring engine coolant temperature.
- m. Scan tools, supplemental analyzer provisions, or detailed reference materials sufficient to allow the extraction and interpretation of computer fault codes from any vehicle being repaired that is equipped with an exhaust gas oxygen sensor and malfunction indicator light.

9 VAC 5-91-520. Expiration, reinstatement, renewal, and requalification.

A. Upon expiration, suspension, or revocation of certification, vehicle emissions related repairs henceforth performed by the emissions repair facility shall no longer be applicable toward a vehicle emissions inspection waiver as described in 9 VAC 5-91-420 N.

B. A new application is required after revocation or expiration of the certification.

C. The director shall reinstate an emissions repair facility certification at the end of a suspension period upon notification by the facility that the suspension period has ended.

D. Requalification may be required at any time by the department based on the results of monitoring of emissions repair facility performance or changes in applicable vehicle emissions control or repair technology.

E. If an emissions repair facility fails to become requalified within 90 days after notice of requalification requirement by the department, the certification shall expire.

F. The department will endeavor to notify facilities prior to the expiration of certification. However, it is the responsibility of the emissions repair facility to have a current valid certification.

G. Expiration of certification or revocation of certification shall require reapplication.

H. Upon expiration or notification of revocation, the emissions repair facility shall surrender to the department all certification documents issued by the department.

I. Any applicant whose certification has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

9 VAC 5-91-530. Emissions repair facility operations.

A. Emissions repair facilities shall maintain applicable repair and certification related records available for inspection and audit by the department any time during normal business hours for 12 months.

B. Emissions repair facilities shall employ at least one certified emissions repair technician during posted emissions repair station hours.

C. Emissions repair facilities operations shall be conducted in accordance with applicable statutes and this chapter.

D. Emissions repair facilities shall provide emissions repair data and other such information related to repair effectiveness as required by the department in accordance with 9 VAC 5-91-530 A for the purposes of emissions related repair performance monitoring.

E. No facility shall be represented as a certified emissions repair facility unless a valid certification has been issued for that facility by the director.

F. Emissions repair facilities shall cooperate with the department during the conduct of audits, investigations and complaint resolutions.

G. Equipment, tools, and reference materials must be maintained in proper working order.

H. Emissions repair facilities shall maintain a file of the name, address, and identification number of all currently employed certified emissions technicians and shall provide such information to the department upon request.

9 VAC 5-91-540. Sign posting.

A. Emissions repair facilities performing emissions related repairs for the public shall post a sign approved or provided by the department designating the location as a certified vehicle emissions repair facility in a conspicuous location on the premises, in view of the public and approved by the department.

B. Emissions repair facilities performing emissions related repairs for the public shall post the applicable waiver [~~costs~~ ~~that~~ cost requirement] in a conspicuous location on the premises, in view of the public, and approved by the department.

PART VIII.

EMISSIONS REPAIR TECHNICIAN CERTIFICATION AND RESPONSIBILITIES.

9 VAC 5-91-550. Applicability and authority.

A. The director shall issue, deny, suspend or revoke certifications to perform adjustments and repairs which are intended to apply towards a vehicle emissions inspection waiver.

B. The provisions of this part apply to initial certifications, renewals, requalifications and any reinstatement of certification.

C. The director shall issue a certification to any person qualified or requalified under 9 VAC 5-91-560 except persons whose suspension period has not expired.

9 VAC 5-91-560. Certification qualifications for emissions repair technicians.

A. Application for certification under this part shall be made to the department and in accordance with procedures approved by the department.

B. Applicants shall demonstrate to the department the ability to conform with applicable motor vehicle laws and this chapter.

C. Certification is valid only for the person to whom it is issued.

D. Emissions repair technicians may be certified to perform emissions related repairs at more than one certified station.

E. Certification is valid for a time period determined by the department, not to exceed three years. [The director may extend such certification once, for up to 180 days, if shown that the availability of training or equipment prevent recertification prior to expiration.]

F. The requirements for emissions repair technician certification are as follows:

1. The certification process shall be administered by the department or its agent according to procedures of the department. Before applicants are certified, they must comply with the requirements of this section. The department will notify applicants of the certification requirements prior to testing.

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2. An applicant shall demonstrate knowledge, skill, and competence concerning the adjustment and repair of vehicle emissions control systems. Such knowledge, skill and competence shall be demonstrated by passing a qualification test and certification process, which may include training, as approved by the department. Such demonstration may include knowledge of the following:

- a. Operation and purpose of emissions control systems.
- b. Relationship of hydrocarbon, oxides of nitrogen and carbon monoxide emissions to timing and air-to-fuel ratio control and vehicle load as applicable to the emissions inspection required.
- c. Adjustment and repair to manufacturers' specifications.
- d. Contemporary diagnostic and engine tune-up procedures.
- e. Emissions related adjustment and repair requirements for all vehicles failing an emissions inspection [, in particular, the adjustment and repair of those systems described in 9 VAC 5-91-480].
- f. Other such relevant emissions related repair criteria, as determined by the department.
- g. Other provisions of this chapter applicable to emissions related repair.

G. Any [certification] applicant whose certification has been revoked shall make a showing to the director that the condition causing the revocation has been corrected to the satisfaction of the director.

9 VAC 5-91-570. Expiration, reinstatement, renewal and requalification.

A. Upon expiration, suspension, or revocation of the certification, the emissions repair technician shall no longer be authorized to perform emissions related repairs and have them apply toward emissions inspection waivers as described in 9 VAC 5-91-420 N.

B. Certification of an emissions repair technician is required as a result of revocation or expiration of the certification.

C. The director shall reinstate certification of an emissions repair technician at the end of a suspension period upon notification by the emissions repair technician that the suspension period has ended.

D. Requalification may be required at any time by the department based on the results of monitoring of the performance of the emissions repair technician or based on changes in applicable vehicle emissions control or repair technology. Failure to requalify within 90 days shall result in expiration of the emissions repair technician certification.

E. The department will endeavor to notify technicians prior to the expiration of their certification. However, it is the responsibility of the emissions repair technician to maintain a current certification.

F. Upon expiration or notification of revocation or suspension, the technician shall surrender to the department all certification documents issued by the department.

G. Requalification requirements for all emissions repair technicians.

1. When necessary to update the technical qualifications of emissions repair technicians, or when technician performance monitoring indicates a need for additional training or other action, holders of emissions repair technician certifications shall be required to requalify.

2. Emissions repair technicians shall be required to requalify within 90 days from the date of written notification by the department. Notice of this requirement shall be mailed to the address of record as maintained by the department. The notice shall inform the person of the necessity of requalification and the nature of such skills, systems, and procedures requiring the training for the continued performance as an emissions repair technician. The notice shall give the name and location of training sources approved or accredited for purposes of retraining, the necessity of requalification by a certain date, and the nature and evidence of documentation to be filed with the department evidencing such requalification.

9 VAC 5-91-580. Certified emissions repair technician responsibilities.

A. No person shall claim to be a certified emissions repair technician without holding a valid certification issued by the director.

B. Certification documents shall be available on the premises where the emissions repair technician is performing emissions related repairs and available to department personnel upon request.

C. Emissions repair technicians shall keep their current mailing address and place of employment on file with the department.

D. Certified emissions repair technicians shall properly complete and sign forms, including but not limited to the repair section of the vehicle emissions inspection report, indicating the diagnosis or reason for failure of the emissions inspection, the type of emissions related repair work performed, the itemized and total cost of such repairs, and provide other data the department requires for consideration of emissions inspection waiver requests.

E. All emissions repair technicians shall cooperate with the department during the conduct of audits, investigations and complaint resolution.

PART IX.
[Reserved.]

[9 VAC 5-91-590 through 9 VAC 5-91-630. Reserved.]

PART X.
ANALYZER SYSTEM CERTIFICATION AND
SPECIFICATIONS FOR ENHANCED EMISSIONS
INSPECTION PROGRAMS.

9 VAC 5-91-640. Applicability.

A. The provisions of this chapter apply to any [~~instrument or equipment~~ system] used for measuring exhaust gases and evaporative emissions from motor vehicles in the Virginia Motor Vehicle Emissions Control Program.

B. No owner or other person shall conduct emissions inspections required by the Virginia Vehicle Emissions Control Program pursuant to this chapter unless the analyzer system used to perform such inspections is certified by the department and such other required equipment meets the provision of this chapter.

9 VAC 5-91-650. Design goals.

A. The analyzer system shall be designed for maximum operational simplicity with a minimum number of operational decisions required by the emissions inspector in the performance of a complete [~~exhaust~~] emissions analysis including [~~exhaust tests,~~] evaporative emissions [~~tests-~~] or fuel filler cap [~~test tests, other emissions-related electronic or mechanical tests,~~] or a combination of such tests.

B. The analyzer system shall be unaffected by ambient conditions in a typical emissions inspection station environment and its use shall be primarily for compliance inspection purposes. It shall be capable of providing emissions characteristics, independent of the inspection function, which can be used for vehicle diagnostic work as well.

C. The analyzer system shall be of a design which can perform ASM testing using a BAR 90 analyzer with the addition of (i) a dynamometer, (ii) a NOx analyzer, (iii) evaporative emissions control system pressure test equipment, (iv) fuel filler cap test equipment, [and] (v) [~~on-board diagnostic (OBD) connection equipment for manufacturer phase I, and (vi)~~] a two-dimensional bar code reader and laser printer.

D. The analyzer shall be readily upgradable, without replacing the existing central processing unit, to incorporate on-board diagnostic (OBD) phase II testing equipment, evaporative system purge test equipment, and additional electronic vehicle identification equipment such as video and audio processes.

9 VAC 5-91-660. Warranty; service contract.

A. A certified emissions analyzer system shall include, at a minimum, a warranty, including parts and labor, which shall begin on the day of the enhanced emissions inspection program implementation and continue in force for one year. The disk drive system in the central processing unit shall be warranted for two years.

B. Emissions analyzer system manufacturers or vendors shall offer, at a price to be stated at the time such system is offered for sale, an extended warranty for an additional five years beyond the initial one-year warranty.

C. Emissions analyzer system manufacturers or vendors shall offer, at a price to be stated at the time such system is offered for sale, a maintenance service contract for the period of time remaining from the startup date to a date six years afterward.

9 VAC 5-91-670. Owner provided services.

A. The owner of an emissions inspection station shall enter into an agreement with a manufacturer or its authorized representative to provide the following services to the emissions inspection station at an initial fixed cost per analyzer system to be agreed upon by both parties.

1. Delivery, installation, calibration, and verification of the proper operating condition of an analyzer system which has been certified in writing by the department.

2. Training of all inspectors employed by the emissions inspection station at the time of installation in (i) the proper use, maintenance, and operation of the exhaust analyzer system, (ii) the step-by-step procedure for performing an emissions inspection and any evaporative emissions control system test or fuel filler cap test required, and (iii) proper safety precautions for dynamometer use and exhaust and calibration gas ventilation procedures.

3. Annual updates [, except those to be performed by department personnel,] of the preexisting internal computer software of the analyzer as specified by the department including, but not limited to:

- a. Changes to the emissions standards;
- b. Changes to the listed vehicle codes;
- c. Changes to the items in the printing system to correspond to changes in other requirements; and
- d. Additions or changes to the [~~tampering emissions control equipment~~] list.

B. Emissions inspection stations shall maintain their analyzer systems in good working condition such that they continue to meet certification requirements. Any further arrangements regarding service or maintenance are at the discretion of the emissions inspection station and the manufacturer or equipment vendor.

C. Repair or replacement of analyzer system components, other than for normal maintenance, must be performed by the analyzer system manufacturer or authorized agent.

9 VAC 5-91-680. Certification of analyzer systems.

A. No analyzer system may be installed, sold or represented as a certified enhanced analyzer system without prior written certification by the department.

B. [~~In order to receive department certification,~~] The analyzer system must have a certificate from the manufacturer that it meets the specifications of 40 CFR Part 85, Subpart W. This certification is necessary so that inspections performed using that analyzer will qualify applicable vehicles for warranty repair coverage according to

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the provisions of the Emissions Control System Performance Warranty (§ 207(b) of the federal Clean Air Act).

C. A ~~[-manufacturer person]~~ requesting the [approval certification] of an ~~[-instrument for the measurement of exhaust-gases emissions analyzer system]~~ for use in the Virginia Motor Vehicle Emissions Control Program shall make application to the department using procedures approved by the department.

[D. The analyzer system, in order to become certified for use and be used for emissions inspections, shall conform to the equipment specifications and quality control requirements of EPA Technical Guidance document EPA-AA-RSPD-IM-96-2 unless requirements contained therein are excluded or superseded by requirements of this chapter as enumerated below.

1. Vehicles powered by a fuel other than gasoline are not covered by this program and references to emissions standards and correction factors to test such vehicles do not currently apply to this program. (Ref. EPA-AA-RPSD-IM-92-2 § 85.1(b)(1)(iv)).

2. The emissions inspection equipment is not required to incorporate vehicle brake sensing. (Ref. EPA-AA-RPSD-IM-92-2 § 85.2(a)(5)).

3. The preconditioning period for all vehicles undergoing an ASM test shall be 90 seconds. System prompts regarding queuing time are unnecessary. (Ref. EPA-AA-RPSD-IM-92-2 § 85.21(b)(10)(i) and (ii)(C)).

4. All vehicles of model year 1996 and newer equipped with the SAE standardized OBD connection shall have engine RPM and emissions-related information read through the OBD connection beginning January 4, 1999. Emissions inspection equipment shall have the necessary equipment to perform such testing by this date. (Ref. EPA-AA-RPSD-IM-92-2 § 85.1(c)(9) and § 85.3(c)(5)).

5. Vehicles subject to ASM testing shall receive the ASM 2525 and ASM 5015 modes in that sequence, followed by any second chance testing for which the vehicle is eligible in the same sequence. Second chance tests shall only be performed on vehicles which failed the first chance test within 150% of all applicable standards. (Ref. EPA-AA-RPSD-IM-92-2 § 85.2(d) and (e)).

6. Dynamometers shall be calibrated through a coast-down procedure every 72 hours. (Ref. EPA-AA-RPSD-IM-92-2 § 85.4(b)(1)).

7. The allowable tolerances for the low-range audit gas in § 85.4(d)(2)(iii)(B) shall be: ± 10 ppm HC, $\pm 0.025\%$ CO, $\pm 0.36\%$ CO₂, and ± 28 ppm NO. For the time period in which phase-in exhaust emissions standards are in use, analyzers shall not lock out unless the low-range gas audit has been out of tolerance for more than 72 hours. However, for any reading out of tolerance with the low-range audit, the system shall prompt the inspector to have the analyzer serviced.

8. Analyzer calibration gas bottles shall be bar-coded or have bar-coded labels providing the specifications of the gas contained within and the analyzer system shall require a reading of these specifications, through the system bar code reader, whenever the bottles are changed. The calibration gases, therefore, may have up to a 5.0% blend tolerance. (Ref. EPA-AA-RPSD-IM-92-2 § 85.4(d)(2)(iv)).

9. The analyzer shall prompt for gas audits to be performed quarterly. (Ref. EPA-AA-RPSD-IM-92-2 § 85.4(d)(3)(i)).

10. Analyzer audit gas bottles shall be bar-coded or have bar-coded labels providing the specifications of the gas contained within and the analyzer system shall require a reading of these specifications, through the system bar code reader, whenever the audit is conducted. The calibration gases, therefore, may have up to a 5.0% blend tolerance. (Ref. EPA-AA-RPSD-IM-92-2 § 85.4(d)(3)(iv)).]

9 VAC 5-91-690. Span gases; gases for calibration purposes.

A. The gases used in the emissions inspection shall be approved by the department and shall comply with the "Virginia Approved Span Gas Verification Program" requirements as established by the department.

1. Gases shall be manufactured in accordance with U.S. Environmental Protection Agency technical report, "EPA Recommended Practice for Naming IM Calibration Gas."

2. The station owner shall maintain a comprehensive, up-to-date list [provided by the department], including [with] addresses and phone numbers, of gas blenders approved by the department.

B. The gas concentrations [supplied to the , requirements, and tolerances of gases used by] emissions inspection stations shall conform to the specifications contained in [this section EPA-AA-RSPD-IM-96-2 and each container shall bear a bar-coded label containing concentration and tolerance information as required for calibration and audit purposes]. [Accuracy of the gas blends shall be certified by the gas blender to be within $\pm 2.0\%$ of the labeled concentration and shall be traceable to the National Institute of Standards and Technology.

~~1. The carrier gas shall be nitrogen; the hydrocarbon gas shall be propane. Three component (hydrocarbon, carbon monoxide, carbon dioxide and carrier) gases shall be provided.~~

~~2. The concentrations of the gas blend shall be within limits established by the department to provide for uniform exhaust gas analyzer spanning.]~~

C. Gases shall be supplied in containers which meet all the provisions of the Occupational Safety and Health Administration as specified in 36 Federal Register 105, dated May 29, 1971.

D. Each [analyzer] instrument shall be permanently labeled with its optical correction factor (also referred to as

"C" factor, propane equivalency factor, or propane to hexane conversion factor), carried to at least two decimal places (within the gas accuracy limits), e.g., (0.52). Factor confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane on assembly line quality checks.

9 VAC 5-91-700. Calibration of exhaust gas analyzers.

The department shall use, and require for use, gases and containers meeting the following parameters, blends, and specifications in the calibration of exhaust gas analyzers:

1. The calibration gases for standardizing instruments shall conform to the provisions outlined in ~~[40 CFR 86.114-79, or other specific guidance from the Environmental Protection Agency for ASM equipment, for automotive exhaust emissions testing. These gases shall be of precision quality, certified to be within $\pm 1.0\%$ of the labeled concentration, and traceable to the National Institute of Standards and Technology EPA-AA-RSPD-IM-96-2]~~.

2. Analyzers shall automatically ~~[require perform]~~ and ~~[successfully]~~ pass a three-point gas calibration for HC, CO, and CO₂ and a two-point calibration for NO, within 72 hours before each test.

3. Analyzers shall ~~[automatically]~~ require and ~~[successfully]~~ pass a five-point gas audit for HC, CO, CO₂, and NO ~~[at least]~~ every ~~[90 180]~~ days and each time an analyzer emissions measurement system, sensor, or other electronic components are repaired or replaced.

9 VAC 5-91-710. Upgrade of analyzer system.

A. Any requirement to upgrade a certified emissions ~~[inspection]~~ analyzer system ~~[as beyond the specifications and requirements]~~ described in this chapter ~~[and EPA-AA-RSPD-IM-96-2]~~ shall apply to all such systems certified under this chapter and shall require an amendment to this chapter.

B. Such upgrade may include, but not be limited to, ~~[enhanced]~~ on-board diagnostic (OBD) ~~[phase-II]~~ testing equipment, any evaporative emissions control system pressure test or purge test equipment not already in use, and electronic vehicle identification systems such as video and audio processes.

PART XI. MANUFACTURER RECALL.

9 VAC 5-91-720. Vehicle manufacturer recall.

A. Motor vehicles subject to the enhanced emissions inspection program shall have any known emissions-related, vehicle manufacturer recall requirement satisfied prior to testing.

B. Manufacturers' emissions-related recall requirements may be pursuant to either a "Voluntary Emissions Recall" as defined at 40 CFR 85.1902(d) or to a remedial plan determination made pursuant to 42 USC § 7541(c).

C. The motor vehicle owner shall provide proof of compliance with such recall requirement to the emissions inspector or to the department.

1. Such proof shall consist of dated receipts from a motor vehicle dealer or repair facility authorized by the vehicle manufacturer to perform such repair or adjustment required by the recall.

2. The motor vehicle owner is responsible for obtaining satisfactory resolution of any such recall requirement and retaining all pertinent records and data.

D. Notification by mail to the motor vehicle owner of an emissions-related manufacturer recall at least 60 days prior to the requirement for an emissions inspection shall constitute adequate notice. Such notice may be provided through motor vehicle registration renewal notification, motor vehicle dealer notification, notification by the department, or other means.

9 VAC 5-91-730. Exemptions; temporary extensions.

A. An exemption to the requirement to comply with emissions-related manufacturer recall may be granted by the director upon a showing, documented by corroborating information from the vehicle manufacturer or dealer, that such recall is no longer valid or can no longer be complied with due to technical reasons.

B. An extension of the vehicle emissions inspection valid period may be granted by the department for the purpose of compliance with emissions-related manufacturer recall upon a showing, documented by corroborating information from the vehicle manufacturer or dealer, that required parts, tools or required technological information is unavailable. Such extension shall be for a period which reflects the demonstrated need, not to exceed two years.

PART XII. ON-ROAD TESTING.

9 VAC 5-91-740. General requirements.

A. The on-road testing program shall conform, at a minimum, to the requirements of 40 CFR 51.371 and § 46.2-1178.1 of the Code of Virginia applicable to the program area in which it is employed.

B. The emissions standards for the on-road ~~[testing remote sensing]~~ program are those contained in Table III-B in ~~[9 VAC 5-91-170 9 VAC 5-91-180]~~.

C. The ~~[remote sensing on-road testing]~~ program and the emissions standards applicable thereto shall apply to all motor vehicles registered in the program area and ~~[all these any]~~ vehicles operated ~~[primarily]~~ in the program area.

9 VAC 5-91-750. Operating procedures; violation of standards.

A. Remote sensing equipment shall be operated in accordance with the remote sensing equipment manufacturers operating instructions and any contract or agreement between the department and the equipment operator.

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B. Motor vehicles determined by remote sensing equipment to have exceeded the applicable emissions standard in Table III-B in 9 VAC 5-91-170 twice within 90 days shall be considered to have violated such emissions standards.

1. Owners of such motor vehicles shall be issued a notice of violation and shall be subject to the civil charges in 9 VAC 5-91-760 unless waived pursuant to this section.

2. [If Upon a determination by the department that] a violation has occurred, motorists shall be informed by the department or its representative of the failure to comply with emissions standards and of the dates, times, and places such remote sensing occurred.

C. Civil charges assessed pursuant to this part shall be waived if, within 90 days of the date of the notice of the violation, the motor vehicle owner provides proof [to the department] that [(i)] since the date of the violation, [(i)] the vehicle has passed a vehicle emissions inspection, (ii) the vehicle has received an emissions inspection [~~and qualifies for a~~] waiver, or (iii) the vehicle has qualified for a waiver within the 12 months prior to the violation.

D. The requirement for an emissions inspection, based on a remote sensing failure, may be waived by the department if the motor vehicle in question is, by virtue of its registration date, required to have an emissions inspection within 90 days of the date of the notice of violation.

9 VAC 5-91-760. Schedule of civil charges.

A. No charge shall exceed an adjusted maximum charge of \$450 adjusted annually by using 1990 as the base year and applying the consumer price index.

B. For violations measured in accordance with 9 VAC 5-91-750 B to be up to 120% of the applicable standard, the charge shall not exceed 20% of the adjusted maximum charge in subsection A of this section.

C. For violations measured in accordance with 9 VAC 5-91-750 B to be [~~up to~~ more than 120% but not exceeding] 140% of the applicable standard, the charge shall not exceed 40% of the adjusted maximum charge in subsection A of this section.

D. For violations measured in accordance with 9 VAC 5-91-750 B to be [~~up to~~ more than 140% but not exceeding] 160% of the applicable standard, the charge shall not exceed 60% of the adjusted maximum charge in subsection A of this section.

E. For violations measured in accordance with 9 VAC 5-91-750 B to be [~~up to~~ more than 160% but not exceeding] 180% of the applicable standard, the charge shall not exceed 80% of the adjusted maximum charge in subsection A of this section.

F. For violations measured in accordance with 9 VAC 5-91-750 B to be [~~up to 200% or more over 180%~~] of the applicable standard, the charge shall not exceed the adjusted maximum charge in subsection A of this section.

G. Civil charges assessed pursuant to this part shall be paid into the state treasury according to § 46.2-1178.1 of the Code of Virginia.

[H. For the purpose of applying a civil charge as prescribed in this section, the degree of violation shall be determined by averaging the readings which exceed the standard.]

PART XIII. FEDERAL FACILITIES.

9 VAC 5-91-770. General requirements.

A. Federal facilities located within the Northern Virginia program area shall be subject to the Northern Virginia Vehicle Emissions Control Program, and [administrators of such facilities] shall ensure compliance with [the all applicable] program [requirements], according to § 118 of the federal Clean Air Act.

B. The program applies to affected motor vehicles (i) operated on or commuting to the federal facility regardless of where the vehicles are registered, and (ii) affected motor vehicles owned, leased, or operated by the federal government or federal employees.

C. This requirement shall not apply to vehicles which operate on or commute to federal facilities less than 60 calendar days per year.

9 VAC 5-91-780. Proof of compliance.

A. Each federal facility administrator or his designee shall provide the department with proof of compliance with this chapter by March 31 of each year, covering the preceding calendar year.

B. Such proof shall consist of a report, in a format approved by the department, which identifies, at a minimum:

1. A listing of each affected motor vehicle that has complied with all requirements of this chapter, its date of compliance, and the means of compliance as described in subsection C of this section;

2. A listing of each affected motor vehicle that has not complied with all requirements of this chapter and the reasons therefor; and

3. A plan for action necessary to ensure that vehicles in noncompliance with this part are brought into compliance within 90 days.

C. The federal facility administrator shall use one of the following means to establish proof of compliance:

1. Presentation of a valid vehicle inspection report showing compliance with any enhanced emissions inspection program;

2. Presentation of proof of [vehicle Department of Motor Vehicles] registration identifying a garaged address within the Northern Virginia program area; or

3. Any other means approved by the department.

[D. Each federal facility administrator or his designee shall collect and remit to the department a fee of \$2.00 per vehicle

per year of registration, as required by § 46.6-1182.1 of the Code of Virginia for vehicles commuting to and operated on the facility as described in this part and operated primarily in but not registered in the program area. Such remittance shall occur annually by March 31 of each year, covering the preceding calendar year.

E. Failure to comply with this part shall cause a notice of violation to be issued to the facility administrator.]

PART XIV. ASM EXHAUST EMISSION STANDARDS.

9 VAC 5-91-790. ASM start-up standards.

[~~Start-up~~ The following] standards shall [~~be used during the first test cycle~~ apply upon implementation] of the emissions inspection program. The exhaust emissions standards for the following model years are cross-referenced by using the number in the column in Table 14.1 to locate the column that lists the appropriate standards in the tables in 9 VAC 5-91-810. Each column reference below corresponds to two columns, one for the ASM 5015 and one for the ASM 2525, in Table 14.3. The test standards are then listed in the appropriate column according to the Equivalent Test Weight.

TABLE 14.1
Light Duty Vehicles.

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1	1	21	41
1991-1995	2	22	42
1983-1990	4	23	43
1981-1982	4	26	43
1980	4	26	48
1977-1979	11	30	48
1975-1976	11	30	50
1973-1974	13	34	50
1968-1972	13	34	51

Light Duty Trucks 1 (less than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<3750 LVW)	1	21	41
(>3750 LVW)	2	22	42
1991-1995	5	26	43
1988-1990	7	29	44
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50
1973-1974	13	34	50
1968-1972	13	34	51

Light Duty Trucks 2 (greater than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<5750 LVW)	2	22	42
(>5750 LVW)	5	26	45
1991-1995	5	26	46

1988-1990	7	29	47
1984-1987	7	29	49
1979-1983	11	31	49
1975-1978	12	32	50
1973-1974	13	34	50
1968-1972	13	34	51

9 VAC 5-91-800. ASM final standards.

[~~Final~~ The following] standards shall [~~be used during the second and subsequent test cycles of the emissions inspection program~~ apply beginning one year after program implementation] unless specifically determined according to 9 VAC 5-91-170 [to apply at a later date]. The exhaust emissions standards for the following model years are cross-referenced by using the number in the column in Table 14.2 to locate the column that lists the appropriate standards in the tables in 9 VAC 5-91-810. Each column reference below corresponds to two columns, one for the ASM 5015 and one for the ASM 2525, in Table 14.3. The test standards are then listed in the appropriate column according to the equivalent test weight.

TABLE 14.2
Light Duty Vehicles.

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1	1	21	41
1983-1995	1	21	41
1981-1982	1	23	41
1980	1	23	45
1977-1979	6	27	45
1975-1976	6	27	48
1973-1974	10	32	48
1968-1972	10	32	49

Light Duty Trucks 1 (less than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<3750 LVW)	1	21	41
(>3750 LVW)	1	21	41
1988-1995	3	24	42
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48
1973-1974	10	32	48
1968-1972	10	32	49

Light Duty Trucks 2 (greater than 6000 pounds GVWR).

Model Years	Hydrocarbons Table 14.3 A	Carbon Monoxide Table 14.3 B	Oxides of Nitrogen Table 14.3 C
1994+ Tier 1			
(<5750 LVW)	1	21	41
(>5750 LVW)	1	21	41
1988-1995	3	24	44
1984-1987	3	24	46
1979-1983	8	28	46
1975-1978	9	29	48
1973-1974	10	32	48
1968-1972	10	32	49

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9 VAC 5-91-810. ASM 2525 and 5015 Concentration Tables.

A. ASM 2525 and ASM 5015 Hydrocarbon Table (ppm C6)

Column ETW	1 5015	1 2525	2 5015	2 2525	3 5015	3 2525	4 5015	4 2525
1750	142	136	224	216	257	249	291	282
1875	134	129	212	205	243	236	275	266
2000	127	123	201	194	230	223	260	252
2125	121	116	191	184	219	212	246	239
2250	115	111	182	175	208	201	234	227
2375	109	106	173	167	198	192	223	216
2500	105	101	166	160	189	183	212	206
2625	100	97	159	153	181	175	203	197
2750	96	93	152	147	173	168	194	189
2875	92	89	146	141	167	161	187	181
3000	89	86	141	136	160	155	180	174
3125	86	83	136	132	155	150	173	168
3250	83	80	132	127	149	145	167	162
3375	81	78	128	123	145	140	162	157
3500	78	76	124	120	140	136	157	152
3625	76	74	120	117	136	132	152	148
3750	74	72	117	114	133	129	148	144
3875	72	70	114	111	129	125	144	140
4000	71	68	112	108	126	122	140	137
4125	69	67	109	106	123	119	137	133
4250	67	65	107	103	120	117	134	130
4375	66	64	104	101	118	114	131	127
4500	65	63	102	99	115	112	128	124
4625	63	61	100	97	113	109	125	122
4750	62	60	98	95	110	107	122	119
4875	61	59	96	93	108	105	120	117
5000	60	58	94	92	106	103	117	114
5125	58	57	93	90	104	101	115	112
5250	57	56	91	88	102	99	112	110
5375	56	55	89	86	100	97	110	107
5500	55	54	87	85	98	95	108	105
5625	54	53	86	83	96	93	106	103
5750	53	52	84	82	94	91	104	101
5875	52	51	83	80	92	90	102	99
6000	51	50	81	79	90	88	100	97
6125	50	49	80	78	89	86	98	95
6250	50	48	79	76	87	85	96	94
6375	49	48	77	75	86	84	95	92
6500	48	47	76	74	85	83	93	91
6625	48	46	76	74	84	82	92	90
6750	47	46	75	73	83	81	91	89
6875	47	46	75	73	83	81	91	89
7000	47	46	74	72	83	80	91	88
7125	47	46	74	72	82	80	90	88
7250	47	46	74	72	82	80	90	88
7375	47	46	74	72	82	80	90	88
7500	47	46	74	72	82	80	90	88

Final Regulations

Column ETW	5		6		7		8	
	5015	2525	5015	2525	5015	2525	5015	2525
1750	324	315	374	364	390	381	407	397
1875	306	297	353	344	368	359	384	375
2000	289	281	333	325	348	339	363	354
2125	274	267	316	308	329	321	343	335
2250	260	253	299	292	312	305	325	318
2375	247	241	284	277	297	290	309	302
2500	236	230	271	264	283	276	294	288
2625	225	219	259	252	270	263	281	274
2750	216	210	247	241	258	252	269	262
2875	207	201	237	231	247	241	257	251
3000	199	194	228	222	237	232	247	241
3125	191	186	219	214	228	223	238	232
3250	185	180	211	206	220	215	229	224
3375	179	174	204	199	213	208	221	216
3500	173	169	198	193	206	201	214	209
3625	168	164	192	187	200	195	207	203
3750	163	159	186	182	194	189	201	197
3875	159	155	181	177	188	184	196	191
4000	155	151	176	172	183	179	191	186
4125	151	147	172	168	179	175	186	181
4250	147	143	167	164	174	170	181	177
4375	144	140	164	160	170	166	177	173
4500	141	137	160	156	166	162	172	169
4625	137	134	156	152	162	159	169	165
4750	134	131	153	149	159	155	165	161
4875	132	128	149	146	155	152	161	157
5000	129	126	146	143	152	148	157	154
5125	126	123	143	139	148	145	154	150
5250	123	120	140	136	145	142	150	147
5375	121	118	137	133	142	139	147	144
5500	118	115	134	130	139	136	144	141
5625	116	113	131	128	136	133	141	138
5750	113	111	128	125	133	130	138	135
5875	111	108	125	122	130	127	135	132
6000	109	106	123	120	127	124	132	129
6125	107	104	120	118	125	122	129	126
6250	105	102	118	115	123	120	127	124
6375	103	101	116	113	120	118	125	122
6500	102	99	114	112	119	116	123	120
6625	101	98	113	110	117	114	121	119
6750	100	97	112	109	116	113	120	117
6875	99	97	111	109	115	113	119	117
7000	99	96	111	108	115	112	119	116
7125	98	96	111	108	115	112	119	116
7250	98	96	111	108	115	112	119	116
7375	98	96	111	108	115	112	119	116
7500	98	96	111	108	115	112	119	116

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Column ETW	9 5015	9 2525	10 5015	10 2525	11 5015	11 2525	12 5015	12 2525
1750	457	447	706	694	774	761	843	828
1875	431	421	665	653	729	717	794	780
2000	407	398	627	616	688	676	749	736
2125	385	376	592	582	650	638	707	695
2250	365	357	560	551	615	604	669	658
2375	346	339	531	522	583	573	635	624
2500	329	322	505	496	554	544	603	593
2625	314	307	481	472	528	518	574	564
2750	300	294	459	451	503	495	548	539
2875	287	281	439	431	481	473	524	515
3000	276	270	420	413	461	453	502	493
3125	265	260	404	397	443	435	482	474
3250	256	250	388	382	426	419	464	456
3375	247	241	374	368	411	404	447	440
3500	239	234	362	355	397	390	432	424
3625	231	226	350	344	384	377	418	411
3750	224	220	339	333	372	365	405	398
3875	218	213	329	323	361	355	393	386
4000	212	208	320	314	351	345	382	375
4125	206	202	311	305	341	335	371	365
4250	201	197	303	297	332	326	361	355
4375	196	192	295	290	323	318	352	346
4500	192	188	287	282	315	310	343	337
4625	187	183	280	275	308	302	335	329
4750	183	179	273	269	300	295	327	321
4875	179	175	267	262	293	288	319	313
5000	175	171	260	256	286	281	311	305
5125	171	167	254	250	279	274	304	298
5250	167	163	248	244	272	267	296	291
5375	163	159	242	238	266	261	289	284
5500	159	156	236	232	259	255	282	277
5625	156	152	231	226	253	248	276	271
5750	152	149	225	221	247	243	269	264
5875	149	146	220	216	241	237	263	258
6000	146	143	215	211	236	232	257	252
6125	143	140	210	206	231	227	251	247
6250	140	137	206	202	226	222	246	242
6375	138	135	202	198	222	218	242	237
6500	136	133	199	195	218	214	238	233
6625	134	131	196	192	215	211	234	230
6750	132	129	194	190	213	209	232	227
6875	132	129	193	189	211	207	230	225
7000	131	128	192	188	211	207	229	225
7125	131	128	192	188	211	206	229	225
7250	131	128	192	188	211	206	229	225
7375	131	128	192	188	211	206	229	225
7500	131	128	192	188	211	206	229	225

Column ETW	13 5015	13 2525
1750	1118	1098
1875	1052	1034
2000	992	975
2125	938	921
2250	887	872
2375	841	827
2500	800	786
2625	761	748
2750	726	714
2875	695	683
3000	666	654
3125	639	628
3250	615	604
3375	593	583
3500	573	563
3625	554	544
3750	537	527
3875	521	512
4000	506	497
4125	492	484
4250	479	471
4375	467	459
4500	455	447

Column ETW	13 5015	13 2525
4625	444	436
4750	433	425
4875	423	415
5000	412	405
5125	402	395
5250	393	386
5375	383	376
5500	374	367
5625	365	359
5750	357	350
5875	348	342
6000	341	334
6125	333	327
6250	326	320
6375	320	314
6500	315	309
6625	310	304
6750	307	301
6875	305	299
7000	304	298
7125	304	298
7250	304	298
7375	304	298
7500	304	298

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B. ASM 2525 and ASM 5015 Carbon Monoxide Table (% CO)

Column ETW	21 5015	21 2525	22 5015	22 2525	23 5015	23 2525	24 5015	24 2525
1750	0.80	0.77	1.26	1.22	1.64	1.83	2.02	2.43
1875	0.75	0.73	1.19	1.16	1.55	1.72	1.91	2.29
2000	0.71	0.69	1.13	1.09	1.47	1.63	1.81	2.17
2125	0.68	0.66	1.07	1.04	1.39	1.54	1.71	2.05
2250	0.64	0.62	1.02	0.99	1.32	1.47	1.62	1.94
2375	0.61	0.59	0.97	0.94	1.26	1.39	1.54	1.85
2500	0.59	0.57	0.93	0.90	1.20	1.33	1.47	1.76
2625	0.56	0.54	0.89	0.86	1.15	1.27	1.41	1.68
2750	0.54	0.52	0.85	0.82	1.10	1.21	1.34	1.60
2875	0.52	0.50	0.82	0.79	1.05	1.16	1.29	1.54
3000	0.50	0.48	0.79	0.76	1.01	1.12	1.24	1.48
3125	0.48	0.46	0.76	0.73	0.98	1.08	1.19	1.42
3250	0.46	0.45	0.73	0.71	0.94	1.04	1.15	1.37
3375	0.45	0.43	0.71	0.69	0.91	1.00	1.11	1.32
3500	0.44	0.42	0.69	0.67	0.88	0.97	1.08	1.28
3625	0.42	0.41	0.67	0.65	0.86	0.94	1.05	1.24
3750	0.41	0.40	0.65	0.63	0.83	0.92	1.02	1.20
3875	0.40	0.39	0.63	0.61	0.81	0.89	0.99	1.17
4000	0.39	0.38	0.62	0.60	0.79	0.87	0.96	1.14
4125	0.38	0.37	0.60	0.58	0.77	0.85	0.94	1.11
4250	0.37	0.36	0.59	0.57	0.75	0.83	0.92	1.08
4375	0.36	0.35	0.58	0.56	0.74	0.81	0.89	1.06
4500	0.36	0.35	0.57	0.55	0.72	0.79	0.87	1.03
4625	0.35	0.34	0.55	0.54	0.70	0.77	0.85	1.01
4750	0.34	0.33	0.54	0.53	0.69	0.76	0.84	0.99
4875	0.34	0.33	0.53	0.52	0.67	0.74	0.82	0.97
5000	0.33	0.32	0.52	0.51	0.66	0.73	0.80	0.95
5125	0.32	0.31	0.51	0.50	0.65	0.71	0.78	0.92
5250	0.32	0.31	0.50	0.49	0.63	0.70	0.77	0.90
5375	0.31	0.30	0.49	0.48	0.62	0.68	0.75	0.89
5500	0.30	0.30	0.48	0.47	0.61	0.67	0.73	0.87
5625	0.30	0.29	0.47	0.46	0.59	0.65	0.72	0.85
5750	0.29	0.29	0.46	0.45	0.58	0.64	0.70	0.83
5875	0.29	0.28	0.45	0.44	0.57	0.63	0.69	0.81
6000	0.28	0.28	0.44	0.44	0.56	0.62	0.67	0.80
6125	0.28	0.27	0.44	0.43	0.55	0.61	0.66	0.78
6250	0.27	0.27	0.43	0.42	0.54	0.60	0.65	0.77
6375	0.27	0.26	0.42	0.42	0.53	0.59	0.64	0.76
6500	0.26	0.26	0.42	0.41	0.52	0.58	0.63	0.74
6625	0.26	0.26	0.41	0.41	0.52	0.57	0.62	0.73
6750	0.26	0.26	0.41	0.41	0.51	0.57	0.61	0.73
6875	0.26	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7000	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7125	0.25	0.25	0.40	0.40	0.51	0.56	0.61	0.72
7250	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72
7375	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72
7500	0.25	0.25	0.40	0.40	0.50	0.56	0.61	0.72

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Column ETW	25		26		27		28	
	5015	2525	5015	2525	5015	2525	5015	2525
1750	2.21	2.73	2.78	3.64	2.97	3.94	3.16	4.24
1875	2.09	2.58	2.63	3.43	2.81	3.71	2.98	4.00
2000	1.97	2.43	2.48	3.24	2.65	3.51	2.82	3.77
2125	1.87	2.30	2.35	3.06	2.51	3.32	2.67	3.57
2250	1.77	2.18	2.23	2.90	2.38	3.14	2.53	3.38
2375	1.69	2.07	2.12	2.76	2.26	2.98	2.40	3.21
2500	1.61	1.97	2.02	2.62	2.15	2.84	2.29	3.05
2625	1.53	1.88	1.92	2.50	2.05	2.70	2.18	2.91
2750	1.47	1.80	1.84	2.39	1.96	2.58	2.09	2.78
2875	1.41	1.72	1.76	2.29	1.88	2.47	2.00	2.66
3000	1.35	1.66	1.69	2.19	1.80	2.37	1.92	2.55
3125	1.30	1.59	1.63	2.11	1.74	2.28	1.84	2.45
3250	1.26	1.53	1.57	2.03	1.67	2.20	1.78	2.36
3375	1.21	1.48	1.52	1.96	1.62	2.12	1.72	2.28
3500	1.17	1.43	1.47	1.89	1.56	2.05	1.66	2.20
3625	1.14	1.39	1.42	1.84	1.52	1.98	1.61	2.13
3750	1.11	1.35	1.38	1.78	1.47	1.92	1.56	2.07
3875	1.08	1.31	1.34	1.73	1.43	1.87	1.52	2.01
4000	1.05	1.28	1.31	1.68	1.39	1.82	1.48	1.95
4125	1.02	1.24	1.27	1.64	1.36	1.77	1.44	1.90
4250	1.00	1.21	1.24	1.60	1.32	1.72	1.40	1.85
4375	0.97	1.18	1.21	1.56	1.29	1.68	1.37	1.81
4500	0.95	1.16	1.18	1.52	1.26	1.64	1.34	1.76
4625	0.93	1.13	1.15	1.48	1.23	1.60	1.30	1.72
4750	0.91	1.10	1.13	1.45	1.20	1.57	1.28	1.68
4875	0.89	1.08	1.10	1.42	1.17	1.53	1.25	1.64
5000	0.87	1.05	1.08	1.38	1.15	1.49	1.22	1.60
5125	0.85	1.03	1.05	1.35	1.12	1.46	1.19	1.57
5250	0.83	1.01	1.03	1.32	1.10	1.43	1.16	1.53
5375	0.81	0.99	1.01	1.29	1.07	1.39	1.14	1.50
5500	0.80	0.97	0.99	1.26	1.05	1.36	1.11	1.46
5625	0.78	0.94	0.97	1.24	1.03	1.33	1.09	1.43
5750	0.76	0.92	0.94	1.21	1.01	1.30	1.07	1.40
5875	0.75	0.91	0.92	1.18	0.98	1.27	1.04	1.37
6000	0.73	0.89	0.91	1.16	0.96	1.25	1.02	1.34
6125	0.72	0.87	0.89	1.13	0.94	1.22	1.00	1.31
6250	0.71	0.85	0.87	1.11	0.93	1.20	0.98	1.28
6375	0.69	0.84	0.86	1.09	0.91	1.18	0.96	1.26
6500	0.68	0.83	0.84	1.08	0.90	1.16	0.95	1.24
6625	0.67	0.82	0.83	1.06	0.88	1.14	0.94	1.23
6750	0.67	0.81	0.82	1.05	0.88	1.13	0.93	1.21
6875	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7000	0.66	0.80	0.82	1.04	0.87	1.12	0.92	1.20
7125	0.66	0.80	0.81	1.04	0.87	1.12	0.92	1.20
7250	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7375	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20
7500	0.66	0.80	0.81	1.04	0.86	1.12	0.92	1.20

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Column ETW	29 5015	29 2525	30 5015	30 2525	31 5015	31 2525	32 5015	32 2525
1750	3.54	4.85	3.92	5.45	4.31	6.06	5.07	7.26
1875	3.34	4.57	3.70	5.14	4.06	5.70	4.78	6.84
2000	3.16	4.31	3.49	4.85	3.83	5.38	4.51	6.45
2125	2.99	4.08	3.31	4.58	3.63	5.09	4.26	6.10
2250	2.83	3.86	3.13	4.34	3.44	4.82	4.04	5.78
2375	2.69	3.66	2.98	4.12	3.26	4.57	3.83	5.48
2500	2.56	3.48	2.83	3.91	3.10	4.35	3.65	5.21
2625	2.44	3.32	2.70	3.73	2.96	4.14	3.48	4.96
2750	2.33	3.17	2.58	3.56	2.83	3.95	3.32	4.73
2875	2.23	3.03	2.47	3.41	2.71	3.78	3.18	4.53
3000	2.14	2.91	2.37	3.27	2.60	3.62	3.05	4.34
3125	2.06	2.79	2.28	3.14	2.50	3.48	2.93	4.17
3250	1.99	2.69	2.20	3.02	2.40	3.35	2.82	4.01
3375	1.92	2.60	2.12	2.91	2.32	3.23	2.72	3.87
3500	1.86	2.51	2.05	2.82	2.24	3.12	2.63	3.74
3625	1.80	2.43	1.99	2.73	2.17	3.02	2.55	3.62
3750	1.74	2.36	1.93	2.64	2.11	2.93	2.47	3.51
3875	1.69	2.29	1.87	2.57	2.05	2.85	2.40	3.40
4000	1.65	2.22	1.82	2.49	1.99	2.77	2.33	3.31
4125	1.61	2.16	1.77	2.43	1.94	2.69	2.27	3.22
4250	1.56	2.11	1.73	2.36	1.89	2.62	2.21	3.13
4375	1.53	2.06	1.68	2.31	1.84	2.55	2.16	3.05
4500	1.49	2.01	1.64	2.25	1.80	2.49	2.11	2.98
4625	1.46	1.96	1.61	2.19	1.76	2.43	2.06	2.90
4750	1.42	1.91	1.57	2.14	1.72	2.37	2.01	2.83
4875	1.39	1.87	1.53	2.09	1.68	2.32	1.96	2.77
5000	1.36	1.82	1.50	2.04	1.64	2.26	1.92	2.70
5125	1.33	1.78	1.46	2.00	1.60	2.21	1.87	2.64
5250	1.30	1.74	1.43	1.95	1.56	2.16	1.83	2.58
5375	1.27	1.70	1.40	1.90	1.53	2.11	1.79	2.51
5500	1.24	1.66	1.37	1.86	1.49	2.06	1.75	2.46
5625	1.21	1.62	1.34	1.82	1.46	2.01	1.71	2.40
5750	1.19	1.59	1.31	1.78	1.43	1.96	1.67	2.34
5875	1.16	1.55	1.28	1.74	1.40	1.92	1.63	2.29
6000	1.14	1.52	1.25	1.70	1.37	1.88	1.60	2.24
6125	1.11	1.49	1.23	1.66	1.34	1.84	1.57	2.19
6250	1.09	1.46	1.20	1.63	1.31	1.80	1.54	2.15
6375	1.07	1.43	1.18	1.60	1.29	1.77	1.51	2.11
6500	1.06	1.41	1.16	1.57	1.27	1.74	1.48	2.07
6625	1.04	1.39	1.15	1.55	1.25	1.72	1.46	2.04
6750	1.03	1.37	1.14	1.54	1.24	1.70	1.45	2.02
6875	1.02	1.36	1.13	1.52	1.23	1.68	1.44	2.00
7000	1.02	1.36	1.12	1.52	1.23	1.68	1.43	2.00
7125	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7250	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7375	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00
7500	1.02	1.36	1.12	1.52	1.22	1.68	1.43	2.00

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Column ETW	33 5015	33 2525	34 5015	34 2525
1750	5.26	7.44	8.02	9.90
1875	4.96	7.05	7.56	9.90
2000	4.68	6.68	7.14	9.90
2125	4.43	6.34	6.75	9.66
2250	4.20	6.00	6.40	9.14
2375	3.98	5.69	6.07	8.67
2500	3.79	5.41	5.78	8.25
2625	3.61	5.15	5.51	7.85
2750	3.45	4.92	5.26	7.50
2875	3.30	4.70	5.03	7.17
3000	3.17	4.51	4.83	6.87
3125	3.04	4.33	4.64	6.60
3250	2.93	4.17	4.47	6.35
3375	2.83	4.02	4.31	6.13
3500	2.73	3.88	4.17	5.92
3625	2.65	3.76	4.04	5.73
3750	2.57	3.64	3.91	5.55
3875	2.49	3.54	3.80	5.39
4000	2.43	3.44	3.70	5.24
4125	2.36	3.34	3.60	5.09
4250	2.30	3.25	3.51	4.96
4375	2.24	3.17	3.42	4.83
4500	2.19	3.09	3.34	4.71
4625	2.14	3.02	3.26	4.60
4750	2.09	2.95	3.18	4.49
4875	2.04	2.87	3.11	4.38
5000	1.99	2.81	3.03	4.28
5125	1.95	2.74	2.97	4.18
5250	1.90	2.68	2.90	4.08
5375	1.86	2.61	2.83	3.98
5500	1.82	2.55	2.77	3.89
5625	1.77	2.49	2.70	3.80
5750	1.74	2.43	2.64	3.71
5875	1.70	2.38	2.59	3.62
6000	1.66	2.33	2.53	3.54
6125	1.63	2.28	2.48	3.47
6250	1.60	2.23	2.43	3.40
6375	1.57	2.19	2.39	3.34
6500	1.54	2.15	2.35	3.28
6625	1.52	2.12	2.32	3.23
6750	1.50	2.10	2.29	3.20
6875	1.49	2.08	2.28	3.17
7000	1.49	2.08	2.27	3.17
7125	1.49	2.08	2.27	3.17
7250	1.49	2.08	2.27	3.17
7375	1.49	2.08	2.27	3.17
7500	1.49	2.08	2.27	3.17

Final Regulations

C. ASM 2525 and ASM 5015 Nitric Oxide Table (% NO)

Column ETW	41 5015	41 2525	42 5015	42 2525	43 5015	43 2525	44 5015	44 2525
1750	1212	1095	1819	1642	2272	2114	2725	2587
1875	1142	1031	1713	1547	2181	1991	2649	2435
2000	1077	973	1616	1460	2058	1877	2499	2295
2125	1018	920	1527	1380	1944	1774	2360	2167
2250	964	871	1446	1307	1839	1678	2232	2050
2375	915	827	1372	1240	1744	1592	2115	1943
2500	869	786	1304	1179	1657	1512	2009	1845
2625	828	749	1242	1123	1577	1440	1912	1756
2750	791	715	1186	1072	1504	1374	1823	1675
2875	756	684	1134	1026	1438	1313	1742	1601
3000	725	656	1088	984	1378	1258	1668	1533
3125	696	630	1045	945	1323	1208	1601	1471
3250	670	607	1006	910	1273	1163	1539	1415
3375	647	585	970	878	1227	1121	1483	1363
3500	625	566	937	848	1184	1082	1432	1316
3625	605	547	907	821	1146	1047	1384	1273
3750	586	531	879	796	1110	1014	1340	1233
3875	569	515	853	773	1077	984	1300	1195
4000	553	501	829	751	1046	956	1262	1161
4125	538	487	807	731	1017	930	1227	1128
4250	524	475	786	712	990	905	1194	1098
4375	510	463	766	694	964	882	1162	1069
4500	498	451	747	677	939	859	1132	1042
4625	486	440	728	661	916	838	1104	1015
4750	474	430	711	645	893	818	1076	990
4875	463	420	694	630	872	798	1049	966
5000	452	410	677	615	850	778	1023	942
5125	441	400	661	600	830	760	998	919
5250	431	391	646	586	810	741	974	896
5375	420	382	631	573	790	723	950	874
5500	410	373	616	559	771	706	926	853
5625	401	364	601	546	752	689	904	832
5750	391	356	587	534	734	673	882	812
5875	383	348	574	522	717	657	860	793
6000	374	340	561	510	701	642	840	774
6125	366	333	549	499	685	628	822	757
6250	359	326	538	489	671	615	804	741
6375	352	320	528	480	658	604	788	727
6500	346	315	519	473	647	593	775	714
6625	341	311	512	466	638	585	763	704
6750	338	307	507	461	631	578	755	696
6875	335	305	503	458	626	574	749	691
7000	335	305	502	457	624	573	747	689
7125	335	305	502	457	625	573	747	689
7250	335	305	502	457	625	573	747	689
7375	335	305	502	457	625	573	747	689
7500	335	305	502	457	625	573	747	689

Final Regulations

Column ETW	45 5015	45 2525	46 5015	46 2525	47 5015	47 2525	48 5015	48 2525
1750	3178	3060	3631	3532	4084	4005	4990	4950
1875	3117	2879	3586	3323	4054	3767	4990	4655
2000	2941	2713	3383	3131	3824	3548	4707	4384
2125	2776	2561	3192	2955	3609	3348	4441	4136
2250	2625	2422	3018	2794	3411	3165	4197	3909
2375	2487	2295	2859	2646	3231	2998	3974	3701
2500	2361	2179	2714	2512	3066	2845	3771	3512
2625	2246	2073	2581	2389	2916	2706	3585	3339
2750	2142	1976	2460	2277	2779	2579	3416	3181
2875	2046	1888	2350	2175	2654	2463	3261	3037
3000	1959	1808	2249	2082	2539	2357	3120	2906
3125	1879	1734	2157	1997	2435	2260	2992	2787
3250	1806	1667	2073	1920	2340	2172	2874	2677
3375	1740	1606	1997	1849	2253	2092	2767	2577
3500	1679	1550	1926	1784	2174	2018	2668	2486
3625	1623	1498	1862	1724	2100	1950	2578	2401
3750	1571	1451	1802	1669	2033	1887	2494	2323
3875	1523	1407	1747	1618	1970	1829	2417	2251
4000	1479	1365	1695	1570	1912	1775	2345	2184
4125	1437	1327	1647	1526	1857	1724	2277	2122
4250	1398	1291	1602	1484	1806	1677	2214	2063
4375	1360	1257	1559	1444	1757	1632	2154	2007
4500	1325	1224	1518	1406	1711	1589	2096	1953
4625	1291	1193	1479	1370	1666	1548	2042	1903
4750	1259	1163	1441	1336	1624	1508	1989	1854
4875	1227	1134	1405	1302	1583	1470	1938	1806
5000	1196	1106	1369	1269	1542	1433	1889	1760
5125	1167	1078	1335	1237	1503	1397	1840	1715
5250	1138	1051	1301	1206	1465	1362	1793	1672
5375	1109	1025	1269	1176	1428	1327	1747	1629
5500	1082	1000	1237	1147	1392	1294	1703	1587
5625	1055	975	1206	1118	1357	1261	1659	1547
5750	1029	951	1176	1090	1323	1230	1617	1508
5875	1004	928	1147	1064	1290	1199	1577	1471
6000	980	906	1120	1039	1259	1171	1539	1435
6125	958	886	1094	1015	1230	1144	1503	1401
6250	937	867	1070	993	1203	1119	1469	1371
6375	919	850	1049	973	1179	1096	1439	1343
6500	902	835	1030	956	1158	1077	1413	1318
6625	889	823	1014	941	1140	1060	1391	1298
6750	879	813	1003	931	1127	1048	1374	1283
6875	872	807	995	924	1118	1040	1364	1273
7000	870	805	992	921	1115	1037	1360	1269
7125	870	805	992	921	1115	1037	1360	1269
7250	870	805	992	921	1115	1037	1360	1269
7375	870	805	992	921	1115	1037	1360	1269
7500	870	805	992	921	1115	1037	1360	1269

Final Regulations

Column ETW	49 5015	49 2525	50 5015	50 2525	51 5015	51 2525
1750	4990	4960	4990	4980	4990	4990
1875	4990	4738	4990	4906	4990	4990
2000	4778	4535	4919	4838	4990	4990
2125	4578	4349	4853	4776	4990	4990
2250	4395	4179	4792	4720	4990	4990
2375	4228	4024	4736	4668	4990	4990
2500	4076	3881	4685	4620	4990	4990
2625	3936	3752	4639	4577	4990	4990
2750	3809	3579	4596	4374	4990	4772
2875	3669	3417	4484	4176	4892	4556
3000	3510	3270	4290	3996	4680	4359
3125	3366	3135	4114	3832	4488	4180
3250	3234	3012	3952	3681	4311	4016
3375	3113	2899	3804	3544	4150	3866
3500	3002	2796	3669	3418	4002	3728
3625	2900	2701	3544	3302	3867	3602
3750	2806	2614	3429	3195	3741	3485
3875	2719	2533	3323	3096	3625	3377
4000	2638	2457	3224	3003	3517	3276
4125	2562	2387	3131	2917	3416	3182
4250	2490	2320	3044	2836	3321	3094
4375	2423	2258	2961	2759	3230	3010
4500	2359	2198	2883	2686	3145	2930
4625	2297	2140	2807	2616	3063	2854
4750	2238	2085	2735	2549	2983	2780
4875	2180	2032	2665	2483	2907	2709
5000	2125	1980	2597	2420	2833	2640
5125	2070	1930	2530	2359	2760	2573
5250	2017	1881	2466	2298	2690	2507
5375	1966	1833	2403	2240	2621	2443
5500	1916	1786	2341	2183	2554	2381
5625	1867	1740	2282	2127	2489	2321
5750	1820	1697	2224	2074	2426	2262
5875	1774	1654	2168	2022	2366	2206
6000	1731	1614	2116	1973	2308	2152
6125	1690	1577	2066	1927	2254	2102
6250	1653	1542	2020	1884	2204	2056
6375	1619	1510	1979	1846	2159	2014
6500	1590	1483	1943	1813	2119	1977
6625	1565	1460	1913	1785	2087	1947
6750	1546	1443	1890	1764	2062	1924
6875	1534	1432	1875	1750	2046	1909
7000	1530	1428	1870	1745	2040	1904
7125	1531	1428	1874	1745	2045	1904
7250	1531	1428	1874	1745	2045	1904
7375	1531	1428	1874	1745	2045	1904
7500	1531	1428	1874	1745	2045	1904

Documents Incorporated By Reference

EPA Recommended Practice for Naming I/M Calibration Gas, EPA-AA-TSS-83-8-B, Environmental Protection Agency, September 1983.

Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements and Equipment Specifications, EPA-AA-RSPD-IM-96-2, Environmental Protection Agency, July 1996.

California Bureau of Automotive Repair, BAR-97, Emissions Inspection System Specifications, May 1996.

Building Officials and Code Administrators (BOCA) Mechanical Code.

Virginia Approved Span Gas Verification Requirements, Department of Environmental Quality.

VA.R. Doc. No. R97-120; Filed November 6, 1996, 11:31 a.m.

BOARD FOR CONTRACTORS

REGISTRAR'S NOTICE: The following fee reductions filed by the Board of Contractors are exempt from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

Title of Regulation: 18 VAC 50-22-10 et seq. Board for Contractors Regulations (amending 18 VAC 50-22-100, 18 VAC 50-22-140, 18 VAC 50-22-170, and 18 VAC 50-22-250).

Statutory Authority: §§ 54.1-201, 54.1-1106, 54.1-1108, and 54.1-1108.2 of the Code of Virginia.

Effective Date: January 1, 1997.

Summary:

The amendments reduce the fees charged to applicants for licensure and licensure renewal. This includes the fees for initial licensure, licensure renewal, license reinstatement, specialty addition, change/declaration of designated employee, and change of qualified individual.

Agency Contact: Copies of the regulation may be obtained from Dana L. Butler, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2785.

18 VAC 50-22-100. Fees.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When Due	Amount Due
Class C Initial Certificate	with certificate application	\$99 \$70
Class B Initial License	with license application	\$100 \$90
Class A Initial License	with license application	\$130 \$110
Declaration of Designated Employee	with license application	\$45 \$25
Class B Exam Fee	with exam application (\$20 per section)	\$40
Class A Exam Fee	with exam application (\$20 per section)	\$60
Water Well Exam	with exam application	\$40
Dishonored Check Fee	with replacement check	\$25

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The fees for examinations approved by the board but administered by another governmental agency or organization shall be determined by that agency or organization.

18 VAC 50-22-140. Renewal fees.

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

In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When Due	Amount Due
Class C Renewal	with renewal application	\$80 \$55
Class B Renewal	with renewal application	\$100 \$75
Class A Renewal	with renewal application	\$120 \$95
Dishonored Check Fee	with replacement check	\$25

The date on which the renewal fee is received by the department or its agent shall determine whether the licensee/certificate holder is eligible for renewal or must apply for reinstatement. If the renewal application and fee are not received within 30 days of the expiration date of the license, the licensee/certificate holder will be required to reinstate the license/certificate.

8 VAC 50-22-170. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee type	When Due	Amount Due
Class C Reinstatement	with reinstatement application	\$90*
Class B Reinstatement	with reinstatement application	\$140* \$100*
Class A Reinstatement	with reinstatement application	\$130* \$100*
Dishonored Check Fee	with replacement check	\$25

* In addition to renewal fee listed in 18 VAC 50-22-140 of these regulations.

The date on which the reinstatement fee is received by the department or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a new license/certificate and meet the entry requirements in place at the time of that application. In order to ensure that licensees/certificate holders are qualified to practice as contractors, no reinstatement will be permitted once six months from the expiration date of the license/certificate has passed.

18 VAC 50-22-250. Fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When Due	Amount Due
Change of Designated Employee	with change form	\$45 \$25
Change of Qualified Individual	with change form	\$45 \$25
Addition of Classification or Specialty	with addition application	\$45 \$25
Certification of Licensure/Certificate	with written request	\$25
Dishonored Check Fee	with replacement check	\$25

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8511



**Board for Contractors
 LICENSE APPLICATION**

Please make checks or money orders payable to the "Treasurer of Virginia".
 Credit Card Payment Inserts must be completed for credit payments and mailed with the application package.
ALL FEES ARE NON-REFUNDABLE.

Check the one license or certificate you are requesting.

Type of License	Fee	<input checked="" type="checkbox"/>
Class A License	\$160.00	<input type="checkbox"/>
Class B License	\$140.00	<input type="checkbox"/>
Class C Certificate	\$95.00	<input type="checkbox"/>

FINANCIAL REQUIREMENTS

Class A Applicants: Does your firm meet or exceed a net worth of \$45,000?

Yes

No If no, your firm is not eligible for a Class A Contractor License.

Class B Applicants: Does your firm meet a net worth of \$15,000 and do you understand that a Class B license limits a contractor to contracts which are less than \$70,000 per job/project and less than \$500,000 in contracts during any 12-month period of time

Yes

No If no, your firm is not eligible for a Class B Contractor License.

All Class A & Class B (not Class C) license applicants are required to declare a Designated Employee who (1) is a full-time employee or one of the business Responsible Managers (see Part I of the Board for Contractors Rules and Regulations); (2) is at least 18 years of age, and (3) has successfully completed the oral/written licensure examination. If no one at your firm has passed the licensure exam, contact the National Assessment Institute (NAI) at 3913 Gaskins Road, Richmond, VA 23233; in Virginia and Maryland, telephone toll free 1-800-356-3381; outside Virginia, telephone (804) 747-3297; or facsimile (804) 747-5489.

Designated Employee's Name _____

Social Security Number* _____ Birth date _____ Exam date _____

ALL APPLICANTS MUST COMPLETE THE REMAINDER OF THE APPLICATION.

1. Business/Sole Proprietor's Name _____

2. Trade or "Fictitious" Name _____

3. Federal Employer Identification Number _____

Sole Proprietor's Social Security Number* _____

4. Street Address (P.O. Box not accepted) _____

City, State, Zip Code _____

5. Mailing Address _____

City, State, Zip Code _____

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

CONLIC (10/96)

Board for Contractors LICENSE APPLICATION

6. Telephone & Facsimile Numbers _____
 Telephone _____ Facsimile _____
 Pager, Cellular, etc. _____

7. Does your business hold another current or expired Virginia contractors license?

No

Yes License Number _____ Expiration Date _____

8. Type of business (check only one)

Sole Proprietorship
 General Partnership

Limited Partnership*
 Association

Limited Liability Company*
 Corporation*

*If your business is a Limited Partnership, Limited Liability Company or Corporation, your business/trade name(s) must be registered with the Virginia State Corporation Commission. For additional information, contact the SCC at (804) 371-9733.

9. License classification(s) for which your business is applying (check all that apply)

- Building (BLD)
- Highway/Heavy (H/H)
- Electrical (ELE) *
- Plumbing (PLB) *
- HVAC (HVA) *
- Specialty

Circle all the specialty services for which you are applying in the following list.

- | | | |
|--------------------------------------|--------------------------|--|
| ALS Alarm/Security Systems | FIC Farm Improvement | MCC Marine Facility |
| ASB* Asbestos | FAS Fire Alarm Systems | MSC Miscellaneous |
| BSC Billboard/Sign | SPR Fire Sprinkler | MBC Modular/Mobile/Manufactured Building |
| BEC* Blast/Explosive | FSP Fire Suppression | PEC Passive Energy |
| CIC Commercial Improvement | GFC* Gas Fitting | RMC* Radon Mitigation |
| ESC Electronic/Communication Service | HIC Home Improvement | REC Recreational Facility |
| EEC Elevator/Escalator | ISC Landscape Irrigation | REF Refrigeration |
| EMW Environmental Monitoring Well | LSC Landscape Service | SDS Sewage Disposal Systems |
| EMC Equipment/Machinery | LAC* Lead Abatement | VCC Vessel Construction |
| | | WWP* Waterwell/Pump |

*Indicates a classification or specialty designation with additional licensing requirements (see the Trade-Related Examinations and Qualifications Information Sheet and Part I of the Board for Contractors Rules and Regulations).

All applicants are required to declare one Qualified Individual for each classification and/or specialty designation who (1) is a full-time employee or a Responsible Manager of the business; (2) is at least 18 years of age; (3) possesses the minimum number of years of experience required for the type of license being requested (i.e., 2 years for Class C Certification, 3 years for Class B Licensure, and 5 years for Class A Licensure); and (4) when required, has passed a Board-approved trade examination. See §§2.1.B, 2.2.C and 2.3.C of the Board for Contractors Rules and Regulations.

10. Qualified Individual(s) for each license classification (excluding any specialty designation) checked in #9

License Classification	Last Name	First Name	M.I.	Years	Social Security Number*	(if applicable) VA Tradesman Certification No	Birth Date
Building							
Highway/Heavy							
Electrical*						2710-	
Plumbing*						2710-	
HVAC*						2710-	

* Qualified Individuals for the electrical, plumbing, HVAC, and gas fitting classifications must hold a current Master Tradesman Certification Card issued by the Virginia Board for Contractors Tradesman Certification Program

11. Qualified Individual(s) for each specialty designation checked in #9

3-Letter Code in #9	Last Name	First Name	M.I.	Years	Social Security Number*	(if applicable) VA Tradesman Certification No	Birth Date

CONLIC (10/96)

Board for Contractors LICENSE APPLICATION

12. For each Qualified Individual identified in #10 and #11, provide a detailed description (including dates) of the experience they have in their license classification(s) and/or specialty designation(s). If your business employs more than one Qualified Individual, please attach an **Additional Qualified Individual Experience Reference Form** for each additional Qualified Individual.

13. Three references who will attest to the Qualified Individual's satisfactory completion of contracting work in their license classification(s) and/or specialty designation(s). If your business employs more than one Qualified Individual, please attach an **Additional Qualified Individual Experience Reference Form** for each additional Qualified Individual.

Name	Address	Telephone Number

14. Business' Responsible Management (sole proprietor, partners of a general partnership, managing partner of a limited partnership, officers/directors of an association, managers of a limited liability company, or officers of a corporation)

Last Name	First Name	M.I.	Title	Social Security Number *	Birth Date

15. Has your Designated Employee, Qualified Individual(s) or Responsible Management been a Responsible Manager in another contracting business which holds a current or expired Virginia contractors license?

No
 Yes If yes, complete the following table.

Individual's Full Legal Name	Title	Business Name	VA Contractors License No.	Expiration Date

If any of the Qualified Individuals or businesses listed in #15 have failed to properly maintain a current Virginia contractors license or had a Virginia contractors license which expired less than six months ago, the licenses must be returned with this application.

16. Does your business hold a current or expired contractors license, certification or registration in another state?

No
 Yes If yes, complete the following table.

Business Name	State	License, Certification or Registration No.	Expiration Date

17. Does your Designated Employee, Qualified Individual(s) or Responsible Management hold a current or expired contractor's license, certification or registration in another state?

No
 Yes If yes, complete the following table.

Individual's Full Legal Name	Business Name	State	License, Certification or Registration No.	Expiration Date

18. During the past five years, has your business, Designated Employee, Qualified Individual(s) or Responsible Management been subject to disciplinary action imposed by any local, state or national regulatory body that resulted in their Contractors license, certification, or registration being suspended, revoked, or surrendered or a monetary penalty or fine being imposed?

No
 Yes If yes, list the name of the individual or business, the jurisdiction in which the disciplinary action took place, the license 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.

19. A. Has your business, Designated Employee, Qualified Individual(s), or Responsible Management been convicted in any jurisdiction of any felony? *Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.*

No
 Yes If yes, provide the information requested below.

- B. Has your business, Designated Employee, Qualified Individual(s), or Responsible Management been convicted of any misdemeanor within the last three years? *Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.*

No
 Yes If yes, provide the information requested below.

If you answered yes to either of the questions in #19, list the name of the business and/or individual, and the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction and court records; a copy of the state police record; information on the current status of their incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, please attach a separate sheet of paper.

20. During the past five years, has your business, Designated Employee, Qualified Individual(s), or Responsible Management had any outstanding/past-due debts or judgments; outstanding tax obligations; or defaults on bonds?

No
 Yes If yes, provide an explanation of the situation, including the beginning balance, current balance and payment arrangements.



Board for Contractors
 CHANGE OF QUALIFIED INDIVIDUAL APPLICATION
 Fee \$25.00

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11055
 Richmond, Virginia 23230-1056
 (804) 367-8511

Please make checks or money orders payable to the "Treasurer of Virginia".
 Credit Card Payment Inserts must be completed for credit payments and mailed with the application package.
ALL FEES ARE NON-REFUNDABLE.

All applicants are required to declare one Qualified Individual for each license classification and/or specialty designation who
 (1) is a full-time employee or a Responsible Manager of the business; (2) is at least 18 years of age; (3) possesses the
 minimum number of years of experience required for the type of license being requested (i.e., 2 years for Class C
 Certification, 3 years for Class B Licensure, and 5 years for Class A Licensure); and (4) if required, has passed a Board-
 approved trade examination.

1. VA Contractors License Number _____
2. Business/Sole Proprietor's Name _____
3. Trade or "Fictitious" Name _____
4. Federal Employer Identification Number _____
 Sole Proprietor's Social Security Number* _____
5. Street Address (P.O. Box not accepted) _____
 City, State, Zip Code _____
6. Mailing Address _____
 City, State, Zip Code _____
7. Telephone & Facsimile Numbers (_____) (_____) (_____) _____
Telephone Facsimile Beeper, Cellular, etc.
8. License classification or specialty designation to be assigned to the new Qualified Individual (only one per application)

QUALIFIED INDIVIDUALS IN THE ELECTRICAL, PLUMBING, HVAC, BLAST EXPLOSION, GAS FITTING, RADON MITIGATION AND
 WATER WELL CLASSIFICATIONS MUST PASS A TRADE-RELATED EXAMINATION. (see the Trade-Related Examinations and
 Qualifications Information Sheet)

9. New Qualified Individual's Full Legal Name _____
10. Qualified Individual's Social Security Number* _____
11. Qualified Individual's Date of Birth _____
12. Qualified Individual's VA Tradesman Certification Number (if applicable) _____

* Qualified Individuals for the electrical, plumbing, HVAC, and gas fitting classifications must hold a current Master Tradesman Certification
 Card issued by the Virginia Board for Contractors' Tradesman Certification Program.

13. Provide a detailed description (including dates) of the experience the Qualified Individual identified in #9 has in their
 license classification or specialty designation

TYPE	DATE	FEE	ADD OFFICE	EXPIRES	CLASSIFICATION

21. Does your Responsible Management understand that all Class A, Class B, or Class C Contractors must comply with the local licensing requirements of all counties, cities and towns in which work is performed?
 Yes
 No **IF NO, THIS APPLICATION CANNOT BE PROCESSED.**
22. If you are not a Virginia resident, or move outside of Virginia while you hold a Virginia Contractors License, do you understand that this application serves as a written power of attorney, whereby you appoint the Director of the Department of Professional and Occupational Regulation, and his/her successors in office, to be your true and lawful agency and attorney-in-fact, in your stead, upon whom all legal process against and notice to you may be served and who is hereby authorized to enter an appearance in your behalf in any case or proceedings arising out of the trade or profession practiced; and that by submitting this application, you hereby agree that any lawful process against you which is duly served on said agent and attorney-in-fact shall be of the same legal force and validity as if served upon you?
 Yes
 No **IF NO, THIS APPLICATION CANNOT BE PROCESSED.**

23. Affidavit
 The undersigned, certify that the foregoing statements and answers are true; I/we understand and have complied with all the laws of Virginia affecting Contractors under the provisions of Title 54.1, Chapter 11 of the Code of Virginia, and the Board for Contractors Rules and Regulations; and I/we understand this affidavit.

- A. Responsible Management (include the signatures of all the individuals listed in #14)
- Signature _____ Title _____ Date _____
 Signature _____ Title _____ Date _____
 Signature _____ Title _____ Date _____
- B. Designated Employee
 Signature _____ Date _____
- C. Qualified Individual(s) (include the signatures of all the individuals listed in #10 and #11). If necessary, please attach a separate sheet of paper.
 Signature _____ Date _____
 Signature _____ Date _____
 Signature _____ Date _____

Notarization
 In the State of _____, City/County of _____, subscribed and sworn before me,
 the undersigned Notary Public in and for the City/County aforesaid this _____ day of _____, 19____.
 My commission expires the _____ day of _____.
 Affix official seal here _____

 Signature of Notary Public

* Individual Social Security Numbers are not required on applications for licensure, however, the inclusion of this information will be helpful when processing future changes to your Virginia contractors license.

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14. Three references who will attest to the Qualified Individual's satisfactory completion of contracting work in their license classification or specialty designation.

Name	Address	Telephone Number

15. Has the Qualified Individual identified in #9 been a Responsible Manager in another contracting business which holds a current or expired Virginia contractors license?

No
 Yes If yes, complete the following table.

Business Name	Title	VA Contractors License No.	Expiration Date

If the Qualified Individual or businesses listed in #15 have failed to properly maintain a current Virginia contractors license or had a Virginia contractors license which expired less than six months ago, the licenses must be renewed with this application.

16. Does the Qualified Individual identified in #9 hold a current or expired contractor's license, certification or registration in another state?

No
 *Yes If yes, complete the following table.

Business Name	State	License, Certification or Registration No.	Expiration Date

17. During the past five years, has the Qualified Individual identified in #9 been subject to disciplinary action imposed by any local, state or national regulatory body that resulted in their Contractors 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 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.

18. A. Has the Qualified Individual identified in #9 been convicted in any jurisdiction of any felony? Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.

No
 Yes If yes, provide the information requested in #18.C.

- B. Has the Qualified Individual identified in #8 been convicted of any misdemeanor within the last three years? Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.

No
 Yes If yes, provide the information requested in #18.C.

18. C. If you answered yes to either question in #18.A. or #18.B., list the name of the business and/or individual, and the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction and court records; a copy of the state police record; information on the current status of their incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, please attach a separate sheet of paper.

19. During the past five years, has the Qualified Individual identified in #9 had any outstanding past-due debts or judgments; outstanding tax obligations; or defaults on bonds?

No
 Yes If yes, provide an explanation of the situation, including the beginning balance, current balance and payment arrangements.

20. Affidavit

The undersigned, certify that the foregoing statements and answers are true; I/we understand and have complied with all the laws of Virginia affecting Contractors under the provisions of Title 54.1, Chapter 11 of the Code of Virginia, and the Board for Contractors Rules and Regulations; and I/we understand this affidavit.

A. Responsible Manager (to be signed by the business' sole proprietor, partner, director, manager, or officer)

Signature _____ Title _____ Date _____

B. Qualified Individual

Signature _____ Date _____

Notarization :

In the State of _____, City/County of _____, subscribed and sworn before me, the undersigned Notary Public in and for the City/County aforesaid this _____, day of _____, 19____.

My commission expires the _____, day of _____, _____.

Affix official seal here _____

Signature of Notary Public _____

* Individual Social Security Numbers are not required on applications for licensure; however, the inclusion of this information will be helpful when processing future changes to your Virginia contractors license.

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8511



**Board for Contractors
 CHANGE OF DESIGNATED EMPLOYEE APPLICATION
 Fee \$25.00**

Please make checks or money orders payable to the "Treasurer of Virginia".
 Credit Card Payment Inserts must be completed for credit payments and mailed with the application package.
ALL FEES ARE NON-REFUNDABLE.

CLASS A & CLASS B LICENSEES ONLY

All Class A & Class B License applicants are required to declare a Designated Employee who (1) is a full-time employee or one of the business Responsible Managers (see Part I of the Board for Contractors Rules and Regulations); (2) is at least 18 years of age; and (3) has successfully completed the oral/written licensure examination. If no one at your firm has passed the licensure exam, contact the National Assessment Institute (NAI) at 3813 Gaskins Road, Richmond, VA 23233; in Virginia and Maryland, telephone toll free 1-800-358-3351; outside Virginia, telephone (804) 747-3297; or facsimile (804) 747-5485.

1. VA Contractors License Number _____
2. Business/Sole Proprietor's Name _____
3. Trade or "Fictitious" Name _____
4. Federal Employer Identification Number _____
 Sole Proprietor's Social Security Number * _____
5. Street Address (P.O. Box not accepted) _____
 City, State, Zip Code _____
6. Mailing Address _____
 City, State, Zip Code _____
7. Telephone & Facsimile Numbers (Telephone) _____ (Facsimile) _____ (Beeper, Cellular, etc.) _____
8. New Designated Employee's Full Legal Name _____
9. Designated Employee's Social Security Number * _____
10. Designated Employee's Date of Birth _____
11. License Examination Date _____
12. Has the Designated Employee identified in #8 been a Responsible Manager in another contracting business which holds a current or expired Virginia contractors license?
 No
 Yes If yes, complete the following table.

Business Name	State	Contractors License No.	Expiration Date

If the businesses listed in #12 have failed to properly maintain a current Virginia contractors license within 180 days of their contractors license which expired less than six months ago, the licenses must be returned with this application.

OFFICE	DATE	FILE	CLASS/FEE	EXPIRATION	REMARKS

13. Does the Designated Employee identified in #8 hold a current or expired contractor's license, certification or registration in another state?
 No
 Yes If yes, complete the following table.

Business Name	State	License, Certification or Registration No.	Expiration Date

14. During the past five years, has the Designated Employee identified in #8 been subject to disciplinary action imposed by any local, state or national regulatory body that resulted in their Contractors 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 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.

15. A. Has the Designated Employee identified in #8 been convicted in any jurisdiction of any felony? Please note: any plea of *nolo contendere* shall be considered a conviction for purposes of this application.
 No
 Yes If yes, provide the information requested in #15.C.
- B. Has the Designated Employee, identified in #8 been convicted of any misdemeanor within the last three years? Please note: any plea of *nolo contendere* shall be considered a conviction for purposes of this application.
 No
 Yes If yes, provide the information requested in #19.C.
- C. If you answered yes to either question #15 A. or #15 B., list the name of the business and/or individual, and the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction and court records; a copy of the state police record; information on the current status of their incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, please attach a separate sheet of paper.

16. During the past five years, has the Designated Employee identified in #8 had any outstanding past-due debts or judgments; outstanding tax obligations; or defaults on bonds?
 No
 Yes If yes, provide an explanation of the situation, including the beginning balance, current balance and payment arrangements.

17. Affidavit

The undersigned, certify that the foregoing statements and answers are true; I/we understand and have complied with all the laws of Virginia affecting Contractors under the provisions of Title 54.1, Chapter 11 of the Code of Virginia, and the Board for Contractors Rules and Regulations; and I/we understand this affidavit.

A. Responsible Manager (to be signed by the business' sole proprietor, partner, director, manager, or officer)

Signature _____ Title _____ Date _____

B. Designated Employee

Signature _____ Date _____

Notarization

In the State of _____, City/County of _____, subscribed and sworn before me, the undersigned Notary Public in and for the City/County aforesaid this _____, day of _____, 19 ____ . My commission expires the _____, day of _____, _____ .

Affix official seal here

Signature of Notary Public

* Individual Social Security Numbers are not required on applications for licensure; however, the inclusion of this information will be helpful when processing future changes to your Virginia contractors license.

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8511



Board for Contractors
ADDITION OF LICENSE CLASSIFICATION AND SPECIALTY DESIGNATION APPLICATION
 Fee \$25.00 per License/Specialty Classification

Please make checks or money orders payable to the "Treasurer of Virginia".
 Credit Card Payment Inserts must be completed for credit payments and mailed with the application package.
ALL FEES ARE NON-REFUNDABLE.

All applicants are required to declare one Qualified Individual for each license classification and or specialty designation who (1) is a full-time employee or a Responsible Manager of the business; (2) is at least 18 years of age; (3) possesses the minimum number of years of experience required for the type of license being requested (i.e., 2 years for Class C Certification, 3 years for Class B Licensure, and 5 years for Class A Licensure); and (4) when required, has passed a Board-approved trade examination.

1. VA Contractors License Number _____
2. Business/Sole Proprietor's Name _____
3. Trade or "Fictitious" Name _____
4. Federal Employer Identification Number _____
 Sole Proprietor's Social Security Number* _____
5. Street Address (P.O. Box not accepted) _____
 City, State, Zip Code _____
6. Mailing Address _____
 City, State, Zip Code _____
7. Telephone & Facsimile Numbers _____
 Telephone Facsimile Beeper, Cellular, etc.
8. License classification(s) to be added
 Building (BLD)
 Highway/Heavy (H/H)
 Electrical (ELE) *
 Plumbing (PLB) *
 HVAC (HVA) *
 Specialty Circle all the specialty services for which you are applying in the following list.

ALS Alarm/Security Systems	FIC Farm Improvement	MCC Marine Facility
ASB* Asbestos	FAS Fire Alarm Systems	MSC Miscellaneous
BSC Billboard/Sign	SPR Fire Sprinkler	MBC Modular Mobile/Manufactured Building
BECK Blast/Explosive	FSP Fire Suppression	PEC Passive Energy
CIC Commercial Improvement	GFC* Gas Fitting	RMCK* Radon Mitigation
ESC Electronic/Communication Service	HIC Home Improvement	RFC Recreational Facility
EEC Elevator/Escalator	ISC Landscape Irrigation	REF Refinishing
EMW Environmental Monitoring Well	LSC Landscape Service	SCS Sewer Disposal Systems
EMC Equipment/Machinery	LAC* Lead Abatement	VCC Vessel Construction
		WWP* Water/Water Pump

*Indicates a classification or specialty designation with additional licensing requirements (see the Trade-Related Examinations and Qualifications Information Sheet and Part I of the Board for Contractors Rules and Regulations)

OFFICE USE ONLY	DATE	FEE	CLASS. FEE	LICENSE NUMBER	EXPIRE DATE

9. Qualified Individual(s) for each license classification (excluding any specialty classification) checked in #8

License Classification	Last Name	First Name	M.I.	Years	Social Security Number *	(if applicable) VA Tradesman Certification No.	Birth Date
Building							
Highway/Heavy							
Electrical*						2710-	
Plumbing*						2710-	
HVAC*						2710-	

* Qualified Individuals for the electrical, plumbing, HVAC, and gas fitting classifications must hold a current Master Tradesman Certification Card issued by the Virginia Board for Contractors' Tradesman Certification Program.

10. Qualified Individual(s) for each specialty designation checked in #8

3-Letter Code in #8	Last Name	First Name	M.I.	Years	Social Security Number *	(if applicable) VA Tradesman Certification No.	Birth Date

11. For each Qualified Individual identified in #9 and #10, provide a detailed description (including dates) of the experience they have in their license classification(s) and/or specialty designation(s). If your business is requesting the addition of more than one classification which requires additional Qualified Individuals, please attach an Additional Qualified Individual Experience Reference Form for each Qualified Individual.

12. Three references who will attest to the Qualified Individual's satisfactory completion of contracting work in their license classification(s) and/or specialty designation(s). If your business is requesting the addition of more than one classification which requires additional Qualified Individuals, please attach an Additional Qualified Individual Experience Reference Form for each Qualified Individual.

Name	Address	Telephone Number

16. If you answered yes to either question in #15.A. or #16.B., list the name of the business and/or individual, and the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction and court records; a copy of the state police record; information on the current status of their incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, please attach a separate sheet of paper.

17. During the past five years, have the Qualified Individuals identified in #9 and #10 had any outstanding/past-due debts or judgments; outstanding tax obligations; or defaults on bonds?

No Yes If yes, provide an explanation of the situation, including the beginning balance, current balance and payment arrangements.

18. Affidavit

The undersigned, certify that the foregoing statements and answers are true; I/we understand and have complied with all the laws of Virginia affecting Contractors under the provisions of Title 54.1, Chapter 11 of the Code of Virginia, and the Board for Contractors Rules and Regulations; and I/we understand this affidavit.

A. Responsible Manager (to be signed by the business' sole proprietor, partner, director, manager, or officer)

Signature _____ Title _____ Date _____

B. Qualified Individuals (include the signatures of all the individuals listed in #9 and #10). If necessary, please attach a separate sheet of paper.

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Notarization
In the State of _____, City/County of _____, subscribed and sworn before me,

the undersigned Notary Public in and for the City/County aforesaid this _____ day of _____, 19____

My commission expires the _____ day of _____, 19____
Affix official seal here _____
Signature of Notary Public _____

* Individual Social Security Numbers are not required on applications for licensure; however, the inclusion of this information will be helpful when processing future changes to your Virginia contractors license.

13. Have the Qualified Individuals identified in #9 and #10 been a Responsible Manager in another contracting business which holds a current or expired Virginia contractors license?

No Yes If yes, complete the following table.

Individual's Full Legal Name	Title	Business Name	VA Contractors License No.	Expiration Date

If any of the Qualified Individuals or businesses listed in #13 have failed to properly maintain a current Virginia contractors license or had a Virginia contractors license which expired less than six months ago, the licenses must be returned with this application.

14. Do the Qualified Individuals identified in #9 and #10 hold a current or expired contractor's license, certification or registration in another state?

No Yes If yes, complete the following table.

Individual's Full Legal Name	Business Name	State	License, Certification or Registration No.	Expiration Date

15. During the past five years, have the Qualified Individuals identified in #9 and #10 been subject to disciplinary action imposed by any local, state or national regulatory body that resulted in their Contractors license, certification or registration being suspended, revoked, or surrendered or a monetary penalty or fine being imposed?

No Yes If yes, list the name of the individual, the jurisdiction in which the disciplinary action took place, the license 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.

16. A. Have the Qualified Individuals identified in #9 and #10 been convicted in any jurisdiction of any felony? Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.

No Yes If yes, provide the information requested in #15.C.

B. Have the Qualified Individuals identified in #9 and #10 been convicted of any misdemeanor within the last three years? Please note: any plea of nolo contendere shall be considered a conviction for purposes of this application.

No Yes If yes, provide the information requested in #15.C.

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DEPARTMENT OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Department of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-20-10 et seq. Definitions and Miscellaneous: In General (amending 4 VAC 15-20-160).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1997.

Summary:

The amendment adds mute swan (*Cygnus olor*), an exotic species to Virginia which has established feral wild populations in the Commonwealth, to the list of bird species designated by the board as nuisance species.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-20-160. Nuisance species designated.

A. The board hereby designates the following species as nuisance species pursuant to § 29.1-100 of the Code of Virginia.

1. Mammals.

- a. House mouse (*Mus musculus*);
- b. Norway rat (*Rattus norvegicus*);
- c. Black rat (*Rattus rattus*); and
- d. Coyote (*Canis latrans*).

2. Birds.

- a. European starling (*Sturnus vulgaris*);
- b. English (house) sparrow (*Passer domesticus*); and
- c. Pigeon (Rock Dove) (*Columba livia*); and
- d. Mute swan (*Cygnus olor*).

B. It shall be unlawful to take, possess, transport, or sell all other wildlife species not classified as game, furbearer or nuisance, or otherwise specifically permitted by law or regulation.

VAR. Doc. No. R97-115; Filed November 6, 1996, 11:09 a.m.

Title of Regulation: 4 VAC 15-30-10 et seq. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4 VAC 15-30-40).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1997.

Summary:

The amendment prohibits the importation, possession, or sale of the nonnative exotic aquatic species, the tubenose goby (*Proterorhinus marmoratus*) and the round goby (*Neogobius melanostomus*).

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed below that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

AMPHIBIANS:

Order	Family	Genus/Species	Common Name
Anura	Bufo	<i>Bufo marinus</i>	Giant or marine toad*
	Pipidae	<i>Xenopus</i> spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	<i>Ambystoma tigrum mavortium</i>	Barred tiger salamander
		<i>A. t. diaboli</i>	Gray tiger salamander
		<i>A. t. melanostictum</i>	Blotched tiger salamander

BIRDS:

Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	<i>Myiopsitta monachus</i>	Monk parakeet*

FISH:

Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	<i>Ictiobus bubalus</i>	Smallmouth buffalo*
		<i>I. cyprinellus</i>	Bigmouth buffalo*
		<i>I. niger</i>	Black buffalo*

Final Regulations

	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.	Piranhas
	Cyprinidae	Aristichthys nobilis	Bighead carp*
		Ctenopharyngodon idella	Grass carp or white amur
		Cyprinella lutrensis	Red shiner
		Hypophthalmichthys molitrix	Silver carp*
		Mylopharyngodon piceus	Black carp
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby
		Neogobius melanostomus	Round goby
Perciformes	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
Siluriformes	Clariidae	All Species	Air-breathing catfish

MAMMALS:

Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs*, Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species (except <i>Mustela putorius furo</i>)	Weasels, Badgers,* Skunks and Otters Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs,

			Mongoose, and Fossas
	Herpestidae	All Species	Mongoose*
	Hyaenidae	All Species	Hyenas*
	Proteidae	<i>Proteles cristatus</i>	Aardwolf*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Lepridae	<i>Lepus europeaeus</i>	European hare
		<i>Oryctolagus cuniculus</i>	European rabbit

MOLLUSKS:

Order	Family	Genus/Species	Common Name
Veneroida	Dreissenidae	<i>Dreissena polymorpha</i>	Zebra Mussel

REPTILES:

Order	Family	Genus/Species	Common Name
Squamata	Alligatoridae	All Species	Alligators, Caimans*
	Colubridae	<i>Boiga irregularis</i>	Brown tree snake*
	Crocodylidae	All Species	Crocodiles*
	Gavialidae	All Species	Gavials*

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A that may be used in the manufacture of products or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving

Final Regulations

shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for certain mammals. Nonnative (exotic) mammals listed in subsection A that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Welfare Act (7 USC §§ 2131 et seq.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the current license or licenses or registration or registrations from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

F. All other nonnative (exotic) animals. All other nonnative (exotic) animals, not listed in subsection A may be possessed and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

VA.R. Doc. No. R97-116; Filed November 6, 1996, 11:09 a.m.

Title of Regulation: 4 VAC 15-320-10 et seq. Fish: Fishing Generally (amending 4 VAC 15-320-10 through 4 VAC 15-320-40, 4 VAC 15-320-90, and 4 VAC 15-320-120).

4 VAC 15-330-10 et seq. Fish: Trout Fishing (amending 4 VAC 15-330-110, 4 VAC 15-330-120, 4 VAC 15-330-150, and 4 VAC 15-330-160; repealing 4 VAC 15-330-170).

4 VAC 15-340-10 et seq. Fish: Seines and Nets (amending 4 VAC 15-340-40 and 4 VAC 15-340-60).

4 VAC 15-350-10 et seq. Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. (amending 4 VAC 15-350-60 and 4 VAC 15-350-70).

4 VAC 15-360-10 et seq. Fish: Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish (amending 4 VAC 15-360-10).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: January 1, 1997.

Summary:

4 VAC 15-320-10 et seq. Fish: Fishing Generally. The amendments (i) change the open season for anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay to that set by the Virginia Marine Resources Commission; (ii) establish an aggregate daily creel limit of five rock bass (redeye) and Roanoke bass in the Meherrin and Nottoway rivers and their tributaries and change the creel limit (noncommercial) for anadromous (coastal) striped bass

above the fall line in coastal rivers of the Chesapeake Bay to the possession limit set by the Virginia Marine Resources Commission for recreational fishing in tidal waters; (iii) establish the size limits on anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay as that set by the Virginia Marine Resources Commission, remove the 12-inch minimum size limit on largemouth bass in Chickahominy Reservoir, and establish an eight-inch minimum size limit on rock bass (redeye) in the Nottoway and Meherrin rivers and their tributaries; (iv) clarify under what conditions game fish and catfish may be sold in the Commonwealth; (v) add North Fork of Pound Reservoir to the waters exempted from the National Forest permit to fish; and (vi) establish a short (five-day) closed season to allow preparation for the annual opening of the three fee fishing areas, extend the fee fishing season in the fall at all three areas, allow the establishment of "children only" areas at all three areas, and allow unpermitted children to fish in the Douthat Fee Fishing Area as long as they are accompanied by a permitted adult and the combined creel limit of the adult and children does not exceed the adult's legal limit.

4 VAC 15-330-10 et seq. Fish: Trout Fishing. The amendments (i) remove the Hidden Valley section of Jackson River in Bath County from the list of special regulation 12-inch minimum size limit, six trout per day creel limit special regulation trout streams; (ii) add the Hidden Valley section of Jackson River in Bath County to the list of 16-inch minimum size limit, two trout per day creel limit special regulation trout streams; (iii) clarify the boundaries of the South Fork Holston River catch and release section and add Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington to the list of catch and release, artificial lures only trout streams; (iv) add Accotink Creek (Fairfax County), Passage Creek (Warren County), and North Fork of Pound and Pound rivers (Wise County) to the list of delayed harvest regulation trout streams; and (v) repeal 4 VAC 15-330-170 so the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington can be added to the list of catch and release, artificial lures only trout streams.

4 VAC 15-340-10 et seq. Fish: Seines and Nets. The amendments (i) clarify that dip netting for shad, herring, mullet and suckers requires either a valid fishing license or a dip net permit; and (ii) add Hungry Mother Creek above Hungry Mother Lake (Smyth County) to the list of streams where the use of nets, seines and traps is prohibited in the Commonwealth; provided, however, this shall not apply to hand landing nets for landing legally hooked fish.

4 VAC 15-350-10 et seq. Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. The amendments (i) change the requirement for the use of nonferrous metal tags to identify the owners of trotlines, juglines and set poles to that which allows for the permanent marking of the equipment by any means, and add the requirement of including a telephone number along with owners name and address; and (ii) establish a continuous open

season for bow fishing for carp and gar instead of just during daylight hours.

4 VAC 15-360-10 et seq. Fish: Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish. The amendment adds an exception to eliminate a conflict between 4 VAC 15-360-10 and subdivision 8 of 4 VAC 15-320-20 regarding possession limits for anadromous (coastal) shad and herring.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

4 VAC 15-320-10. Continuous open season for all species except anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay.

Except as otherwise specifically provided by sections appearing in this chapter, there shall be a continuous open season for fishing to take all species of fish except anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay, where the open season shall be that set by the Virginia Marine Resources Commission for tidal waters.

4 VAC 15-320-20. Creel limits.

The creel limits (including live possession) for the various species of fish shall be as follows:

1. Largemouth, smallmouth and spotted bass, five a day in the aggregate.
2. Landlocked striped bass and landlocked striped bass X white bass hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate. For anadromous (coastal) striped bass above the fall line in all coastal rivers [of the Chesapeake Bay], the limit [(noncommercial)] shall be [zero (catch and release only) the possession limit set by the Virginia Marine Resources Commission for recreational fishing in tidal waters]. The creel limit on striped bass in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay shall be four per day.
3. White bass, 25 per day, except that in New River and Claytor Lake from the Buck Dam on New River in Carroll County downstream to the Claytor Lake Dam, the limit shall be five per day.
4. Walleye or yellow pike perch and chain pickerel or jackfish, eight a day of each; except, that in Gaston Reservoir and Buggs Island (Kerr) Reservoir there shall be no daily limit for chain pickerel or jackfish.
5. Northern pike and muskellunge, two a day.
6. Sauger, eight per day.
7. Bluegill (bream) and other sunfish, excluding crappie (silver perch), rock bass (redeye) and Roanoke bass, 50 a day in the aggregate; crappie (silver perch) and rock bass (redeye), 25 a day of each species; rock bass

(redeye) and Roanoke bass, 5 a day in the aggregate, on the Nottoway and Meherrin rivers and their tributaries. There shall be no limit on any of the species included in this subdivision 7 in Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the Virginia-North Carolina state line downstream to the confluence of the New and Little Rivers in Grayson County.

8. American shad and hickory shad, in the James River above the fall line (14th Street Bridge), in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the Mattaponi River and Pamunkey River above the Route 360 bridge, and in the Rappahannock River above the Route 1 bridge, zero (catch and release only). Alewife and blueback herring in the James River above Boshers Dam, in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the South Anna River above the U.S. Route 1 bridge, and in the Rappahannock River above Embrey Dam, zero (catch and release only).

4 VAC 15-320-30. Size [limit].

Except as provided in this chapter, 4 VAC 15-330-50, and 4 VAC 15-330-110 through 4 VAC 15-330-140, there shall be no size limit on any species of fish.

1. There shall be a 30-inch minimum size limit on muskellunge, and a 20-inch minimum size limit on northern pike, landlocked striped bass (rockfish) and landlocked striped bass X white bass hybrids. For anadromous (coastal) striped bass above the fall line in coastal rivers of the Chesapeake Bay, the size limit shall be that set by the Virginia Marine Resources Commission for tidal waters.
2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.
3. There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the Chickahominy, Claytor, Philpott and Flannagan Reservoirs, and in Lake Moomaw (Gathright Project). It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.
4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be

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retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries, on Briery Creek Lake (Prince Edward County), on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudoun County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; on the James River from the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 bridge at Richmond; on North Fork Pound Reservoir; or on the Clinch River within the boundaries of Scott, Wise, Russell or Tazewell Counties.

7. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 15 inches in length from March 1 through June 15, both inclusive, in the Virginia tidal tributaries of the Potomac River upstream of the Route 301 Bridge. There shall be no size limit for largemouth, smallmouth or spotted bass from June 16 through the last day of February in those tributaries.

8. It shall be unlawful to have any *rock bass (redeye)* or Roanoke bass less than eight inches in length in one's possession on the Nottoway and Meherrin rivers and their tributaries.

4 VAC 15-320-40. Sale of freshwater molluscs, mussels, game fish or and catfish prohibited.

~~It shall be unlawful to sell, offer for sale or buy any species of freshwater mollusc or mussel, game fish or catfish, provided that this shall not apply to game fish sold alive for propagation purposes, or catfish artificially raised, by a holder of a Permit to Propagate and Sell Certain Wildlife or Permit to Hold and Sell Certain Wildlife, or sold pursuant to 4 VAC 15-330-180 and 4 VAC 15-330-190, or to any catfish taken from tidewater. Game fish and catfish raised in a privately owned facility by the holder of a Permit to Propagate and Sell Certain Wildlife or Permit to Hold and Sell Certain Wildlife may be sold as follows: (i) game fish for stocking private waters; (ii) game fish for stocking public waters only with approval from the department pursuant to 4 VAC 15-320-60; (iii) trout pursuant to 4 VAC 15-330-180 and 4 VAC 15-330-190; and (iv) catfish for stocking private waters, public waters pursuant to 4 VAC 15-330-60, or for human consumption. Catfish taken from tidewater may also be sold in accordance with Virginia Marine Resources Commission regulations.~~

4 VAC 15-320-90. Exception to requirement of national forest permit.

A national forest permit, as provided for in § 29.1-408 of the Code of Virginia shall not be required to fish from national forest lands in the North and South forks of the Shenandoah River, in Skidmore Lake in Rockingham County, in Lake Moomaw (Gathright Project), in the Jackson River below Gathright Dam, in *North Fork Pound Reservoir*, and in Wilson Creek downstream of Douthat Lake in Alleghany and Bath Counties.

4 VAC 15-320-120. Department-owned or controlled lakes, ponds or streams; special daily permit for fishing in Clinch Mountain Wildlife Management Area, Douthat State Park Lake and Crooked and Wilson creeks.

It shall be unlawful to fish in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County without having first paid to the department for such privilege a daily use fee. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the department shall issue a special permit which shall be signed and carried by the person fishing. This fee will be required from the ~~third Saturday in March through Labor Day~~ *first Saturday in April through September 30* at Clinch Mountain Wildlife Management Area (except Little Tumbling Creek) and at Crooked Creek fee fishing area in Carroll County, and from the ~~third first Saturday in March~~ *April through September 30* [~~June 15 and from September 15 through October 30~~ *October 31*] at Douthat State Park Lake and Wilson Creek, except that the director may temporarily suspend fee requirements if conditions cause suspension of trout stocking. During the remainder of the year, these waters will revert to designated stocked trout waters and a trout license will be required except as provided in 4 VAC 15-20-190. *No fishing is permitted in these waters for five days preceding the opening day. Upon written request from Douthat State Park and subsequent approval from the department, The department may recognize clearly marked "children only" fishing areas within Douthat State Park any department fee fishing area. Within these "children only" areas, children 12 years old or less may fish without the daily use fee if accompanied by a fully licensed adult who has purchased a valid daily permit. No person over 12 years of age may fish in these children-only areas. Also, children 12 years and under can fish without a permit in the entire Douthat Fee Fishing Area if under the direct supervision of a permitted adult. However, the combined daily creel limit for both adult and child/children in such a party shall not exceed six trout. During the fee fishing season these waters will be subject to 4 VAC 15-330-60, 4 VAC 15-330-80, and 4 VAC 15-330-90, as it relates to designated stocked trout waters.*

4 VAC 15-330-110. Special provisions applicable to certain portions of Green Cove Creek, Jackson River, Smith Creek, Snake Creek and Whitetop Laurel Creek.

It shall be lawful to fish using only artificial lures with single hooks in that portion of Green Cove Creek in Washington

County from Route 859 downstream to its mouth, Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run, upstream 3.0 miles to the last ford on FS 481D, in that portion of Smith Creek in Alleghany County from the Clifton Forge Reservoir Dam downstream to a sign at the Forest Service boundary above the C & O Dam, on Snake Creek in Carroll County upstream from its mouth to Hall's Fork on Big Snake Fork and to the junction of Routes 922 and 674 on Little Snake Fork, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction. All trout caught in these waters under 12 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 12 inches in length in these areas.

4 VAC 15-330-120. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Jackson River, Sinking Creek, Smith Creek, Smith River, and South Fork Holston River.

A. It shall be lawful year around to fish using only artificial lures with single hooks in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, in that portion of Smith River in Henry County from signs below the east bank of Towne Creek for a distance of approximately three miles downstream, in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir and, in that portion of the South Fork Holston River in Smyth County from a sign posted at the Jefferson National Forest boundary downstream from the confluence of the South Fork and Comers Creek upstream for approximately two miles to a sign posted at the upper Jefferson National Forest boundary, and in that portion of Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run, upstream three miles to the last ford on FS 481D.

B. It shall be lawful year around to fish using only artificial flies with single hooks in that portion of Sinking Creek in Giles County from a cable and department sign 0.4 miles below the State Route 703 low-water bridge upstream 1.8 miles to a cable and department sign 0.1 miles above the Reynolds Farm covered bridge, in that portion of Sinking Creek in Craig County from a cable and department sign 1.0 mile below the State Route 642 Bridge upstream to a cable and department sign 0.5 miles above the State Route 642 Bridge, and in that portion of Smith Creek in Rockingham County from a sign posted 1.0 miles below the confluence of Lacy Spring to a sign posted 0.4 miles above Lacy Spring.

C. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

4 VAC 15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions

of Dan, Jackson, Rapidan, South Fork Holston and Staunton rivers, the East Fork of Chestnut Creek, Roaring Fork, and their tributaries.

It shall be lawful year around to fish for trout using only artificial lures with single hooks within the Stewarts Creek Trout Management Area in Carroll County, in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County, in the Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County and, in the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington in Alleghany County, in the East Fork of Chestnut Creek (Farmer's Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll counties, and in Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County and in that section of the South Fork Holston River and its tributaries within the boundaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County. All trout caught in these waters must be immediately returned to the water. No trout may be in possession at any time in these areas.

4 VAC 15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, North River, Passage Creek, North Fork of Pound and Pound rivers, and South River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures with single hooks in Accotink Creek (Fairfax County) from Route 236 (Little River Turnpike) downstream 1.9 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek ([Shenandoah Warren] County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the city of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

4 VAC 15-330-170. Special provisions applicable to certain portion of Jackson River. (Repealed.)

~~It shall be unlawful to creel or possess trout on that portion of the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington. Such closure shall end when special regulations pertaining to trout fishing on such portion of the Jackson River are enacted by the Board of Game and Inland Fisheries.~~

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4 VAC 15-340-40. Dip nets; generally.

A. Authorization to take fish with dip nets. A county dip net permit shall authorize the holder to take shad, herring, mullet and suckers, in the county named on the face of the permit with a dip net in inland waters, except where otherwise prohibited by local legislation or by the sections appearing in this chapter.

B. Persons required to have permit; inspection by game wardens. A dip net permit, *or valid fishing license*, shall be required for all persons using or assisting in the use of a dip net and permits, *or licenses*, shall be carried at all times while using such nets and shall be subject to inspection by game wardens.

C. Release of certain fish netted. All fish, except shad, herring, mullet, suckers and carp, when taken with a dip net shall be returned to the water alive with as little injury as possible.

D. Special provisions applicable only to suckers. The following special provisions shall apply only to the taking of suckers, with a dip net:

1. Not more than 20 may be taken by any person in one day;
2. The open season for taking same with a dip net shall be from February 15 through May 15, both dates inclusive; and
3. Dip nets for taking such fish shall not be more than six feet square.

4 VAC 15-340-60. Seines, traps and nets prohibited in certain areas.

A. It shall be unlawful to use seines and nets of any kind for the taking of fish from the public waters of the Roanoke (Staunton) and Dan Rivers in Campbell, Charlotte, Halifax and Pittsylvania counties, and in the City of Danville; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked or the taking of fish bait from these waters pursuant to the provisions of 4 VAC 15-360-10 et seq.

B. In Lick Creek in Smyth and Bland counties, and in Bear Creek and *Hungry Mother Creek above Hungry Mother Lake* in Smyth County, it shall be unlawful to use seines, nets or traps; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked.

4 VAC 15-350-60. Trotlines, juglines or set poles.

A. Generally. Except ~~or~~ as otherwise provided by local legislation and by subsection B of this section, and except on waters stocked with trout and within 600 feet of any dam, it shall be lawful to use trotlines, juglines or set poles for the purpose of taking nongame fish and turtles, provided that no live bait is used. Notwithstanding the provisions of this section, live bait other than game fish may be used on trotlines to take catfish in the Clinch River in the Counties of Russell, Scott and Wise. Any person setting or in possession of a trotline, jugline or set pole shall have it *clearly* marked by ~~permanent means of a nonferrous metal tag bearing with his~~

~~name and, address and telephone number~~, and is required to check all lines at least once each day and remove all fish and animals caught. This requirement shall not apply to landowners on private ponds, nor to a bona fide tenant or lessee on private ponds within the bounds of land rented or leased by him, nor to anyone transporting any such device from its place of purchase.

B. Quantico Marine Reservation. It shall be unlawful to fish with trotlines in any waters within the confines of Quantico Marine Reservation.

4 VAC 15-350-70. Taking carp and gar with bow and arrow.

A. Season. Except as otherwise provided by local legislation *or as posted*, it shall be lawful to take carp and gar from the public inland waters of the Commonwealth, except waters stocked with trout, by means of bow and arrow ~~during the daylight hours only~~.

B. Crossbows, poison arrows or explosive-head arrows prohibited. It shall be unlawful to use a crossbow, poison arrows or arrows with explosive heads at any time for the purpose of taking carp or gar in the public inland waters of the Commonwealth.

C. Fishing license required. All persons taking fish in the manner mentioned in this section shall be required to have a regular fishing license.

4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, *subdivision 8 of 4 VAC 15-320-40* and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, bullhead catfish, suckers, gizzard shad, blueback herring, white perch, yellow perch, alewife, stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.
2. The following species may be taken in unlimited numbers from inland waters below the fall line: channel catfish, white catfish and blue catfish.
3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders which cannot be sold pursuant to the provisions of 4 VAC 15-360-60. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited

numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets not to exceed six feet in radius and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*Io fluvialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries), and it shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29 and in the entire North Fork of the Shenandoah River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

Virginia Department of Game and Inland Fisheries

CRITERIA FOR THE COLLECTION OF SNAPPING TURTLES, CRAYFISH, AND HELLGRAMMITES

CONDITIONS OF PERMIT

As provided for in § 29.1-417 of the code of Virginia and 4 VAC 15-360-30, this permit will be required by any person collecting snapping turtles, hellgrammites and/or crayfish from the wild for commercial purposes. This permit will be revoked for violation of any of the following conditions, restrictions or limitations (4 VAC 15-290-130).

A. PERMITTED SPECIES TO BE COLLECTED AND SOLD:

Snapping Turtles (*Chelydra serpentina*)

Hellgrammites

Crayfish (all species)

B. RECORD KEEPING:

Permittee will be required to keep a record of collecting activities and submit an annual report to the Department by October 15. This report must be received before a new permit will be issued.

Report (provided by VDGIF) should include:

- date of each collection
- location of collection (county & water)
- number of animals collected
- method of collection (e.g., hand, seine)
- number or pounds collected

C. EXCEPTIONS AND RESTRICTIONS:

- no species listed as threatened or endangered (attached list) shall be possessed or sold (4 VAC 15-20-130C).
- minimum shell size for snapping turtles shall be 9 inches.
- snapping turtles may not be collected for commercial purposes from October 1 through May 31.
- it shall be unlawful to use seines, nets or traps in Lick Creek in Smyth and Bland counties, and in Bear Creek and Hungry Mother Creek above Hungry Mother Lake in Smyth County. This shall not be construed to prohibit the use of hand landing nets for the landing of fish legally hooked (4 VAC 15-340-60).

D. TERM OF PERMIT:

Permits are issued on a fiscal year basis beginning July 1 and expiring June 30.

E. PERMIT HOLDER TO BE PRESENT WHEN COLLECTING ; PERSONS ASSISTING:

The holder of a permit to collect must be present at all times when collecting. Persons assisting in the operation need not obtain permits.

F. SET POLES:

Set poles may be used to take turtles provided they are not baited with live bait (worms are permissible) except on waters stocked with trout and within 600 feet of any dam. Any person setting or possessing a set pole shall have it clearly marked by permanent means with his or her name, address, and telephone number, and is required to check all lines and remove all fish and animals caught each day (4 VAC 15-350-60).

G. FEDERAL, STATE, OR LOCAL LAWS:

This permit does not absolve the permittee of any responsibilities or conditions of any other Federal, State, or Local laws and regulations, including those that apply to Threatened/Endangered Species.

VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES

APPLICATION/PERMIT

TO COLLECT SNAPPING TURTLES, CRAYFISH, & HELLGRAMMITES FOR SALE

(Under Authority of § 29.1-417, Code of Virginia, & VAC 15-360-30)

Fee: \$50.00

Permit (circle one): NEW RENEWAL VDGIF Permit No. _____

Name of Applicant _____ SS# _____

Address _____

_____ County _____

Telephone Number (_____) _____ Business Telephone Number (_____) _____

Business Name _____ EIN# _____

Business Address _____

_____ County _____

Name and location of facility if different from above, where animal(s) will be sold:

_____ County _____

Species permitted to collect and sell (check all species applying for):

- Snapping turtles (cannot be collected commercially from 1 October to May 31)
- Hellgrammites
- Crayfish

(No threatened or endangered species can be collected or sold)

Applicant signature _____ Date _____

Make check payable to: Treasurer of Virginia and return to: Permits Section, VDGIF, P.O. Box 11104, Richmond, Virginia 23230-1104

THIS PERMIT EXPIRES JUNE 30, 1997

_____ FOR DEPARTMENT USE ONLY _____

Approved by _____

Title _____ Date _____

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Board of Game and Inland Fisheries will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

REGISTRAR'S NOTICE: The Board of Housing and Community Development 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 where no agency discretion is involved. The Board of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 15-370-10 et seq. **Watercraft: In General (amending 4 VAC 15-370-10).**

Title of Regulation: 13 VAC 5-50-10 et seq., **Virginia Statewide Fire Prevention Code/1993 (amending 13 VAC 5-50-70 and adding 13 VAC 5-50-80).**

Statutory Authority: §§ 29.1-501, 29.1-502, 29.1-701 and 29.1-802 of the Code of Virginia.

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

Effective Date: January 1, 1997.

Effective Date: December 26, 1996.

Summary:

Summary:

The amendment effectuates the most current versions of previously adopted federal rules and regulations regarding safe boating operation and boating safety equipment in the waters of the Commonwealth, updating Virginia's adoption of those federal rules and regulations from the versions of prior years. The amendment also incorporates a section of federal regulation which had previously been excepted from the Virginia regulation, pertaining to personal flotation device requirements on boats less than 16 feet long, and to the new Type V (hybrid inflatable) personal flotation devices.

Chapter 44 of the 1995 Virginia Acts of Assembly repealed Chapter 7 (§§ 27-86 through 27-90) of Title 27 of the Code of Virginia which authorized the board to promulgate the Virginia Liquefied Petroleum Gas Regulations. Because of this repeal the regulations within the Statewide Fire Prevention Code which relate to or reference the already repealed regulation entitled Virginia Liquefied Petroleum Gas Regulations are being repealed.

Agency Contact: Copies of the regulation may be obtained from Phil Smith, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341.

13 VAC 5-50-70. Unsafe conditions.

4 VAC 15-370-10. Adoption of federal regulations and statutes concerning boating safety equipment and lights to apply to vessels in Virginia.

F-106.1. General. The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC:

A. The following federal rules and regulations are hereby adopted by the board as its regulations. These rules and regulations shall apply by their own terms to all vessels within the Commonwealth. As used in 33 CFR 175.3, the word "engaged" shall mean "hired for use."

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment.
3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.
5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.
7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

1. 33 USC §§ 2001, 2002, 2003, 2020 through 2030 (~~1976 and supplement 1985~~) [(1986 and supplement 1996)].
2. 33 CFR 175 (1985), except 33 CFR 175.17 [(1995)].
3. 46 CFR, Subparts 25.25, 25.30, 25.35, 25.40-1(a) and (b) (~~1985~~) [(1995)].

B. These regulations are adopted under the authority of § 29.1-735 of the Code of Virginia.

V.A.R. Doc. No. R97-118; Filed November 6, 1996, 11:09 a.m.

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8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

F-106.2. Maintenance. The owner shall be responsible for the safe and proper maintenance of any building, structure, premises or lot. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the USBC shall be maintained in a safe and proper operating condition.

Note: Also see Sections F-504.4 and F-504.4.1 of this code for further information.

F-106.3. Occupant responsibility. If an occupant of a building creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of said hazardous conditions.

F-106.4. Unsafe buildings. All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action under the provisions of the USBC, Volume I - New Construction Code or Volume II - Building Maintenance Code, to secure abatement by repair and rehabilitation or by demolition.

F-106.5. Evacuation. When, in the opinion of the fire official, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of the building, structure or premises. All notified occupants shall immediately leave the building, structure or premises, and no person shall enter until authorized to do so by the fire official.

F-106.6. Unlawful continuance. It is deemed a violation of the SFPC for any person to refuse to leave, interfere with the evacuation of the other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition.

F-106.7. Notice of violation. Whenever the fire official observes a violation of this code or ordinance under the fire

official's jurisdiction, the fire official shall prepare a written notice of the violation describing the condition deemed unsafe, citing the applicable code section and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such persons by mail to the last known post office address, by delivering it in person, by delivering it to and leaving it in the possession of any person in charge of the premises, or, in case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access; such procedure shall be deemed the equivalent of personal notice.

F-106.8. Failure to correct violations. If the notice of violation is not complied with in the time specified by the fire official, the fire official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate any notice of violation which is not complied with in the specified time or require removal or termination of the unlawful use of the building or structure. The local law enforcement agency of the jurisdiction shall be requested by the fire official to make arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public when the fire official is not certified in accordance with § 27-34.2 of the Code of Virginia.

F-106.9. Issuing summons for violation. If certified in accordance with § 27-34.2 of the Code of Virginia, the fire official may issue a summons in lieu of the notice of violation.

F-106.10. Penalty for violation. Violations are a Class 1 misdemeanor in accordance with § 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

F-106.11. Abatement of violation. Conviction of a violation of the SFPC shall not preclude the institution of appropriate legal action to require correction or abatement of the violation or to prevent other violations or recurring violations of the SFPC relating to use of the building or premises.

13 VAC 5-50-80. Amendments to the BOCA National Fire Prevention Code/1993 Edition.

A. Change Section F-201.3 to read:

F-201.3. Terms defined in the other codes. Where terms are not defined in this code and are defined in the USBC, they shall have the meanings defined by the USBC.

B. Change the following definitions in Section F-202.0, General Definitions, to read:

"Blasting agent" means any explosive material that has been tested and approved in accordance with the provisions of DOT 49 CFR which includes that the finished product, as mixed for use and shipment, cannot be detonated by a No. 8 test blasting cap when unconfined.

"Building code official" means the designated authority charged with the administration and enforcement of the USBC, Volume I - New Construction Code.

"Code official" means the designated authority charged with the administration and enforcement of the USBC, Volume II - Building Maintenance Code.

Note: When "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official."

"Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B, or Class C explosives by DOT regulations and includes, but is not limited to, dynamite, black powder, pellet powders, smokeless powder, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonate fuse, instantaneous fuse, igniter cord and igniters.

"Fireworks" means any item known as firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air. The term "fireworks" does not include auto flares, caps for pistols, pinwheels, sparklers, fountains or Pharaoh's Serpents provided, however, these permissible items may only be used, ignited or exploded on private property with the consent of the owner of such property.

"Structure" means an assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

C. Add these new definitions to Section F-202.0, General Definitions:

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

"Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

"Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet above the center of a railway or highway shall pass through such barrier.

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

"Building Code" means the building code in effect at the time of construction.

"Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

"Explosive materials" means explosives, blasting agents and detonators.

"Fire official" means the designated authority charged with the administration and enforcement of the SFPC.

"Highway" means any public street, public alley, or public road. "Public Highways Class A to D" are highways with average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbett, Vol. 1, Table 46, Sec. 3-74, 1956 Edition, John Wiley and Sons).

"Inhabited building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

"Magazine" means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

"Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

"Peak particle velocity" means the maximum component of the three mutually perpendicular components of motion at a given point.

"Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge. (See special industrial explosive device.)

"Railway" means any steam, electric, or other railroad or railway which carries passengers for hire.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight (and that of its own load) rests upon or is carried by another vehicle.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so

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constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Transport" or "transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

~~D. Delete the following definitions from Section F-202.0, General Definitions:~~

~~Liquefied petroleum gas (LP gas or LPG)~~

~~Liquefied petroleum gas equipment~~

CHAPTER 4. OPEN FLAMES OR BURNING.

Change Section F-403.1 to read:

F-403.1. General. Open burning shall be allowed in accordance with the laws and regulations set forth by the State Air Pollution Control Board, the Department of Forestry, and as regulated by the locality.

CHAPTER 5. FIRE PROTECTION SYSTEMS.

Add new Section F-519.0, Smoke Detectors for the Deaf and Hearing-impaired, to read:

SECTION F-519.0. SMOKE DETECTORS FOR THE DEAF AND HEARING-IMPAIRED.

F-519.1. Audible and visual alarms. Audible and visual alarms, meeting the requirements of UL Standard 1638, and installed in accordance with NFPA/ANSI 72G, shall be provided in occupancies housing the hard of hearing, as required by § 36-99.5 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candela. Portable alarms meeting these requirements shall be acceptable.

CHAPTER 7. EMERGENCY PLANNING AND PREPAREDNESS.

Add new Section F-707.4, Fire Exit Drills, to read:

F-707.4. Fire exit drills. Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.

CHAPTER 18. OIL AND GAS PRODUCTION.

Delete Chapter 18, Oil and Gas Production, as it is covered by the Virginia Gas and Oil Act, Chapter 22.1 (§ 45.1-361.1 et seq.) of Title 45.1 of the Code of Virginia.

CHAPTER 30. EXPLOSIVES, AMMUNITION AND BLASTING AGENTS.

Chapter 30, Explosives, Ammunition and Blasting Agents, is deleted in its entirety and replaced with Chapter 30 of the SFPC, as follows:

SECTION F-3001.0. GENERAL.

F-3001.1. Scope. The equipment, processes and operations involving the manufacture, possession, storage, sale,

transportation and use of explosives and blasting agents shall comply with the applicable requirements of this code and the provisions of this article and shall be maintained in accordance with NFIPA 495, NFIPA 498, and DOT 49CFR listed in Appendix A except as herein specifically exempted or where provisions of this article do not specifically cover conditions and operations, and with the Institute of Makers of Explosives (IME) Safety Library Publications, with Regulations Governing the Transportation of Hazardous Materials as promulgated by the Virginia Waste Management Board, and with the Virginia Motor Carrier Regulations.

F-3001.2. Exceptions. Nothing in this article shall be construed as applying to the following explosive uses:

1. The Armed Forces of the United States or of a state.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The sale or use of fireworks which are regulated by Chapter 31.
4. Laboratories engaged in testing explosive materials.
5. The possession, storage and use of not more than five pounds (2.27 kg) of smokeless powder, black powder, and 1000 small arms primers for hand loading of small arms ammunition for personal use.
6. The manufacture, possession, storage and use of not more than five pounds (2.27 kg) of explosives or blasting agents in educational, governmental or industrial laboratories for instructional or research purposes when under the direct supervision of experienced, competent persons.
7. The transportation and use of explosives or blasting agents by any federal agency, the Virginia Department of State Police, or fire and law-enforcement officials acting in their official capacity in the discharge of their duties; nor to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia (Department of Mines, Minerals and Energy).

F-3001.3. Permit required. A permit shall be obtained from the code official for any of the following conditions or operations:

1. To possess, store, or otherwise dispose of explosives or blasting agents.
2. To use explosives or blasting agents:
 - a. A permit shall be issued for each project.
 - b. The permit shall specify the type of blasting and any special conditions. To the extent that blasting will occur within any waters of the Commonwealth or in any of the waters under its jurisdiction, evidence of a valid Marine Resources Commission permit, or "no permit necessary" authorization, will be required.
3. To operate a terminal for handling explosives or blasting agents.
4. To manufacture explosives or blasting agents, providing the following conditions are met:

a. Registration with the Department of Housing and Community Development;

b. Valid license from the Bureau of Alcohol, Tobacco and Firearms; and

c. Valid license to do business in the Commonwealth of Virginia.

5. To sell explosives and blasting agents, providing the following conditions are met:

a. Registration with the Department of Housing and Community Development;

b. Valid license from the Bureau of Alcohol, Tobacco and Firearms; and

c. Valid license to do business in the Commonwealth of Virginia.

Exception: Annual permits for the use of explosives shall be issued to any state regulated public utility.

F-3001.3.1. Prohibited permits. Permits as required above shall not be issued for:

1. Liquid nitroglycerin and nitrate esters.
 2. Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.
 3. Leaking, damaged, or defective packages or containers of high explosives.
 4. Nitrocellulose in a dry and uncompressed condition to be shipped or transported.
 5. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition.
- Exception. Fulminate of metals which is a component of manufactured articles not otherwise forbidden.
6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F (75°C).
 7. New explosives until approved by DOT 49CFR listed in Appendix A, except for permits issued to educational, governmental or industrial laboratories for instructional or research purposes.
 8. Explosives forbidden by DOT 49CFR listed in Appendix A.
 9. Explosives not packed or marked in accordance with the requirements of DOT 49CFR listed in Appendix A.
 10. Explosives containing an ammonium salt and a chlorate.

F-3001.4. Certification required. The use of explosive materials shall be conducted or supervised on-site by blasters certified in accordance with the Virginia Certification Standards (13 VAC 5-20-10 et seq.). The blaster shall carry proof of certification during the loading or firing of explosive materials.

Exception: Individuals conducting agricultural blasting operations on their own property.

F-3001.4.1. Certification fee. The Department of Housing and Community Development shall charge a \$20 fee to applicants for restricted blaster certification or unrestricted blaster certification.

F-3001.5. Liability insurance. The company or individual applying for a permit to blast, manufacture, or sell explosives shall provide proof of insurance in an amount determined by the fire official but in no case less than \$500,000.

Exception: Liability insurance shall not be required with an agricultural blasting permit when the blast is conducted on the applicant's personal property.

SECTION F-3002.0. GENERAL REQUIREMENTS.

F-3002.1. Storage. The storage of explosives and blasting agents is prohibited within the legal geographic boundaries of any district where such storage is prohibited by the authority having jurisdiction.

Exception: Temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material.

F-3002.2. Sale and display. Explosives shall not be sold, given, delivered, or transferred to any person or company not in possession of a valid permit. A person shall not sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly or education.

SECTION F-3003.0. STORAGE OF EXPLOSIVE MATERIALS.

F-3003.1. General. Explosives, including special industrial high explosive materials, shall be stored in magazines which meet the requirements of this article. This shall not be construed as applying to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material. Magazines shall be in the custody of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for compliance with all safety precautions.

F-3003.2. Control in wholesale and retail stores. Explosive materials shall not be stored within wholesale or retail stores. The storage of explosives for wholesale and retail sales shall be in approved outdoor magazines except that not more than 50 pounds of black or smokeless powder may be stored in a Type 4 indoor magazine.

F-3003.3. Magazine clearances. Magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in conformance with Table F-3003, except as provided in Section F-3003.2.

F-3003.4. Magazine construction. Magazines shall be constructed and maintained in accordance with IME publication No. 1.

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F-3003.4.1. Magazine heat and light. Magazines shall not be provided with artificial heat or light, except that if artificial light is necessary, an approved electric safety flashlight or safety lantern shall be used.

F-3003.5. Safety precautions. Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside or within 50 feet (15.24m) of magazines. Combustible materials shall not be stored within 50 feet (15.24m) of magazines.

F-3003.5.1. Surrounding terrain. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash and debris for a distance of at least 25 feet (7.62 m).

F-3003.5.2. Locking security. Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

F-3003.5.3. Magazine housekeeping. Magazines shall be kept clean, dry and free of grit, paper, empty packages or rubbish.

F-3003.5.4. Separation of detonators and explosives. Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

Table F-3003 (3)
TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES (2)

QUANTITY OF EXPLOSIVE MATERIALS		DISTANCES IN FEET							
		Inhabited Buildings		Public Highways Class A to D		P a s s e n g e r Railways-Public Highways with Traffic Volume of more than 3,000 Vehcls/Day		Separation of Magazines(1)	
Pounds Over	Pounds Not Over	Barri- caded	Unbarr- icaded	Barri- caded	Unbarr- icaded	Barri- caded	Unbarr- icaded	Barri- caded	Unbarr- icaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24

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40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	90
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,800	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,000	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,000	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,000	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

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Numbers in () refer to explanatory notes

NOTE 1 When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 2 Storage in excess of 300,000 lbs. of explosive materials, in one magazine is generally not required for commercial enterprises.

NOTE 3 This table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

F-3003.5.5. Explosive unpacking. Metal or wooden packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet (15.24m) of a magazine.

F-3003.5.6. Magazine contents. Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies and oxidizers used in compound blasting agents.

F-3003.6. Unstable explosives. When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if liquid leaks from any explosive, then the person in possession of such explosive shall immediately report that fact to the code official and upon his approval shall proceed to destroy such explosives and clean floors stained with nitroglycerin or other such liquids in accordance with the instructions of the manufacturer. Only qualified, experienced persons shall do the work of destroying explosives.

Note: Disposal of explosives as "waste" should be in accordance with the Department of Waste Management regulations.

F-3003.7. Magazine warnings. Property upon which Type I magazines and outdoor magazines of Types 2, 4 and 5 are located shall be posted with signs stating "Explosives - Keep Off." The signs shall be located such that the possibility of a bullet shot at the sign and hitting the magazine is minimized.

SECTION F-3004.0. TRANSPORTATION OF EXPLOSIVES.

F-3004.1. General. The transportation of explosive materials shall comply with applicable provisions of the Regulations Governing the Transportation of Hazardous Materials as promulgated by the Virginia Waste Management Board.

F-3004.2. Enforcement. The Department of State Police, together with all law enforcement and peace officers of the Commonwealth who have satisfactorily completed the course in Hazardous Materials Compliance and Enforcement as

prescribed by the U.S. Department of Transportation, Research and Special Programs, and Office of Hazardous Materials Transportations, in federal safety regulations and safety inspections procedures pertaining to the transportation of hazardous materials, shall enforce the provisions of this section. Those officers shall annually receive in-service training in current federal safety standards and safety inspection procedures pertaining to the transportation of hazardous materials.

SECTION F-3005.0. STORAGE OF BLASTING AGENTS AND SUPPLIES.

F-3005.1. General. Blasting agents or oxidizers, when stored in conjunction with explosives, shall be stored in the manner set forth in Section F-3003.0 for explosives. The quantity of blasting agents and one half the quantity of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

F-3005.2. Storage location. Buildings used for storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways and public highways in accordance with Table F-3003.

F-3005.3. Storage housekeeping. The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, nitrates other than ammonium nitrate or similar materials shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire-resistance rating of not less than one hour. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

F-3005.4. Trailer storage requirements. Semitrailers or full trailers used for temporarily storing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table F-3003. Trailers shall be provided with substantial means for locking and trailer doors shall be kept locked except during the time of placement or removal of blasting agents.

F-3005.5. Oxidizers and fuels. Piles of oxidizers and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

F-3005.6. Oxidizer handling. Caked oxidizer, either in bags or in bulk, shall not be loosened by blasting.

SECTION F-3006.0. HANDLING OF EXPLOSIVES.

F-3006.1. Mixing blasting agents. Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table F-3003.

F-3006.2. Quantity of mixing agents. Not more than one day's production of blasting agents or the limit determined by Table F-3003, whichever is less, shall be permitted in or near the building or other facility used for mixed blasting agents. Larger quantities shall be stored in separate buildings or magazines.

F-3006.3. Compounding standards. Compounding and mixing of recognized formulations of blasting agents shall be conducted in accordance with NFPA 495 and DOT 49CFR listed in Chapter 44.

F-3006.4. Ignition protection. Smoking or open flames shall not be permitted within 50 feet (15.24m) of any building or facility used for the mixing of blasting agents.

F-3006.4.1. Unpacking tools. Tools used for opening packages of explosives shall be constructed of nonsparking materials.

Exception. Metal slitters may be used for opening paper and fiberboard containers.

F-3006.5. Waste disposal. Empty oxidizer bags shall be disposed of daily by burning in a safe manner (in an open area and at a safe distance from buildings or combustible materials).

F-3006.5.1. Packing material disposal. Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved, isolated location out-of-doors, and any person shall not be closer than 100 feet (30.48 m) during the course of said burning.

F-3006.6. Control. Explosives shall not be abandoned.

SECTION F-3007.0. BLASTING.

F-3007.1. Time. Blasting operations shall be conducted during daylight hours except when otherwise approved.

F-3007.2. Personnel. The handling and firing of explosives shall be performed by the person certified as a blaster under Section F-3001.4 of this code or by employees under that person's direct on-site supervision who are at least 21 years old.

1. A person shall not handle explosives while under the influence of intoxicants or narcotics.
2. A person shall not smoke or carry matches while handling explosives or while in the vicinity thereof.
3. An open flame light shall not be used in the vicinity of explosives.

F-3007.3. Clearance at site. At the site of blasting operations, Class II magazines shall be located as far away as practicable from neighboring inhabited buildings, railways, highways, and other magazines.

F-3007.4. Notice. Whenever blasting is being conducted within 200 feet of gas, electric, water, fire, alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. This time limit shall not be waived except in an emergency as determined by the code official.

F-3007.5. Responsibility. Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance

or under sufficient cover, and a warning signal has been sounded.

F-3007.6. Precautions. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

1. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm;
2. The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet (106.75m) of the blasting operations; and
3. Compliance with NFPA 495 listed in Appendix A when blasting within 1-1/2 miles (2.41 km) of broadcast or highpower short wave radio transmitters.
4. Misfires shall be handled as directed by equipment manufacturers with no one entering the blasting site, except the blaster, until the loaded charges have been made to function or have been removed.

F-3007.7. Congested areas. As required by the fire official, when blasting is done in congested areas or in close proximity to a building, structure, railway, highway or any other installation susceptible to damage, the blast shall be covered before firing, with a mat or earth, or both, so that it is capable of preventing rock from being thrown into the air out of the blast area.

F-3007.8. Blast records. A record of each blast shall be kept and retained for at least three years and shall be available for inspection by the fire official. These records shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
- *8. Amount of explosives per delay of eight milliseconds or greater.
9. Method of firing and type of circuit.
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
- *13. Type of detonators and delay periods.
14. Type and height of stemming.
15. Seismograph records where indicated.

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* Subdivisions 8 and 13 of this section are not applicable to restricted blasters.

SECTION F-3008.0. STANDARDS FOR CONTROL OF AIRBLAST AND GROUND VIBRATION.

F-3008.1. Airblast. This section shall apply to airblast effects as recorded at the location of any private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation. If requested by a property owner registering a complaint and deemed necessary by the fire official, measurements of three consecutive blasts, using approved instrumentation, shall be made near the structure in question.

F-3008.1.1. Maximum airblast. The maximum airblast at any inhabited building, resulting from blasting operations, shall not exceed 130 decibels peak, or 140 decibels peak at any uninhabited building, when measured by an instrument having a flat frequency response (+3 decibels) over a range of at least six to 200 Hertz.

F-3008.2. Ground vibration. This section shall provide for limiting ground vibrations at structures that are neither owned nor leased by the person conducting or contracting for the blasting operation. Engineered structures may safely withstand higher vibration levels based on an approved engineering study upon which the fire official may then allow higher levels for such engineered structures.

Note: Each Table, F-3008A to F-3008C, has an increasing degree of sophistication and each can be implemented either by the fire official as a result of complaints or by the contractor to determine site specific vibration limits. The criteria in Tables F-3008 A, B, and C and Section F-3008.3 are intended to protect low-rise structures including dwellings.

Table F-3008 A* CHARGE WEIGHT PER DELAY DEPENDENT ON DISTANCE

Distance to a Building		Weight of Explosive per Delay	Distance to a Building		Weight of Explosive per Delay	Distance to a Building		Weight of Explosive per Delay
Feet over	Feet not over	Pounds	Feet over	Feet not over	Pounds	Feet over	Feet not over	Pounds
0	5	1/4	160	170	23 1/4	400	450	98
5	10	1/2	170	180	25	450	500	115
10	15	3/4	180	190	28	500	550	135
15	60	Note b	190	200	30 1/2	550	600	155
60	70	6	200	220	34	600	650	175
70	80	7 1/4	220	240	39	650	700	195
80	90	9	240	250	42	700	750	220
90	100	10 1/2	250	260	45	750	800	240
100	110	12	260	280	49	800	850	263
110	120	13 3/4	280	300	55	850	900	288
120	130	15 1/2	300	325	61	900	950	313
130	140	17 1/2	325	350	69	950	1000	340
140	150	19 1/2	350	375	79	1000	1100	375
150	160	21 1/2	375	400	85	1100	1200	435
						1200	1300	493

Note a. Over 60 feet this table is based upon the formula: $w = d^{1.5/90}$.

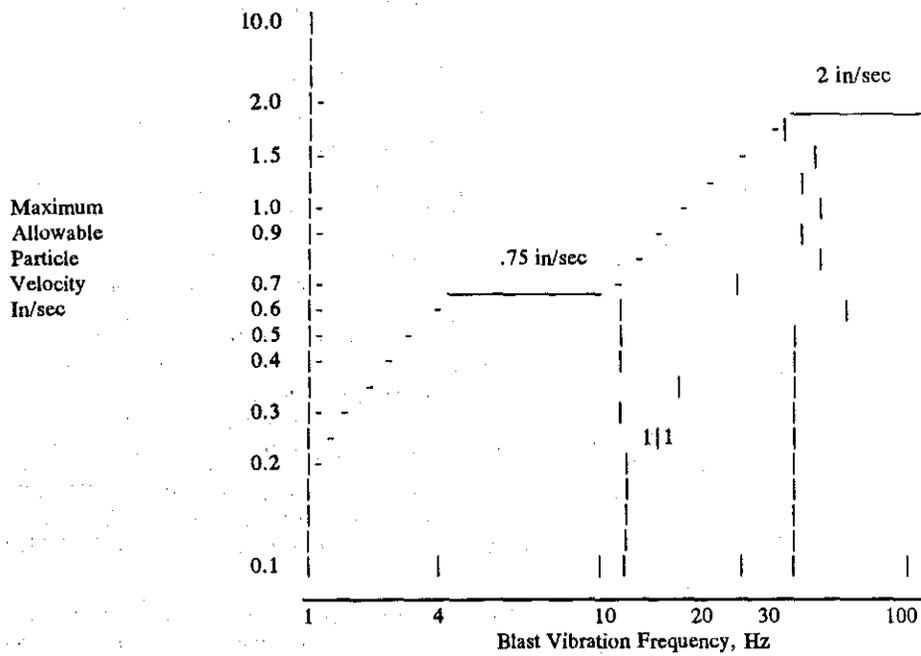
Note b. One tenth of a pound of explosive per foot of distance to a building.

Table F-3008 B PEAK PARTICLE VELOCITY DEPENDENT ON DISTANCE

Distance		Peak Particle Velocity of Any One Component
Feet over	Feet not over	Inches per second
0	100	2.00
100	500	1.50
500	1000	1.00
over	1000	0.75

Note a. The instrument's transducer shall be firmly coupled to the ground

Table F-3008 C PARTICLE VELOCITY CRITERIA DEPENDENT ON FREQUENCY CONTENT



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F-3008.2.1. **Blasting without instrumentation.** Where no seismograph is used to record vibration effects, the explosive charge weight per delay (eight milliseconds or greater) shall not exceed the limits shown in Table F-3008A. When charge weights per delay on any single delay period exceed 520 lbs., then ground vibration limits for structures shall comply with Tables F-3008B, F-3008C, or Section F-3008.3.

F-3008.2.2. **Monitoring with instrumentation.** Where a blaster determines that the charge weights per delay given in Table F-3008A are too conservative, he may choose to monitor (at the closest conventional structure) each blast with an approved seismograph and conform to the limits set by Tables F-3008B, F-3008C, or Section F-3008.3.

Note: From this point on, the explosive charge weight per delay may be increased, but the vibration levels detailed in Tables F-3008B, F-3008C, or Section F-3008.3 shall not be exceeded.

F-3008.3. **Response spectra.** A relative velocity of 1.5 inches per second or less, within the 4 to 12 Hertz range of natural frequencies for low rise structures, shall be recorded as determined from an approved response spectra.

F-3008.4. **Instrumentation.** A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motion, in terms of particle velocity, shall be used and shall have the following characteristics:

1. Each seismograph shall have a frequency response from two to 150 Hertz or greater and a velocity range from 0.0 to 2.0 inches per second or greater, and shall adhere to design criteria for portable seismographs outlined in U.S. Bureau of Mines RI 5708, RI 6487, and RI 8506.
2. All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once per year.
3. All seismographs shall be operated by competent people trained in their correct use and seismographs records shall be analyzed and interpreted as may be required by the fire official.

F-3008.5. **Seismographic records.** A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least three years and shall be available for inspection. Records shall include the following information:

1. Name of company or contractor.
2. Location, date and time of blast.
3. Name, signature and social security number of blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type of explosives used.
8. Total amount of explosives used.

9. Maximum amount of explosives per delay period of eight milliseconds or greater.

10. Method of firing and type of circuit.

11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting.

12. Weather conditions including such factors as wind direction, etc.

13. Height or length of stemming.

14. Type of protection, such as mats, that were used to prevent flyrock.

15. Type of detonators used and delay period used.

16. The exact location of the seismograph and the distance of the seismograph from the blast.

17. Seismograph readings, where required, shall contain:

- a. Name and signature of person operating the seismograph.
- b. Name of person analyzing the seismograph records.
- c. Seismograph reading.

18. The maximum number of holes per delay period of eight milliseconds or greater.

SECTION F-3009.0. THEFT, DISAPPEARANCE, INJURIES OR PROPERTY DAMAGE.

F-3009.1. **Reports of stolen explosives.** Pursuant to § 27-97.1 of the Code of Virginia, any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with this code shall report to the State Police and the local law-enforcement agency any theft or other disappearance of any explosives or blasting devices from their inventory. In addition, notification shall be made to the fire official having issued the permit.

F-3009.2. **Reports of injuries or property damage.** The fire official shall be immediately notified of injuries to any person or damage to any property as a result of the functioning of the explosive.

F-3009.3. **Relationship of local fire official and State Fire Marshal.** The local fire official shall relay information obtained from reports required by Sections F-3009.1 and F-3009.2 to the Office of the State Fire Marshal.

CHAPTER 31. FIREWORKS.

A. Change Section F-3101.1 to read:

F-3101.1. **Scope.** The manufacture, transportation, display, sale or discharge of fireworks shall comply with the requirements of Chapter 11 of Title 59 of the Code of Virginia.

B. Delete Section F-3102.0, Definitions.

C. Delete Section F-3103.1, General.

D. Delete Section F-3103.2, Violations.

E. Delete Section F-3103.3, Display, and renumber subsection F-3103.3.1 to F-3103.3.

F. Delete Section F-3103.5, Sale of fireworks.

CHAPTER 32. FLAMMABLE AND COMBUSTIBLE LIQUIDS.

A. Change Section F-3205.5 to read as follows:

F-3205.5. Fuel dispensing outside the building. Fuel dispensers outside the building shall be located a minimum of 10 feet (3048 mm) from the lot line and five feet (1524 mm) from any building opening. Where fuel is dispensed to motor vehicles, the motor vehicle being served shall be located on the premises.

B. Change Section F-3205.8, Attendant, to read as follows:

F-3205.8. Attendant. Each service station open to the public shall have an attendant on duty who is familiar with the location of pump controls and operation of safety equipment.

Exception: Service stations in compliance with National Fire Protection Association (NFPA) 30A Standard listed in Chapter 44 shall not be required to have an attendant on duty.

Note: NFPA 30A Standard may be obtained from:

National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

CHAPTER 36. LIQUEFIED PETROLEUM GASES.

~~Change Section F 3601.1 as follows and delete the remainder of Chapter 36:~~

~~F 3601.1. Scope. The equipment, processes and operation for storage, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases shall comply with the Virginia Liquefied Petroleum Gas Regulations in effect at the time of construction as provided for in Chapter 7 of Title 27 of the Code of Virginia.~~

VA.R. Doc. No. R97-110; Filed October 30, 1996, 12:34 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-10-10 et seq. State Plan for Medical Assistance Services: General Provisions (amending 12 VAC 30-10-60 and 12 VAC 30-10-530), 12 VAC 30-120-360 et seq. Part VI: Medallion II.

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

Effective Date: January 1, 1997.

Summary:

The 1995 Appropriation Act required that the Department of Medical Assistance Services (DMAS) seek a 1915 waiver from the Health Care Financing Administration to begin phasing in the Medallion II program effective January 1, 1996. The department was directed to

initially contract with managed care organizations on a capitation basis in the Tidewater area.

The Medallion II initiative is designed to improve health outcomes, build on the success of current programs, and restrain Medicaid costs. HMOs are paid a fee per Medallion II client each month and are responsible for providing the client's health care, regardless of how much care is needed. HMOs have an incentive to provide preventive care and patient education to improve health status and avoid the need for expensive inpatient and emergency care.

DMAS has sought input for program specifics from client and provider groups. The major health care associations in the Commonwealth have been supportive of this effort. DMAS has planned and implemented numerous information programs for providers and clients on program details to smooth the transition to Medallion II.

Several technical changes are being included in this package to reflect changes that have occurred previously in the program. Several changes are also being made based on recent changes to state and federal law.

Chapter 318 of the 1996 Virginia Acts of Assembly requires HMOs under contract to DMAS to prepare all program documents furnished to recipients in a nontechnical, readily understandable manner and to submit such documents to DMAS for approval prior to use. Chapter 912 of the 1996 Virginia Acts of Assembly, Item 322.L.7, mandates that emergency care provided to a Medallion II client by a provider who is not participating in the client's HMO network be reimbursed according to the Medicaid fee schedule. Chapter 912 also requires, in Item 322.O, the use of an independent Medicaid Managed Care Health Benefits Manager to handle all marketing and enrollment for the Medallion II program. Likewise, 42 CFR 434.67 has recently been amended to include the language discussing sanctions when HMOs fail to comply with federal regulations regarding physician incentive plans.

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

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-10-60. Application; determination of eligibility and furnishing Medicaid.

A. The Medicaid agency meets all requirements of 42 CFR Part 435, Subpart J for processing applications, determining eligibility and furnishing Medicaid.

B. 1. Except as provided in items subdivisions 2 and 3 below of this subsection, individuals are entitled to Medicaid services under the plan during the three months preceding the month of application, if they were,

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or on application would have been, eligible. The effective date of prospective and retroactive eligibility is specified in 12 VAC 30-40-10.

2. For individuals who are eligible for Medicaid cost sharing expenses as qualified Medicare beneficiaries under § 1902(a)(10)(E)(i) of the Act, coverage is available for services furnished after the end of the month in which the individual is first determined to be a qualified Medicare beneficiary. 12 VAC 30-40-10 specifies the requirements for determination of eligibility for this group.

3. Pregnant women are not entitled to ambulatory prenatal care under the plan during a presumptive eligibility in accordance with § 1920 of the Act. 12 VAC 30-40-10 specifies the requirements for determination of eligibility of this group.

C. *The Medicaid agency elects to enter into a risk contract with an HMO that is qualified under Title XIII of the Public Health Service Act or is provisionally qualified as an HMO pursuant to § 1903(m)(3) of the Social Security Act (42 USC § 1396(m)).*

The Medicaid agency elects to enter into a risk contract with an HMO that is not federally qualified, but meets the requirements of 42 CFR 434.20(c) and is defined in 12 VAC 30-20-60.

D. The Medicaid agency has procedures to take applications, assist applicants, and perform initial processing of applications from those low income pregnant women, infants, and children under age 19, described in § 1902(a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), and (a)(10)(A)(ii)(IX) at locations other than those used by the Title IV-A program including FQHCs and disproportionate share hospitals. Such application forms do not include the ADFC form except as permitted by HCFA instructions.

12 VAC 30-10-530. Utilization and quality control.

A. A Statewide program of surveillance and utilization control has been implemented that safeguards against unnecessary or inappropriate use of Medicaid services available under this plan and against excess payments, and that assesses the quality of services. The requirements of 42 CFR [Part] 456 are met directly.

Quality review requirements described in § 1902(a)(30)(C) of the Act relating to services furnished by HMO's under contract are undertaken through contract with the PRO designated under 42 CFR Part 462.

B. The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart C, for control of the utilization of inpatient hospital services.

No waivers have been granted.

C. The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart D, for control of utilization of inpatient services in mental hospitals.

No waivers have been granted.

D. The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart E, for the control of utilization of skilled nursing facility services.

No waivers have been granted.

~~The program will allow a maximum of ten administrative days for placement and transfer for SNF to ICF in order to make an orderly transfer or placement possible without potential harm or trauma to the patient in accordance with 42 CFR 456.4.~~

E. The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart F, for control of the utilization of intermediate care facility services as provided through:

1. Direct review by personnel of the medical assistance unit of the state agency.
2. Personnel under contract to the medical assistance unit of the state agency.

The program will allow a maximum of [ten 10] administrative days for placement and transfer from ICF/NF to community in order to make an orderly transfer or placement possible without potential harm or trauma to the patient in accordance with 42 CFR 456.4.

One of the semiannual utilization reviews required by 42 CFR 456.434(b)(1) for intermediate care ICF/MR recipients will be conducted by the Virginia Department of Health as part of the inspection of care visit. The second utilization review will be conducted by personnel of the Medical Assistance unit of the state agency.

F. The Medicaid agency meets the requirements of § 1902(a)(30) of the Act for control of the assurance of quality furnished by each health maintenance organization under contract with the Medicaid agency. [*Independent, external quality reviews are performed annually by a Utilization and Quality Control Peer Review Organization designated under 42 CFR Part 462 that has a contract with the agency to perform those reviews.*]

PART VI. MEDALLION II.

12 VAC 30-120-360. Definitions.

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

"ABD" means aged, blind and disabled recipients as defined in 12 VAC 30-30-10.

"AFDC" means Aid to Families with Dependent Children which is a public assistance program, administered by the Department of Social Services, providing financial assistance to needy citizens.

"AFDC-related" means those clients who are eligible for medical assistance under rules related to the AFDC program, such as pregnant women and indigent children under specific ages. It shall not include foster care, subsidized adoption, or spend-down medically needy clients.

["Appeal" means any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority.]

"Area of record" means the recipient's address in the Medicaid eligibility file.

"Capitation payment" means the payment issued to an HMO contractor by DMAS on behalf of a client, in return for which the HMO accepts responsibility for the services to be provided under a contract.

"Client," [~~"clients"~~ "clients," "recipient"] or "enrollee" means an individual or individuals having current Medicaid eligibility who shall be authorized by DMAS to be a member or members of Medallion II.

["CMP" means a competitive medical plan with current Medicare contracts.]

"Covered services" means Medicaid services as defined in the State Plan for Medical Assistance.

["Disenrollment" means a change in enrollment from one Medallion II HMO plan to another.]

"DMAS" means the Department of Medical Assistance Services.

"Eligible person" means any person determined by DMAS as eligible to receive services and benefits under the State Plan for Medical Assistance in the categories of AFDC, AFDC-related, and ABD.

"Emergency services" means services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:

1. Placing the client's health in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

"Foster care" means a child who received either foster care assistance under Title IV-E of the Social Security Act or state and local foster care assistance.

["Grievance" means any request by a client to an HMO to resolve a dispute.]

"Health care plan" means any arrangement in which any health maintenance organization undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services.

"HMO" means a health maintenance organization, as licensed by the State Corporation Commission's Bureau of Insurance, which undertakes to provide or arrange for one or more health care plans.

"Network" means doctors, hospitals or other health care providers who participate or contract with an HMO and as a result, agree to accept a mutually-agreed upon sum or fee schedule as payment in full for covered services.

["Nonparticipating provider" means a facility not in the HMO's network or a provider not in the HMO's network practicing at a facility not in the HMO's network.]

"Spend-down" means the process of reducing countable income by deducting incurred medical expenses for medically needy individuals, as determined in the State Plan for Medical Assistance.

"Subsidized adoption" means any child for whom an adoption assistance agreement is in effect.

12 VAC 30-120-370. Medallion II enrollees.

A. DMAS shall determine enrollment in Medallion II. Enrollment in Medallion II is not a guarantee of continuing eligibility for services and benefits under the Virginia Medical Assistance Program.

B. The following individuals shall be excluded from participating in Medallion II. Individuals not meeting the exclusion criteria must participate in the Medallion II program.

1. Individuals who are inpatients in state mental hospitals;
2. Individuals who are approved by DMAS as inpatients in long-stay hospitals, nursing facilities, or intermediate care facilities for the mentally retarded;
3. Individuals who are placed on spend-down;
4. Individuals who are [eligible for participating in] federal waiver programs for home-based and community-based Medicaid coverage;
5. Individuals who are participating in foster care or subsidized adoption programs;
6. Individuals who are in the third trimester of pregnancy upon initial assignment to Medallion II and who request exemption;

[7. Individuals who are in their ninth month of pregnancy, when they are or will be automatically assigned or reassigned, and were not in the Medicaid HMO to which they were assigned or reassigned within the last seven months, if they are seeking care from a provider (physician or hospital or both) not affiliated with the HMO to which they were previously assigned. Disenrollment requests may be made by the HMO, a provider, or the recipient;]

[7. 8.] Individuals who reside [in health, mental health, or social rehabilitation programs not funded by their HMO that are] outside [of] their area of record for greater than 60 days [; and except those individuals placed there for medically necessary services funded by the HMO;]

[8. 9.] Individuals who enter into a Medicaid approved hospice program in accordance with DMAS criteria [; ;]

[10. Individuals with any other comprehensive group or individual health insurance coverage;

11. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are inpatients in hospitals other than those listed in subdivisions 1 and 2

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of this subsection, until the first day of the month following discharge;

12. Individuals who have been preassigned to an HMO but have not yet been enrolled, who are scheduled for surgery which is scheduled to be within 30 days of initial preassignment into the HMO, which requires an inpatient hospital stay, until the first day of the month following discharge; and

13. Individuals who have been preassigned to an HMO but have not yet been enrolled, who have been diagnosed with a terminal condition and who have a life expectancy of six months or less, if they request exclusion. The client's physician must certify the life expectancy.

C. Medallion II managed care plans shall be marketed to recipients, and recipients shall be enrolled in those plans, exclusively through an independent marketing broker under contract to DMAS.]

[C. D.] Clients shall be enrolled as follows:

1. All [Medicaid] eligible [individuals persons], except those meeting one of the exclusions of subsection B of this section, shall be enrolled in Medallion II.

[2.—Newly eligible individuals and individuals who lose then regain eligibility under the Virginia Medical Assistance Program shall not participate in Medallion II until completion of the Medallion II enrollment process.]

[3. 2.] Clients shall receive [an interim a] Medicaid card from DMAS [during the interim period], and shall be provided authorized medical care in accordance with DMAS' procedures, after eligibility [requirements are met has been determined to exist].

[4. 3.] Once individuals are enrolled in Medicaid, they will receive a letter indicating that they may select one of the contracted HMOs. These letters shall indicate a preassigned HMO, determined as provided in subsection [D E of this section], in which the client will be enrolled if [they do he does] not make a selection [within a period specified by DMAS of not less than 45 days].

[4. The effective date of coverage in the Medallion II program for newly eligible individuals under the Virginia Medical Assistance Program (except for those specified under subdivision 6 of this subsection) and individuals who move from the area of their Medallion II HMO shall be assigned to an HMO as described in subdivision 3 of this subsection.

5. A child born to a woman enrolled with an HMO will be enrolled with the HMO from birth until the last day of the third month including the month of birth, unless otherwise specified by the Medicaid Managed Care Health Benefits Manager. For instance, a child born during the month of February will be automatically enrolled until April 30. By the end of that third month, the child will be disenrolled unless the Medicaid Managed Care Health Benefits Manager specifies continued enrollment. If the child remains an inpatient in a hospital at the end of that third

month, the child shall automatically remain enrolled until the last day of the month of discharge.

6. Individuals who lose then regain eligibility for Medallion II within 60 days will be reenrolled into their previous HMO without going through preassignment and selection.]

[D.—Assignments shall be made for these clients not selecting E. Clients who do not select] an HMO as described in subdivision [C-4 D 3] of this section [.—The assignment process] shall be [assigned to an HMO] as follows:

1. MEDALLION primary care physicians will be asked to select the HMO in which their MEDALLION clients will be enrolled.

2. Clients currently enrolled in "Options" shall be assigned to the HMO in which they [participate participated] under "Options" if that HMO contracts with DMAS for Medallion II.

[3.—Clients already receiving other insurance through a Medallion II HMO shall also be assigned to that same HMO for Medicaid purposes.—This will override any default assignment pursuant to subdivision 1 or 2 of this subsection.]

[4. 3.] Clients not assigned pursuant to subdivision 1, 2, or 3 shall be assigned to the HMO of [a another] family [case number member], if applicable.

[5. 4.] All other clients shall be assigned to an HMO [on a basis of approximately equal number by HMO in each locality].

[E. F.] HMO enrolled recipients shall be permitted to change HMOs, upon request to [their new HMO the Medicaid Managed Care Health Benefits Manager], within 60 days of the request.

Clients in State Plan defined HMOs which are also [competitive medical plans with current Medicare contracts CMPs] or are federally qualified HMOs will be permitted to change HMOs upon request to [their new HMO the Medicaid Managed Care Health Benefits Manager] only:

1. During [DMAS-specified DMAS-specified] open enrollment periods;

2. During the first month of the six-month enrollment period [without cause];

[3.—During the remainder of the six-month enrollment period if the current HMO permits it and the change is permitted by the current HMO's Medallion II contract;

4. During the remainder of the six-month enrollment period, if determined to be advantageous to the current HMO, the requested HMO, and DMAS; or

5. If all of the following requirements are met:

a.—The enrollee requests in writing to DMAS and to the current HMO for good cause;

b.—The request cites the reasons for the disenrollment; and

~~e. DMAS determines that good cause for disenrollment exists.~~

3. If a combination of complex medical factors of the client, in the sole discretion of DMAS, would be better served under another contracted HMO; or

4. Upon determination by DMAS that good cause exists as determined under subsection H of this section.

Clients who are inpatients in hospitals other than those specified as exclusions in subsection A of this section; or clients who are scheduled for surgery within 30 days which requires an inpatient hospital stay, are restricted from disenrollment until the first day of the month following discharge.]

[F. G.] DMAS will inform those HMOs which are [~~competitive medical plans with current Medicare contracts CMPs~~], or are federally qualified HMOs, of open enrollment periods. Open enrollment periods will occur at a minimum of twice per calendar year and will [be] held no more than six months apart. [~~CMPs and federally qualified HMOs will notify their enrolled recipients of open enrollment periods no less than 30 days before the start of each new period of enrollment and at least twice each year.~~]

[G. H. Disenrollment for good cause may be requested at any time. The request must be made in writing.] Good cause for disenrollment shall include the following:

1. A recipient's desire to seek services from a federally qualified health center [which is] not under contract [to with] the [current] HMO [that but] is under contract to another HMO available to the recipient; or

[~~2. An unusual combination of factors which causes the recipient's access to needed services to be prevented by continued enrollment in the HMO. Nothing in this subdivision shall excuse the HMO from having an adequate network to provide (or from providing through out-of-network arrangements) all services required by this part.~~]

[~~3. 2.] Performance or nonperformance of service to the recipient by an HMO or one or more of its providers which is deemed by the department's external quality review [organization organizations] to be below the generally accepted community practice of health care [as determined by the department's external quality review organization] .~~

[~~Good cause for disenrollment shall be determined at the sole discretion of DMAS and shall be determined in sufficient time to ensure that, if approved, recipients are permitted to change HMOs within 60 days of the request. DMAS shall determine whether good cause exists for disenrollment.~~]

Good cause for disenrollment shall be deemed to exist and the disenrollment shall be granted if DMAS fails to take final action on a valid request prior to the first day of the second month after the request.

The DMAS determination concerning] good cause for disenrollment may be appealed by the client in accordance with the department's [client] appeals process [at 12 VAC 30-110-10 through 12 VAC 30-110-380] .

The current HMO shall provide, within two working days of [the a] request [from DMAS], information [requested by DMAS] necessary to determine good cause.

[~~H. Competitive medical plans with current Medicare contracts and federally qualified HMOs will notify their enrolled recipients of open enrollment periods no less than 30 days before the start of each new period of enrollment and at least twice each year.~~]

12 VAC 30-120-380. Medallion II provider responsibilities.

A. [~~The HMOs shall be responsible for the provision and management of each client's health care regardless of how much care is needed or the cost of such care. The HMO shall provide, at a minimum, all medically necessary covered services provided under the State Plan for Medical Assistance and further defined by written DMAS regulations, policies and instructions, except as otherwise modified or excluded in this part.~~]

Nonemergency services provided by hospital emergency departments shall be covered by HMOs in accordance with rates negotiated between the HMOs and the emergency departments.]

B. Services that shall be provided outside the HMO network [, and reimbursed by DMAS,] are school-based services and community mental health services (rehabilitative, targeted case management and waiver services). Clients may also seek emergency [services] and family planning services from a provider outside the HMO. The HMOs shall pay for emergency services and family planning services whether they are [to be] provided inside or outside the HMO network.

The HMOs shall pay for services furnished in [another state to the same extent they would pay for services within their networks:

1. Facilities or by practitioners outside the HMOs' networks] if services are needed because of a medical emergency;

[2. Areas outside the HMOs' service areas if] medical services are needed and the recipient's health would be endangered if he were required to travel to his place of residence; [or

3. Another state if it is general practice for recipients in that area to receive medical services in another state; and

4. Facilities or by practitioners outside the HMOs' networks if] the needed medical services or necessary supplementary resources are [more readily available in another state not available in the HMOs' networks] .

C. Immunizations shall not be included in the fee that DMAS pays the HMOs. The HMO may choose to offer immunizations under the regular Medicaid immunization reimbursement methodology or may refer the patient to a local health department.

D. The HMOs shall report encounter data to DMAS under the contract requirements, which may include data reports based on the Health Plan Employer Data and Information Set

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(HEDIS), report cards for clients, and ad hoc quality studies performed by third parties.

E. The HMO shall maintain such records as may be required by federal and state law and regulation and by DMAS policy. The HMO shall furnish such required information to DMAS, the Attorney General of Virginia or his authorized representatives, or the State Medicaid Fraud Control Unit on request and in the form requested.

F. The HMO shall ensure that the health care provided to its clients meets all applicable federal and state mandates, community standards for quality, and standards developed pursuant to the DMAS managed care quality program.

[G. Effective January 1, 1997, each HMO shall test the readability of its program information documents by use of the Flesch Readability Formula, as set forth in Rudolf Flesch, *The Art of Readable Writing* (1949, as revised 1974), and no program information document shall be used unless it achieves a Flesch total readability score of 40 or better. This requirement shall not apply to language that is mandated by federal or state laws, regulations or agencies.

All program information documents within the scope of this section, and all amendments thereto, shall be filed with DMAS in advance of their use and distribution, accompanied by certificates setting forth the Flesch scores and certifying compliance with the requirements of this section. Any program information document to which this does not apply shall be accompanied by a documentation of the federal or state laws, regulation or agency mandate that authorizes the exemption.

The term "program information documents" means all forms, brochures, handbooks or other documentation (i) provided to recipients covered under Medicaid managed care programs and (ii) describing the programs' medical care coverages and the rights and responsibilities of recipients covered. The term "recipient" shall include potential recipients and recipients.

H. The HMOs shall promptly provide or arrange for the provision of all required services. Initial face-to-face medical evaluations shall be available within 48 hours for urgent care and within 15 business days for routine care. On-call clinicians shall be available 24 hours per day, seven days per week.

I. The HMOs must meet standards specified by DMAS for sufficiency of provider networks. The HMOs shall include in their network a sufficient number of Part H Early Intervention program providers of each type of therapy service (i.e., speech, occupational, physical) to ensure adequate access.

J. Preauthorization and concurrent review decisions must be supervised by qualified medical professionals and completed within two business days after receipt of all necessary information.

K. When the need is identified, the HMOs shall designate a single case manager, who shall function as an exceptional needs care coordinator within the HMO, for all persons with complex health care needs.

L. The HMOs shall not charge copayments to any categorically needy enrollees.]

12 VAC 30-120-390. Payment rate for Medallion II HMOs.

The payment rate to HMOs shall be based on contract negotiations.

[12 VAC 30-120-395. Payment rate for emergency care out-of-network providers.

The HMOs shall pay for emergency services when they are provided outside the HMO network. Emergency care provided to a Medallion II client by a provider or facility not participating in the client's network will be reimbursed according to the current Medicaid fee schedule. This reimbursement shall be considered payment in full to the provider or facility of emergency care.]

12 VAC 30-120-400. Quality Control and Utilization Review [(UR)].

A. DMAS shall rigorously monitor the quality of care provided by the HMOs. DMAS may contract with [an one or more] external quality review [organization organizations] to perform focused studies on the quality of care provided by the HMOs. Specifically, DMAS shall monitor to determine if the HMO:

1. Fails substantially to provide the medically necessary items and services required under law or under the contract to be provided to an enrolled recipient and the failure has adversely affected (or has substantial likelihood of adversely affecting) the individual. This shall be monitored through the review of encounter data on a routine basis and other methods determined by DMAS.

2. Imposes on clients premium amounts in excess of premiums permitted. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.

3. Engages in any practice that discriminates among individuals on the basis of their health status or requirements for health care services, including expulsion or refusal to reenroll an individual, or any practice that could reasonably be expected to have the effect of denying or discouraging enrollment (except as permitted by § 1903(m) of the Social Security Act (42 USC § 1396b(m))) by eligible individuals whose medical conditions or histories indicate a need for substantial future medical services. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.

4. Misrepresents or falsifies information that it furnishes, under § 1903(m) of the Social Security Act (42 USC § 1396b(m)) to HCFA, DMAS, an individual, or any other entity. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.

[5. Fails to comply with the requirements of 42 CFR 417.479(d) through (g) relating to physician incentive plans, or fails to submit to DMAS its physician incentive plans as required or requested in 42 CFR 434.70.]

B. DMAS shall ensure that data on performance and patient results is collected. Specifically, DMAS shall review, which may include on-site reviews, encounter data submitted by the HMOs as defined in the contracts. This review shall include, but not be limited to:

1. [~~Excessive or inappropriate services~~ Whether services were properly authorized or excluded] ,
2. [~~Unauthorized or excluded services~~ The adequacy and appropriateness of services provided or denied] , and
3. Analysis of possible trends in increases or reductions of services.

C. DMAS shall ensure that quality outcomes information is provided to [~~practitioners~~ HMOs] . DMAS shall ensure that changes which are determined to be needed as a result of quality control or utilization review are made.

12 VAC 30-120-410. Sanctions.

A. If DMAS determines that an HMO is not in compliance with state or federal laws, regulations [(including but not limited to the requirements of or pursuant to 12 VAC 30-120-380 F)] , or their Medallion II contract, DMAS may impose sanctions on the HMO. The sanctions may include but are not limited to:

1. Limiting enrollments in the HMO by freezing voluntary recipient enrollments,
2. Freezing DMAS assignment of recipients to the HMO,
3. [~~Limit~~ Limiting] HMO enrollment to specific areas,
4. Denying, withholding, or retracting payments to the HMO,
5. Terminating the HMO's Medallion II contract, and
6. [~~Drafting~~ Developing] procedures with which the HMO must comply to eliminate specific sanctions.

B. In the event DMAS determines that the HMO poses a threat to the life or safety of a recipient, that Medallion II provider may be terminated from participation in the Virginia Medicaid program without prior notice. In accordance with the terms of the contract, HMOs shall have the right to appeal any adverse action taken by DMAS. For appeal procedures not addressed by the contract, the HMO shall proceed in accordance with the appeals provisions of the Virginia Public Procurement Act, § 11-35 et seq. of the Code of Virginia [, and the provisions in DMAS' applicable regulation or policy for provider appeals] . Pursuant to §§ 11-70 and 11-71 of the Code of Virginia, DMAS establishes an administrative appeals procedure, which the HMO may elect to appeal decisions on disputes arising during the performance of its contract. Pursuant to § 11-71 of the Code of Virginia, such appeal shall be heard by a hearing officer; however, in no event shall the hearing officer be an employee of DMAS. In conducting the administrative appeal, the hearing officer shall follow the hearing procedure used in § 9-6.14:12 of the Code of Virginia] .

C. When DMAS determines that an HMO committed one of the violations specified in 12 VAC 30-120-400 A, DMAS shall implement the provisions of 42 CFR 434.67.

1. Any sanction imposed pursuant to this subsection shall be binding upon the HMO.
2. The HMO shall have the appeals rights for any sanction imposed pursuant to this subsection as specified in 42 CFR 434.67.

12 VAC 30-120-420. Client grievances.

[A. The HMOs shall, whenever a client's request for covered services is reduced, denied, or terminated, provide a written notice in accordance with the notice provisions specified in 12 VAC 30-110-70 through 12 VAC 30-110-100, federal requirements at 42 CFR 431.211, 431.213 and 431.214, and any other statutory or regulatory requirements.]

[A. B.] Disputes between the HMO and the client concerning [any aspect of service delivery, including] medical necessity [and specialist referral,] shall be resolved through a [verbal informal or written formal] grievance process operated by the HMO [or through the DMAS appeals process] .

[1. A written request for a grievance or appeal shall be filed within 30 days of the client's receipt of the notice of adverse action, in accordance with the time limit for requests for appeal specified in 12 VAC 30-110-160 and 12 VAC 30-110-170. Any written communication from a client or his representative which clearly expresses that he wants to present his case to a reviewing authority shall constitute an appeal request.

2. In compliance with 14 VAC 5-210-70 H 4, pending resolution of a written grievance filed by a client, coverage shall not be terminated for the client for any reason which is the subject of the written complaint. In addition, the HMO shall not terminate or reduce services as specified in 12 VAC 30-110-100.]

[B. C.] The HMO shall develop written materials describing the informal and formal grievance system and its procedures and operation.

[C. D.] The HMO shall designate a person or persons to be responsible for the receipt and timely processing of client grievances. [The HMO must maintain a grievance log summarizing each grievance. The grievance log shall capture the dates of receipt and decision and the nature of the decision. The log shall distinguish between Medicaid clients and commercial clients unless the HMO maintains a separate system for Medicaid clients.]

[D. E.] At the time of enrollment [and at the time of any adverse actions] , the HMO shall notify the client, in writing, that:

1. Medical necessity [, specialist referral or other service delivery] issues may be resolved through a system of informal and formal grievances, [and that the client is entitled to appeal within] the [HMO's action directly to HMO or through the] DMAS [client appeals process] , [and]

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2. Clients have the right to appeal directly to DMAS [~~if they believe that the HMO is interfering with their right to freedom of choice for a family services provider, and~~]

[3. The HMO shall promptly provide grievance forms and written procedures to clients who wish to register written grievances.

F. The HMO shall, within two days of receipt of any written request for a grievance, provide DMAS with a copy of the request.]

[E. G.] The HMO shall issue informal grievance decisions within seven days from the date of initial receipt of the grievance. The informal decision is not required to be in writing.

[~~The HMO must maintain a grievance log summarizing each grievance. The grievance log shall capture the dates of receipt and decision and the nature of the decision. The log shall distinguish between Medicaid clients and commercial clients unless the HMO maintains a separate system for Medicaid clients.~~]

[F. H.] The HMO shall issue formal grievance decisions within 14 days from the date of initial receipt [of the formal grievance] . The formal decision shall be required to be in writing [~~and shall include but is not limited to:~~

1. The decision reached by the HMO,
2. The reasons for the decision,
3. The policies or procedures which provide the basis for the decision, and
4. A clear explanation of further appeal rights.

I. The HMO shall provide DMAS with a copy of its formal grievance decision concurrently with the provision of the decision to the client.

J. An expedited grievance decision shall be issued within 48 hours in case of medical emergencies, in which delay could result in death or serious injury to a client. Written confirmation of the decision shall promptly follow the verbal notice of the expedited decision.]

[G. K.] Any [~~formal appeal grievance~~] decision by the HMO may be appealed by the client to DMAS in accordance with the department's Client Appeals regulations [(at] 12 VAC 30-110-10 [~~et seq.~~) through 12 VAC 30-110-380] . DMAS shall conduct an evidentiary hearing [~~and reserves the right to affirm, modify, or reject~~] in accordance with the Client Appeals regulations at 12 VAC 30-110-10 through 12 VAC 30-110-380 and shall not base any appealed decision on the record established by] any [~~formal appeal grievance~~] decision of the HMO. The HMO shall [~~be responsible for actions required by a~~] comply with the] DMAS appeal decision. The DMAS decision in these matters shall be final and shall not be subject to appeal by the HMO.

[H. L.] A client may [~~in lieu of utilizing the HMO's appeal process,~~] appeal directly to DMAS in accordance with the department's [client] appeal process. DMAS shall conduct an evidentiary hearing [~~and reserves the right to affirm, modify, or reject~~] in accordance with the Client Appeals

regulations at 12 VAC 30-110-10 through 12 VAC 30-110-380 and shall not base any appealed decision on the record established by] any decision of the HMO. The HMO shall [~~be responsible for actions required by a~~] comply with the] DMAS appeal decision. The DMAS decision in these matters shall be final and shall not be subject to appeal by the HMO.

[M. The HMO shall provide information necessary for any DMAS appeal within timeframes established by DMAS.]

[~~12 VAC 30-120-430. Medallion II phase in.~~

~~The Medallion II Program will be implemented in phases. DMAS will, in the first phase, implement the program for all clients in a specific area of the Commonwealth except those receiving Medicare insurance coverage. DMAS will notify those Medicare clients and clients in other areas of the state prior to the implementation dates for subsequent phases. Providers will also be given advance notification of implementation for subsequent phases. DMAS has the U.S. Health Care Financing Administration's (HCFA) approval for implementing Medallion II in phases. The first phase will be implemented January 1, 1996.]~~

Document Incorporated by Reference

The Art of Readable Writing, Rudolf Flesh, Ph.D., revised 1974, Collier Books.



COMMONWEALTH of VIRGINIA

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November 14, 1996

Joseph M. Teefey, Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, Virginia 23219

Dear Mr. Teefey:

This letter acknowledges receipt of the Medallion II Regulations filed by the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that subdivision A 5 of 12 VAC 30-120-400 does not differ materially from regulations required by federal law and is, therefore, exempt from the operation of Article 2 of the Administrative Process Act.

Sincerely,

E. M. Miller, Jr. /jc

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

VA.R. Doc. No. R97-114; Filed November 6, 1996, 11:05 a.m.

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BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture (amending 18 VAC 85-20-90).

Statutory Authority: §§ 54.1-2400 and 54.1-2900 et seq. of the Code of Virginia.

Effective Date: December 25, 1996.

Summary:

The current regulation prohibits the use of Schedule III and IV amphetamine-like drugs in the treatment of obesity, except "as a short term adjunct to a therapeutic regimen of weight reduction." The adopted amendment modifies this language to permit the use of such drugs for long-term treatment of obesity, contingent on certain conditions. These conditions include: (i) an initial physical examination and interpreted EKG; (ii) a multi-modal treatment regimen that includes diet and exercise; (iii) monthly evaluation with appropriate tests for adverse reactions; (iv) restriction on the supply of drugs that can be prescribed at any one time; and (v) continued progress toward achieving or maintaining a target weight.

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

Agency Contact: Copies of the regulation may be obtained from Warren W. Koontz, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423.

18 VAC 85-20-90. Pharmacotherapy for weight loss.

A. It shall be unprofessional conduct for a physician to prescribe amphetamine, Schedule II, for the purpose of weight reduction or control.

B. It shall also be unprofessional conduct for a physician to prescribe [amphetamine-like anorectic] drugs, Schedules III [and IV through VI] , for the purpose of weight reduction or control in the treatment of obesity, ~~except as a short-term adjunct to a therapeutic regimen of weight reduction, unless the following conditions are met:~~

1. A comprehensive history [and,] physical examination [is, and interpreted electrocardiogram are] performed and recorded at the time of initiation of treatment for obesity by the prescribing physician;
2. A diet and exercise program for weight loss is prescribed and recorded;
3. The patient is weighed at least once a month, at which time a recording shall be made of blood pressure, pulse, and [the result of a cardiac-pulmonary evaluation any other tests as may be necessary for monitoring potential adverse effects of drug therapy] ;

4. No more than a 30-day supply of such drugs shall be prescribed or dispensed at any one time;

5. No such drugs shall be prescribed or dispensed for more than 90 days unless the patient:

- a. Has a recorded weight loss of at least 12 pounds in the first 90 days [of therapy] ;
- b. Has continued progress toward [achieving or maintaining] a target weight; and
- c. Has no [significant] adverse effects from the prescribed program.

C. It shall be unprofessional conduct for a physician to prescribe amphetamine-like substances for use as an anorectic agent in children under 12 years of age.

VA.R. Doc. No. R97-125; Filed November 6, 1996, 1:05 p.m.

Title of Regulation: 18 VAC 85-100-10 et seq. Certification of Radiological Technology Practitioners (REPEALED).

Statutory Authority: §§ 54.1-2400, 54.1-2956.8:1 and 54.1-2956.8:2 of the Code of Virginia.

Effective Date: December 25, 1996.

Summary:

Pursuant to Chapter 803 of the 1994 Acts of the Assembly, the Board of Medicine has repealed its regulations governing the certification of radiologic technologists practitioners. Amendments to §§ 54.1-2956.8:1 and 54.1-2956.8:2 of the Code of Virginia repealed the statutory authority for certification and enacted a statutory mandate for licensure effective January 1, 1997.

VA.R. Doc. No. R97-126; Filed November 6, 1996, 1:04 p.m.

Title of Regulation: 18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.

Statutory Authority: §§ 54.1-2400, 54.1-2956.8:1 and 54.1-2956.8:2 of the Code of Virginia.

Effective Date: December 25, 1996.

Summary:

Pursuant to Chapter 803 of the 1994 Acts of the Assembly, the Board of Medicine has adopted regulations governing the licensure of radiologic technologists. Amendments to §§ 54.1-2956.8:1 and 54.1-2956.8:2 mandated licensure for certain practitioners by January 1, 1997.

The final regulations set forth qualifications and fees for licensure by education and examination or by endorsement for radiologic technologists and by education or endorsement for radiologic technologists-

limited. Regulations also establish renewal requirements and criteria for practice by licensees and for supervision of the limited licensees.

In response to comments received from the public and the Governor's Office, the board amended the proposed regulation to delete the requirement for current ARRT certification for licensure by endorsement from another state and delete the requirements for continuing education as a requirement for renewal of licensure for a radiologic technologist.

The regulation for submission of the application, fee and credentials no less than 30 days prior to the date of the examination was amended to eliminate the "30-day" requirement, as it was unnecessary and misleading.

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

Agency Contact: Copies of the regulation may be obtained from Warren W. Koontz, M.D., Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423.

CHAPTER 101. REGULATIONS GOVERNING THE LICENSURE OF RADIOLOGIC TECHNOLOGISTS AND RADIOLOGIC TECHNOLOGISTS-LIMITED.

PART I. GENERAL PROVISIONS.

18 VAC 85-101-10. Definitions.

In addition to definitions in § 54.1-2900 of the Code of Virginia, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

["~~ARRT~~" means the ~~American Registry of Radiologic Technologists.~~]

"ACRRT" means the American Chiropractic Registry of Radiologic Technologists.

["ARRT" means the American Registry of Radiologic Technologists.]

"ASRT" means the American Society of Radiologic Technologists.

"Direct supervision" means that a licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic or podiatry is present and is fully responsible for the activities performed by radiologic personnel.

"Direction" means the delegation of radiologic functions to be performed upon a patient from a licensed doctor of medicine, osteopathy, chiropractic, or podiatry, to a licensed radiologic technologist or a radiologic technologist-limited for a specific purpose and confined to a specific anatomical area, that will be performed under the direction of and in continuing communication with the delegating practitioner.

"Traineeship" means a period of activity during which an unlicensed radiologic technologist, who is seeking licensure, works under the direct supervision of a practitioner approved by the board.

18 VAC 85-101-20. Public Participation Guidelines.

18 VAC 85-10-10 et seq., Regulations Governing Public Participation Guidelines, provide for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

PART II. LICENSURE REQUIREMENTS - RADIOLOGIC TECHNOLOGIST.

18 VAC 85-101-30. Educational requirements for radiologic technologists.

An applicant for licensure as a radiologic technologist shall be a graduate of an educational program acceptable to the ARRT for the purpose of sitting for the ARRT certification examination and shall submit, with the required application and fee, documented evidence of his graduation from such a program.

18 VAC 85-101-40. Examination requirements.

A. An applicant for board licensure by examination shall:

1. Meet the educational requirements specified in 18 VAC 85-101-30.
2. Submit the required application, fee, and credentials to the board [~~no less than 30 days prior to the date of examination or traineeship~~].

B. The licensure examination for the radiologic technologist shall be the ARRT certification examination with minimum passing score determined by the ARRT.

C. An applicant who fails the examination shall follow the policies and procedures of the ARRT for successive attempts.

18 VAC 85-101-50. Traineeship for unlicensed graduate.

A. An unlicensed graduate of an approved program may be employed as a trainee under the direct supervision of a licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic, or podiatry.

B. The graduate shall submit an application for a traineeship to the board for review and approval by the Chairman of the Radiologic Technology Advisory Committee or his designee.

C. The traineeship shall terminate upon receipt by the candidate of the licensure examination results. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination.

D. An unlicensed graduate may serve in a traineeship for a period not to exceed two years or through three unsuccessful attempts of the licensure examination, whichever comes first. After such time, the graduate shall apply to the Radiologic Technology Advisory Committee for approval to continue in practice as a trainee.

Final Regulations

PART III. LICENSURE REQUIREMENTS - RADIOLOGIC TECHNOLOGIST-LIMITED.

18 VAC 85-101-60. Application for licensure.

An applicant for licensure as a radiologic technologist-limited shall submit the required application and fee as prescribed by the board and evidence of completion of training as required in 18 VAC 85-101-70.

18 VAC 85-101-70. Educational requirements for radiologic technologists-limited.

An applicant for licensure as a radiologic technologist-limited shall be trained by one of the following:

1. Successful completion of a program with a minimum of the following coursework:
 - a. Image Production/Equipment Operation - 25 clock hours
 - b. Radiation Protection - 15 clock hours
 - c. Radiographic procedures in the anatomical area of the radiologic technologist-limited's practice - 10 clock hours
2. An ACRRT approved program.

PART IV. LICENSURE BY ENDORSEMENT.

18 VAC 85-101-80. Endorsement requirements for radiologic technologist.

A. A radiologic technologist who has an unrestricted license in the United States, its territories, the District of Columbia, or Canada by an examination equivalent to that required in Virginia at the time of licensure and who has met all other requirements of the board may, upon recommendation of the Radiologic Technology Advisory Committee, be licensed by endorsement. Such a person shall submit to the board, along with a completed application and required fee, [~~+~~] verification of a current, unrestricted license in another jurisdiction.

[~~2. Verification of current certification from the ARRT.]~~

B. A radiologic technologist who has practiced satisfactorily in Virginia for five or more years may, upon recommendation of the Radiologic Technology Advisory Committee, be licensed by endorsement. Such a person shall submit to the board, along with a completed application and required fee, evidence of his scope of practice as documented by a supervising radiologist and a supervising radiologic technologist. A radiologic technologist may be initially licensed by endorsement under this subsection until January 1, 1999.

18 VAC 85-101-90. Endorsement of previous practice for radiologic technologists-limited.

A radiologic technologist-limited applicant who has practiced satisfactorily in Virginia for the past two consecutive years as a radiologic technologist-limited and who submits evidence from a licensed doctor of medicine, osteopathy, chiropractic, or podiatry attesting to such practice shall be

licensed by endorsement. A radiologic technologist-limited may be initially licensed by endorsement under this section until January 1, 1999.

PART V. PRACTICE OF RADIOLOGIC TECHNOLOGISTS.

18 VAC 85-101-100. General requirements.

All services rendered by a radiologic technologist shall be performed only upon direction of a licensed doctor of medicine, osteopathy, chiropractic, or podiatry.

18 VAC 85-101-110. Individual responsibilities to patients and to licensed doctor of medicine, osteopathy, chiropractic, or podiatry.

A. The radiologic technologist's responsibilities are to administer and document procedures within the limit of his professional knowledge, judgment and skills.

B. A radiologic technologist shall maintain continuing communication with the delegating practitioner.

18 VAC 85-101-120. Supervisory responsibilities.

A. A radiologic technologist shall supervise no more than four radiologic technologists-limited or three trainees at any one time.

B. A radiologic technologist shall be responsible for any action of persons performing radiologic functions under the radiologic technologist's supervision or direction.

C. A radiologic technologist may not delegate radiologic procedures to any unlicensed personnel except those activities that are available without prescription in the public domain to include but not limited to preparing the patient for radiologic procedures and post radiologic procedures. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

PART VI. PRACTICE OF RADIOLOGIC TECHNOLOGIST-LIMITED.

18 VAC 85-101-130. General requirements.

A radiologic technologist-limited is permitted to perform radiologic functions within his capabilities and the anatomical limits of his training. A radiologic technologist-limited shall not instill contrast media during radiologic examinations. The radiologic technologist-limited is responsible to a licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic, or podiatry.

18 VAC 85-101-140. Individual responsibilities to patients and licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic, or podiatry.

A. The initial patient visit shall be made by a licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic, or podiatry.

B. The radiologic technologist-limited's first procedure with the patient shall only be made after verbal or written communication, or both, with the licensed radiologic technologist, doctor of medicine, osteopathy, chiropractic, or podiatry.

C. The radiologic technologist-limited's procedures shall be made under direct supervision.

D. A radiologic technologist-limited, acting within the scope of his practice, may delegate nonradiologic procedures to an unlicensed person, including but not limited to preparing the patient for radiologic procedures and post radiologic procedures. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

PART VII. RENEWAL OF LICENSURE.

18 VAC 85-101-150. Biennial renewal of license.

A. A radiologic technologist or radiologic technologist-limited who intends to continue practice shall renew his license biennially during his birth month in each odd numbered year and pay to the board the prescribed renewal fee.

[~~B. On the renewal application, a radiologic technologist shall verify that his ARRT certification is current or that during the biennium, he has completed 24 hours of continuing education, 12 of which shall be ASRT approved.~~]

[~~C. B.~~] A license which has not been renewed by the first day of the month following the month in which renewal is required shall be expired.

[~~D. C.~~] An additional fee to cover administrative costs for processing a late application shall be imposed by the board.

PART VIII. FEES.

18 VAC 85-101-160. Fees required by the board.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Application or examination.

1. The application fee for radiologic technologist licensure shall be \$100.
2. The application fee for the radiologic technologist-limited licensure shall be \$50.
3. The fees for taking all required examinations shall be paid directly to the examination services.
4. Upon written request from an applicant to withdraw his application for licensure by examination, a fee of \$25 shall be retained by the Board of Medicine as a processing fee.

C. Licensure renewal and reinstatement.

1. The fee for license renewal for a radiologic technologist shall be \$75 and for a radiologic technologist-limited shall be \$25.
2. An additional fee of \$25 to cover administrative costs for processing a late renewal application shall be imposed by the board.
3. The fee for reinstatement of a lapsed license which has expired for a period of two years or more shall be

\$50 and the respective licensure fee and shall be submitted with an application for licensure reinstatement.

4. The fee for reinstatement of a revoked license shall be \$500.

D. Other fees.

1. The application fee for a traineeship shall be \$25.
2. The fee for a letter of good standing or verification to another state for licensure shall be \$10.

NOTICE: The forms used in administering 18 VAC 85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited, 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 Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Instructions for Completing an Application for Licensure as a Radiologic Technologist Practitioner By Examination (11/96).

Application for a License as a Radiologic Technologist (DHP-030-081, Rev. 11/96).

Traineeship Application - Statement of Authorization (11/96).

Instructions for Completing an Application for Licensure as a Radiologic Technologist Practitioner By Endorsement (11/96).

Instructions for Completing an Application for Licensure as a Radiologic Technologist-Limited (11/96).

Application for a License as a Radiologic Technologist-Limited (Rev. 11/96).

VA.R. Doc. No. R97-127; Filed November 6, 1996, 1:04 p.m.

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 24, 1996

APPLICATION OF

COMMONWEALTH CHESAPEAKE CORPORATION

CASE NO. PUE960224

For approval of expenditures
for new generation facilities
pursuant to Va. Code § 56-234.3
and for a certificate of public
convenience and necessity
pursuant to Va. Code § 56-265.2

ORDER FOR NOTICE AND HEARING

On September 16, 1996, Commonwealth Chesapeake Corporation ("Commonwealth Chesapeake" or "the Company") filed an application with supporting testimony and exhibits requesting the State Corporation Commission to approve, under Virginia Code § 56-234.3, the Company's proposed expenditures for construction of a generating facility ("Proposed Facility") consisting of three combustion turbines with an aggregated nominal rating of approximately 300 megawatts ("MW"), to be located in Accomack County, Virginia, and to grant a certificate of convenience and necessity for the facility under Virginia Code § 56-265.2.

Commonwealth Chesapeake is currently organized under the laws of the Commonwealth of Virginia as a general business corporation. Counsel for Commonwealth Chesapeake has represented to Commission Staff that the Company intends to become a public service corporation or limited partnership prior to certification. The owners of the Company are R. Peter Lalor and William C. Daley. The Company anticipates that one or more additional shareholders or partners will purchase an interest in the Proposed Facility prior to financing of the project.

In its filing, the Company states that it has responded to a March 29, 1996, solicitation from Old Dominion Electric Cooperative for power supply beginning in 1998, and that it intends to respond to an August 23, 1996, solicitation from Delmarva Power & Light Company for capacity and energy, capacity only, or load reduction beginning in 1997.

Commonwealth Chesapeake asserts that its application, direct testimony, and exhibits demonstrate that good cause exists for a waiver of the Commission's 15-month approval and waiting period required prior to construction of new generating facilities of 100 MW or more. The Company also notes that in order to be prepared to serve the need for additional generation on the Delmarva Peninsula in a timely manner, it must be in a position to issue to the contractor for the Proposed Facility an unconditional notice to proceed by December 15, 1996.

Commonwealth Chesapeake raises several issues with regard to the Commission's jurisdiction over the Company. Commonwealth Chesapeake seeks a determination that it is not subject to this Commission's jurisdiction under the following provisions of Title 56 of the Virginia Code: Chapter 1 -- Article 5, Chapter 3, Chapter 4, and Chapter 10 -- Articles 1.1, 2, 2.1, 3, and 4. The Company also seeks determinations that any entity which lends money, credit, or

services to the Company is not by virtue thereof a public service utility, an electric utility, a public service company or a public service corporation under Virginia Code §§ 13.1-620(D) and (E) and 56-1, and that the granting of a lien or security interest in the Company's assets does not require Commission approval.

NOW THE COMMISSION, having considered the application, is of the opinion and hereby finds that:

(1) Public notice of the application should be given and that a public hearing should be scheduled to receive Commonwealth Chesapeake's application; and

(2) Members of the Commission's Staff should investigate Commonwealth Chesapeake's proposal and present their findings to the Commission. Accordingly,

IT IS ORDERED THAT:

(1) The certificate application for the three combustion turbine units to be constructed in Accomack County, Virginia be assigned Case No. PUE960224.

(2) A public hearing for the purpose of receiving evidence relevant to the application is scheduled for January 23, 1997, at 10:00 a.m. in the Commission's Second Floor Courtroom.

(3) On or before November 27, 1996, any person desiring to participate as a Protestant, as defined in SCC Rule 4:6, shall file an original and twenty (20) copies of a notice of protest as provided by SCC Rule 5:16(a) with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and serve a copy upon the Company's counsel, Edward L. Flippen, Esquire, and Kodwo Ghartey-Tagoe, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122, and upon all Protestants.

(4) Within five (5) days of receipt of any notice of protest, Commonwealth Chesapeake shall serve upon each Protestant a copy of all material now or hereinafter filed with the Commission and also provide each Protestant a copy of this Order.

(5) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to SCC Rule 4:6 shall file, on or before December 19, 1996, an original and twenty (20) copies of a protest with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, referring to Case No. PUE960224, and shall simultaneously serve a copy thereof upon the Company's counsel, Edward L. Flippen, Esquire, and Kodwo Ghartey-Tagoe, Esquire, at the counsels' address set forth above, and upon all Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules of Practice and Procedure.

(6) Any person desiring to comment in writing on the application may do so by directing such comments on or before December 19, 1996, to the Clerk of the Commission to the address noted above and by serving a copy upon Commonwealth Chesapeake's counsel and upon all Protestants. Any person desiring to make a statement at the public hearing either for or against the application, need only appear in the Commission's Courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before December 19, 1996, each Protestant shall file with the Commission an original and twenty (20) copies of the prepared testimony and exhibits the Protestant intends to present at the January 23, 1997 hearing and shall simultaneously serve a copy upon the Company's counsel and upon all Protestants.

(8) On or before January 9, 1997, the Commission Staff shall file an original and twenty (20) copies of the prepared testimony and exhibits Staff intends to present at the public hearing and serve one (1) copy upon the Company and upon all Protestants.

(9) On or before January 16, 1997, Commonwealth Chesapeake shall file an original and twenty (20) copies of all testimony it expects to introduce in rebuttal to all direct prefiled testimony and exhibits; additional rebuttal evidence may be presented without prefiling, provided it is in response to evidence which was not prefiled but elicited at the time of hearing and, provided further the need for additional rebuttal evidence is timely addressed by motion during the hearing and leave to present said evidence is granted by the Commission. A copy of the prefiled rebuttal evidence shall be served upon all Protestants on or before January 16, 1997.

(10) Commonwealth Chesapeake respond to written interrogatories with five (5) working days after receipt of same. Protestants shall respond to the written interrogatories of Commonwealth Chesapeake, other Protestants, and Staff within five (5) working days after receipt of same. Protestants shall provide to Commonwealth Chesapeake, other Protestants, and Staff any work papers or document used in preparation of their filed testimony promptly upon request. Except as modified above, discovery shall be in accordance with Part VI of the SCC Rules.

(11) Commonwealth Chesapeake make a copy of its application available for public inspection during regular business hours, at the Island Library, Main Street, Chincoteague, Virginia 23336.

(12) On or before November 20, 1996, Commonwealth Chesapeake shall cause the following public notice to be published as display advertising (not classified) once a week for two (2) consecutive weeks in newspapers of general circulation throughout the eastern shore of Virginia:

NOTICE TO THE PUBLIC OF AN
APPLICATION TO CONSTRUCT NEW
ELECTRIC GENERATION FACILITIES BY
COMMONWEALTH CHESAPEAKE CORPORATION

On September 16, 1996, Commonwealth
Chesapeake Corporation ("Commonwealth

Chesapeake" or "the Company") filed an application with supporting testimony and exhibits requesting the State Corporation Commission to approve, under Virginia Code § 56-234.3, the Company's proposed expenditures for construction of a generating facility ("Proposed Facility") consisting of three combustion turbines with an aggregated nominal rating of approximately 300 megawatts ("MW"), to be located in Accomack County, Virginia, and to grant a certificate of convenience and necessity for the facility under Virginia Code § 56-265.2.

Commonwealth Chesapeake is currently organized under the laws of the Commonwealth of Virginia as a general business corporation. Counsel for Commonwealth Chesapeake has represented to Commission Staff that the Company intends to become a public service corporation or limited partnership prior to certification. The owners of the Company are R. Peter Lalor and William C. Daley. The Company anticipates that one or more additional shareholders or partners will purchase an interest in the Proposed Facility prior to financing of the project.

In its application, Commonwealth Chesapeake seeks determinations relative to the Commission's jurisdiction under the Virginia Code over the Company.

The Commission has scheduled a public hearing to commence at 10:00 a.m. on January 23, 1997, in the Commission's Second Floor Courtroom, Tyler Building, 1300 East Main Street, Richmond, Virginia for the purpose of receiving evidence related to Commonwealth Chesapeake's application.

Individuals with disabilities who require an accommodation to participate in the hearing may contact the Commission at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD). Individuals requesting accommodations should contact the Commission at either of these numbers at least seven days before the scheduled hearing date.

A copy of Commonwealth Chesapeake's application is available for public inspection during regular business hours at its the Island Library, Main Street, Chincoteague, Virginia 23336, and at the SCC Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia.

Any person desiring to comment in writing on the application may do so by directing such comments on or before December 19, 1996, to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, referring to Case No. PUE960224, and serving a copy upon the Company's counsel, Edward L. Flippen, Esquire, and Kodwo Ghartey-Tagoe, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122, and upon all Protestants. Any person desiring to make a statement at the public hearing, either for or against

State Corporation Commission

the application need only appear in the Commission's Courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

On or before November 27, 1996, any person desiring to participate as a Protestant, as defined in SCC Rule 4:6, shall file an original and twenty (20) copies of a notice of protest as provided by SCC Rule 5:16(a), and serve a copy upon Commonwealth Chesapeake's counsel at the address set forth above, and upon all Protestants.

Any person who expects to submit evidence, cross-examine witnesses or otherwise participate in the proceeding as a Protestant, pursuant to SCC Rule 4:6, shall file, on or before December 19, 1996, an original and twenty (20) copies of a protest with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, referring to Case No. PUE960224, and shall simultaneously serve a copy thereof upon Commonwealth Chesapeake's counsel at the address set forth above, and upon all Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules of Practice and Procedure.

On or before December 19, 1996, each Protestant shall file with the Commission an original and twenty (20) copies of the prepared testimony and exhibits the Protestant intends to present at the January 23, 1997 hearing and shall simultaneously serve a copy upon the Company's counsel and upon all Protestants.

All written communications to the Commission regarding this case should reflect Case No. PUE960224 and should be directed to William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and should be filed on or before December 19, 1996.

COMMONWEALTH CHESAPEAKE CORPORATION

(13) The public notice contained in ordering paragraph (12) above shall be transmitted for publication in the Virginia Register.

(14) On or before November 13, 1996, Commonwealth Chesapeake shall serve a copy of its application and this Order upon all Virginia investor owned and cooperative electric utilities; The Honorable Becky Norton Dunlop, Secretary of Natural Resources, P.O. Box 1475, Richmond, Virginia 23212; and Mr. Thomas L. Hopkins, Director, Air

Division, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009.

(15) At the commencement of the hearing scheduled herein, Commonwealth Chesapeake shall provide the Commission proof of publication and notice as directed by paragraphs 12 and 14 of this Order.

AN ATTESTED COPY hereof shall be sent to the Company's counsel, Edward L. Flippen, Esquire, and Kodwo Gharthey-Tagoe, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122; Edward L. Petrini, Senior Assistant Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and to the Commission's Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

VA.R. Doc. No. R97-111; Filed October 30, 1996, 4:20 p.m.

GENERAL NOTICES/ERRATA

Symbol Key

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

DEPARTMENT OF HEALTH

Drinking Water Funding

Following enactment of the Safe Drinking Water Act Amendments of 1996, Congress authorized \$1.275 billion in capitalization grants to states for 1997. The Virginia Department of Health (VDH) expects to receive a portion of these funds. In addition to awarding funds for construction improvements, VDH may set aside a portion of the funds for technical assistance and related activities. Set-aside funds will help waterworks owners prepare for future drinking water challenges and assure the sustainability of safe drinking water.

Private and public owners of community and nonprofit noncommunity waterworks are eligible to apply to VDH for loans. VDH will make selections based on conditions such as existing public health problems, readiness to proceed, funding need, and the availability of matching funds. Disadvantaged communities may receive additional assistance.

Interested persons may suggest uses for various set-aside funds. Set-asides include small system technical assistance, source water protection, viability enhancements, operator programs, and general technical assistance.

The Act also provides for a demonstration project in Southwest Virginia in Planning Districts 1 and 2. This will allow VDH to loan a portion of the construction funds to a regional endowment fund.

After receiving loan requests and set-aside suggestions, VDH will develop a draft Intended Use Plan for public review and comment. A public meeting is planned from 2 - 4 p.m. on January 7, 1997, in Richmond at the Virginia War Memorial; written comments are due by 3 p.m. on January 14. These actions will help expedite release of federal funds as soon as possible.

Loan requests and set-aside suggestions are requested by 5 p.m. on December 11, 1996. Information is available by writing, calling, or faxing:

Thomas B. Gray, P. E.
Virginia Department of Health
P.O. Box 2448
Richmond, Virginia 23218
Voice: (804) 786-5566
Fax: (804) 786-5567

Safe Drinking Water Act Capitalization Grant Set-asides and Special Considerations

From the amounts allotted to states, the following elements are available:

1. Administration of construction revolving loan fund and technical assistance 4%

2. Small system technical assistance 2%
3. Assistance to state programs 10%
(with equal match of expenditure at least half of which must be additional to that expended in federal FY93)
 - a. for the public water system supervision programs
 - b. provide technical assistance through source water protection programs
 - c. develop and implement a capacity development strategy under section 1420(c)
 - d. for the operator program of section 1419
4. Combination of the following (with no more than 10% in any one area) 15%
 - a. loans for acquire land or a conservation easement to protect source water
 - b. loans for community water systems to implement voluntary source water protection measures
 - c. loans to implement source water protection partnership program
 - d. technical and financial assistance to a water system as part of the capacity development strategy in section 1420(c)
 - e. make expenditures from grants available in FY 96 and 97 to delineate and assess source water protection areas as mentioned in section 1453
 - f. make expenditures to establish and implement wellhead protection programs
5. Of the amounts in the construction revolving loan account:
 - a. loans to water systems serving fewer than 10,000 persons 15%
 - b. loan subsidies (including forgiveness of principal) to disadvantaged communities 30%
 - c. loan to a regional endowment in Southwest Virginia Planning Districts 1 and 2 not specified

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Public Notice of Changes in Statewide Methods and Standards for Setting Payment Rates

In accordance with the public notice requirements of 42 CFR 447.205, the Department of Medical Assistance Services hereby gives notice of an upcoming change in the methodology for establishing reimbursement rates for specialized care services.

Chapter 916 of the 1996 Virginia Acts of Assembly, in Item 332(D)(2), requires DMAS to conduct a study of the Specialized Care program and develop rates for specialized care services. Upon conclusion of the study, DMAS is directed to implement the rates as determined in the study. The General Assembly adjusted DMAS' appropriations for the 1996-1998 biennium to account for the savings anticipated from the implementation of the new rate methodology.

The report presents DMAS' recommendations for a collection of changes in the Specialized Care program. These recommendations include changes in specialized care categories and payment methodologies, and clarifications and changes in specialized care resident and provider criteria. These emergency regulations only address the recommendations for changes in specialized care categories and payment methodologies. Recommendations for changes in specialized care resident and provider criteria will be proposed through a separate policy and regulatory package.

Two recommended changes in the Specialized Care program are addressed by these emergency regulations.

First, DMAS recommends the elimination of the AIDS Care category. During site visits with specialized care providers, administrators and staff noted that their facilities serve very few people with AIDS (PWAs). The small number of PWAs who are served by specialized care providers typically qualify for the Complex Health Care category rather than for the AIDS Care category. In all of Virginia's nursing facilities that provide specialized care services, less than one percent of specialized care stays for both Fiscal Years 1995 and 1996 were for the AIDS Care category. In accordance with this recommendation, PWAs that qualify will be served within the Complex Health Care Category.

Second, DMAS recommends the elimination of the current fixed per diem rate reimbursement structure for all categories of specialized care. The existing structure will be replaced by a prospective reimbursement system with final cost settlement. This methodology is similar to that applied to regular nursing facility services under the current nursing home payment system. The new reimbursement system will determine a specific rate for each specialized care provider. Prospective ceilings will be the weighted average (weighted by days) of specialized care rates presently in effect, net of a statewide average amount based on audited 1994 cost data for capital and ancillary costs that have been adjusted for inflation. A separate ceiling and separate rates would be used for qualifying distinct part pediatric units.

The proposed payment methodology will have the following major differences from the current Nursing Home Payment System (NHPS) for regular nursing facility services. First, ancillary costs will be paid on a pass-through basis. Second, the operating ceiling will be adjusted by nine geographical areas, instead of the three areas used in the current NHPS. Third, the nursing cost component will be adjusted using the Resource Utilization Groups, Version III (RUGS-III) nursing-only index score, instead of the existing Patient Intensity Rating System (PIRS) scoring system.

During FY 1996, specialized care services were provided by 41 nursing facilities to 579 Medicaid recipients, and accounted for approximately \$21.6 million in expenditures.

Most recipients are served under the Complex Health Care category, which accounted for 67% of all specialized care stays during FY 1996. The program demonstrated sharp growth in recipient utilization, provider participation, and expenditures between Fiscal Years 1993 and 1995, although the rate of growth slowed considerably in FY 1996.

Expenditures for the program are unevenly distributed among the participating facilities. For FY 1996, three of the 41 participating facilities accounted for one-third of the program expenditures. Specialized care also represents one of the most expensive services provided by Medicaid on a per-individual basis. Residents with continuous specialized care stays account for annual expenditures of nearly \$150,000 per resident.

It is estimated that implementation of the reimbursement changes will result in \$5 to \$6 million (total funds) savings in calendar year 1997 (the first full year of implementation). This estimate is very approximate because the case mix and service volume data necessary for an accurate estimate is not yet available. Changes in provider billing practices that are necessary to bring the program into compliance with federal requirements were implemented August 1, 1996. It is estimated that these changes may yield another \$2 to \$3 million (total funds) savings per year. Therefore, the combined estimated savings, based on data currently available, is \$7 to \$9 million per year (total funds). This estimate is very tentative and will be verified before January 1997.

Copies of the emergency regulation may be obtained from Victoria P. Simmons or Roberta J. Jonas at the Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 371-8850. Public comments regarding this notice may be submitted to George Stukenborg. No public hearings are planned at this time.

STATE WATER CONTROL BOARD

† Enforcement Action

Proposed Special Consent Order Amendment South Central Wastewater Authority

The State Water Control Board proposes to issue a Consent Special Order Amendment to the South Central Wastewater Authority located in Petersburg, Virginia. The proposed amendment addresses the completion of the upgrade and expansion of the wastewater treatment plant. The order provides for the schedule for completion of the upgrade and expansion to be extended from September 1, 1996, to December 31, 1996, due to contract delays.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments until December 26, 1996, relating to the proposed Consent Special Order Amendment. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 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.

General Notices/Errata

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

ERRATA

STATE LOTTERY BOARD

Title of Regulation: 11 VAC 5-20-10 et seq. Administration Regulations.

Title of Regulation: 11 VAC 5-30-10 et seq. Instant Game Regulations.

Title of Regulation: 11 VAC 5-40-10 et seq. On-Line Game Regulations.

Publication: 13:3 VA.R. 245-280 October 28, 1996.

Change to Agency Contact:

Change address for agency contact to 900 East Main Street

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

December 12, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th 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. All meetings are subject to cancellation. Call the board office 24 hours in advance of the scheduled 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 ☎

† **January 6, 1997 - 10 a.m.** -- Open Meeting
Germanna Community College, 2130 Germanna Highway,
Room 100, Locust Grove, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the board's Executive Committee to discuss (i) RFP Specifications (Executive Session); (ii) Regulatory Review Committee report; (iii) 1997 legislation preparation; and (iv) other business needing action by the committee. This is a work session for the committee which consists of two board members and staff. All meetings are subject to cancellation. Call the board office 24 hours in advance of the scheduled 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

† **December 11, 1996 - 9 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A regular meeting to discuss issues related to Virginia agriculture. 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 Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy Seward, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 786-3535.

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.

Calendar of Events

Virginia Irish Potato Board

† December 9, 1996 -1 p.m. -- Open Meeting
Captain's Deck Restaurant, 7120 Lankford Highway,
Nassawadox, Virginia. ☎

A meeting to discuss programs (promotion, research and education), the annual budget, and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867 or FAX (804) 787-1041.

Virginia Seed Potato Board

† December 3, 1996 - 7:30 p.m. -- Open Meeting
Eastern Shore Agricultural Research and Extension Center,
Research Drive, Painter, Virginia. ☎

A meeting to review regulations and to plan for the 1997 seed season. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, P.O. Box 26, Onley, VA 23418, telephone (804) 787-5867 or FAX (804) 787-1041.

Virginia Sheep Board

† December 2, 1996 - 10 a.m. -- Open Meeting
Ingleside Hotel, 1410 Commerce Road, Staunton, Virginia. ☎

A meeting to develop a strategic plan to prioritize funding. A request for funding will be heard from USDA Animal Damage Control officials. 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 Mike Carpenter at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mike Carpenter, Program Director, 116 Reservoir Street, Harrisonburg, VA 22801, telephone (540) 434-2728.

Virginia Soybean Board

December 9, 1996 - 10 a.m. -- Open Meeting
Hotel Colonial America, 6483 Richmond Road, Williamsburg,
Virginia.

A meeting to discuss the progress of the board's research, education and promotion projects. The board will review nominations for both internal and external positions. 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 Soybean Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

December 2, 1996 - 10 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street,
Training Room, First Floor, Richmond, Virginia.

December 31, 1996 -- Public comments may be submitted until 4:30 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq. Regulations for the Control and Abatement of Air Pollution: General Provisions.** 9 VAC 5-20-21 lists documents that are incorporated by reference into the Regulations for the Control and Abatement of Air Pollution. In addition to federal documents (which include portions of the Code of Federal Regulations as listed in Rules 5-5 and 6-1), a number of technical documents are listed. These documents include materials from the American Society for Testing and Materials, the American Petroleum Institute, and the National Fire Prevention Association. The regulation amendments update the documents to include the most current version available.

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

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

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of

each business day until the close of the public comment period.

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

West Central Regional Office
Department of Environmental Quality
Executive Office Park
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

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

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

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

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

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

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

Public comments may be submitted until 4:30 p.m. December 31, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabastanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TDD ☎, or toll-free 1-800-592-5482.

† **December 5, 1996 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Training Room, Richmond, Virginia.

A regular meeting.

Contact: Kathy Frahm, Senior Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4376.

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

† **December 20, 1996 - 9 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 ☎

Board for Architects

† **December 4, 1996 - 9 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 ☎

Board for Branch Pilots

† **December 10, 1996 - 9:30 a.m.** -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk,
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.

Calendar of Events

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

Board for Interior Designers

† **December 13, 1996 - 9 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 ☎

Board for Landscape Architects

† **December 12, 1996 - 9 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 ☎

Board for Land Surveyors

† **December 5, 1996 - 9 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 ☎

Board for Professional Engineers

† **December 5, 1996 - 1 p.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 ☎

VIRGINIA BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

† **December 11, 1996 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room 3,
Richmond, Virginia. ☎

A meeting to (i) consider amending current language contained in the Virginia Lead-Based Paint Activities Regulations and adopting a set of proposed changes to these regulations, and (ii) conduct other general business as needed. Public comment will be heard at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VIRGINIA AVIATION BOARD

† **December 18, 1996 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bi-monthly 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. Persons requiring special accommodations or interpreter services should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Rd., Sandston, VA 23150, telephone (804) 236-3630, FAX (804) 236-3625, or (804) 236-3624/TDD ☎

BOARD FOR BARBERS

December 2, 1996 - 10 a.m. -- Open Meeting
 Department of Professional and Occupational Regulation,
 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 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

Regulation Advisory Committee

November 26, 1996 - 10 a.m. -- Open Meeting
 Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. ☎ (Interpreter 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 ☎

CHILD DAY-CARE COUNCIL

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.

DEPARTMENT OF CONSERVATION AND RECREATION (BOARD OF)

Appomattox Scenic River Advisory Board

† **January 14, 1997 - 7 p.m.** -- Open Meeting
 1801 Ramblewood Road, Petersburg, Virginia.

A meeting to discuss river issues.

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 ☎

Board of Conservation and Recreation

† **December 17, 1996 - 10 a.m.** -- Open Meeting
 Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia.

A regular business meeting of the board.

Contact: Leon E. App, Agency Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570 or FAX (804) 786-6141.

Board of Conservation and Recreation and Chesapeake Bay Local Assistance Board

† **December 3, 1996 - 1 p.m.** -- Open Meeting
 Department of Conservation and Recreation, 203 Governor Street, Room 200, Richmond, Virginia. ☎

The Stormwater Management Subcommittee of the Board of Conservation and Recreation will meet with the Regulations Committee of the Chesapeake Bay Local Assistance Board, staff from the Department of Conservation and Recreation, and staff from the Chesapeake Bay Local Assistance Department to discuss and comment on proposed amendments to the Virginia Stormwater Management Regulations. Public comment will be received at the end of all regular business.

Contact: Leon E. App, Agency Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

Catoctin Creek Scenic River Advisory Board

† **December 5, 1996 - 4 p.m.** -- Open Meeting
 The Corner Store, 2nd and Main Street, 2nd Floor, Waterford, Virginia.

A meeting to discuss river issues. Public comment will be held at the end of regular business.

Calendar of Events

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD ☎

Board on Conservation and Development of Public Beaches

November 26, 1996 - 10 a.m. -- Open Meeting
Virginia Institute of Marine Science, Director's Conference Room, Richmond, Virginia. ☎

A meeting to discuss proposals from localities requesting matching grant funds from the board. A public comment period will be held at the end of regular business.

Contact: Carlton Lee Hill, Public Beach Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

Virginia State Parks Foundation

† **December 4, 1996 - 10 a.m. -- Open Meeting**
Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia.

A regular business meeting to include (i) election of officers; (ii) a status report on the Virginia Outdoors Plan, and (iii) an ethics briefing and briefing on the Freedom of Information Act. Public comment will follow the meeting.

Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570.

BOARD FOR CONTRACTORS

† **January 7, 1997 - 5 p.m. -- Public Hearing**
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4, Richmond, Virginia.

† **January 30, 1997 -- 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 Contractors intends to adopt regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.** The purpose of the proposed regulation is to provide for the certification of tradesmen by establishing fees, entry requirements, standards of practice and conduct, and other administrative procedures.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Steven L. Arthur, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2945.

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 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 CORRECTIONAL EDUCATION

† **December 20, 1996 - 10 a.m. -- Open Meeting**
† **January 17, 1997 - 10 a.m. -- Open Meeting**
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-3314.

BOARD OF DENTISTRY

† **December 13, 1996 - 8 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 of a panel of the board to conduct formal hearings to 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 ☎

† **December 13, 1996 - 1:30 p.m. -- Open Meeting**
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the informal conference committee to 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 ☎

Advertising Committee

† **December 13, 1996 - 2:30 p.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 disciplinary actions and forming an advertising task force. 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 ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Board of Directors

† **December 3, 1996 - 10 a.m.** -- Open Meeting
Riverfront Plaza, West Tower, 901 East Byrd Street, 19th Floor, Board Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss matters related to the Virginia Economic Development Partnership.

Contact: Julie Gibbons, Executive Assistant, Virginia Economic Development Partnership, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8106, FAX (804) 371-8112, or (804) 371-0327 ☎

STATE BOARD OF ELECTIONS

November 25, 1996 - 11 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☎

A meeting to certify election results of the November 5, 1996, general election.

Contact: M. Bruce Meadows, Secretary, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 786-6551, FAX (804) 371-0194, toll-free 1-800-552-9745 or 1-800-260-3466/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - ARLINGTON COUNTY/CITY OF FALLS CHURCH/WASHINGTON NATIONAL AIRPORT

† **December 10, 1996 - 5:30 p.m.** -- Open Meeting
Washington National Airport, Fire Station, Arlington, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the planning committee to conduct general business. For more information contact Captain Michael Kilby.

Contact: Captain Michael Kilby, Arlington County Hazardous Materials Coordinator, 1020 N. Hudson St., Arlington, VA 22201, telephone (703) 358-4652, (703) 358-4644 or (703) 358-4610/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

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 - WINCHESTER

† **December 4, 1996 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A regular meeting.

Contact: L. A. Miller, Fire Chief, Winchester Fire and Rescue Department, 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645/TDD ☎

VIRGINIA EMPLOYMENT COMMISSION

State Advisory Board

† **December 3, 1996 - 9:30 a.m.** -- Open Meeting
Virginia Employment Commission, 703 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request.)

A regular meeting of the board to receive reports from staff and to discuss matters that may be presented.

Contact: Nancy L. Munnikhuysen, Director, Employer Relations and Customer Service, Virginia Employment Commission, 703 E. Main St., Richmond, VA 23219, telephone (804) 371-6406 or (804) 371-8050/TDD ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **December 9, 1996 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, First Floor Training Room, Richmond, Virginia. ☎

The Technical Advisory Committee for the development of the proposed Vegetative Waste Management and Yard Waste Composting Regulations (9 VAC 20-101-10

Calendar of Events

et seq.), will convene to discuss the suggested changes from the public received during the public hearings and public comment period on the proposed regulations.

Contact: Robert G. Wickline, P.E., OTA, Waste Division, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

Virginia Coastal Resources Management Program

December 11, 1996 - 7 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

A public hearing to discuss the intent to incorporate the Chesapeake Bay Preservation Act into the Virginia Coastal Program. The Department of Environmental Quality will be requesting federal approval of this program amendment from the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management. For copies of the proposed amendment to the Virginia Coastal Program or to submit written comments (no later than December 11, 1996), please write or call Laura McKay. Copies of the proposed amendment are also available from Scott Kudlas, Chesapeake Bay Local Assistance Department, 805 East Broad Street, Richmond, VA 23219, telephone (804) 371-7500.

Contact: Laura McKay, Virginia Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or FAX (804) 698-4319.

VIRGINIA FIRE SERVICES BOARD

December 5, 1996 - 7 p.m. -- Public Hearing
Holiday Inn 1776, 725 Bypass Road, Williamsburg, Virginia.

A public hearing to discuss fire training and policies. The hearing is open to the public for comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

December 6, 1996 - 9 a.m. -- Open Meeting
Holiday Inn 1776, 725 Bypass Road, Williamsburg, 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, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

Fire/EMS Education and Training Committee

December 5, 1996 - 10:30 a.m. -- Open Meeting
Holiday Inn 1776, 725 Bypass Road, Williamsburg, 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, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

Fire Prevention and Control Committee

December 5, 1996 - 8:30 a.m. -- Open Meeting
Holiday Inn 1776, 725 Bypass Road, Williamsburg, 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, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

Legislative/Liaison Committee

December 5, 1996 - 2 p.m. -- Open Meeting
Holiday Inn 1776, 725 Bypass Road, Williamsburg, 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, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

Residential Sprinkler Committee

December 4, 1996 - 1 p.m. -- Open Meeting
Holiday Inn 1776, 725 Bypass Road, Williamsburg, 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, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 527-4236.

BOARD OF FORESTRY

November 25, 1996 - 8:30 a.m. -- Open Meeting
Potomac Supply Corporation, Highway 203 North, Kinsale, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general business. Please notify the department with requests for interpreter services five working days prior to the meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA (804) 977-6555 or (804) 977-6555/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **December 3, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct informal conferences. No public comment will be taken.

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) 662-9493 or (804) 662-7197/TDD ☎

DEPARTMENT OF GAME AND INLAND FISHERIES

Finance Planning Committee

† **December 13, 1996 - 8 a.m.** -- Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to receive staff's presentation of the agency's projected long-range fish hatchery needs. The committee will conduct a mid-year review of the agency budget and may take any actions deemed appropriate. Other additional items, including general and administrative matters, may be discussed.

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.

CHARITABLE GAMING COMMISSION

† **December 5, 1996 - 10:30 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎

A regular meeting of the commission.

Contact: Kari Walter, Policy Analyst, Charitable Gaming Commission, 200 N. 9th St., Room 1030, Richmond, VA 23219, telephone (804) 786-0238 or FAX (804) 786-1079.

DEPARTMENT OF GENERAL SERVICES

Design/Build Construction Management Review Board

† **December 20, 1996 - 10 a.m.** -- Open Meeting
† **January 17, 1997 - 10 a.m.** -- Open Meeting
† **February 21, 1997 - 10 a.m.** -- Open Meeting

Department of General Services, 805 East Broad Street, Room 116, Richmond, Virginia. ☎

A meeting of the board to conduct general business and review any submissions by local governing bodies for proposed use of design/build construction management for specific construction projects. The board meets the third Friday of each month.

Contact: Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

BOARD OF HEALTH PROFESSIONS

Regulatory Research Committee

November 26, 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 discuss study on counseling related professions and conduct other business as needed. Oral public comment will not be received.

Contact: Robert A. Nebiker, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919 or (804) 662-7197/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

January 13, 1997 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☎

A routine business 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 David Dick 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, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

December 16, 1996 - 8 a.m. -- Open Meeting
College of William and Mary, Williamsburg, Virginia.

The council's executive, planning, outreach, and resources committees will meet consecutively between 8

Calendar of Events

a.m. and noon. Please call the council for the order of the committee meetings and meeting agenda. A general business meeting of the council will begin at 1 p.m.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

DEPARTMENT OF HISTORIC RESOURCES

Historic Resources Board and State Review Board

† **December 4, 1996 - 10 a.m.** -- Open Meeting
Trinity Church, 500 Court Street, Parish Hall, Portsmouth, Virginia. ☒

A meeting to (i) accept easement donations, (ii) approve highway marker text; and (iii) place the following properties on the Virginia Landmarks Register and the National Register of Historic Places:

1. Confederate Monument, City of Portsmouth
2. Commodore Theatre, City of Portsmouth
3. Versailles, Northumberland County
4. Burgandine House, Town of Culpeper
5. Greenway Historic District Boundary Increase, Clarke County
6. Aaron Hilton Site, Charles City County
7. Hupp House, Shenandoah County
8. Little Post Office, City of Martinsville
9. George C. Marshall House, Town of Leesburg
10. Rich Bottom Farm, Loudoun County
11. St. Paul's Vestry House, City of Lynchburg
12. Scuffle Hill, City of Martinsville
13. Skyline Drive Historic District, Shenandoah National Park
14. Virginia High School, City of Bristol

Contact: M. Catherine Slusser, Director, Resource Information Division, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 225-3556, FAX (804) 786-4885, or (804) 786-1934/TDD ☒

HOPEWELL INDUSTRIAL SAFETY COUNCIL

December 3, 1996 - 9 a.m. -- Open Meeting
January 7, 1997 - 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

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-20-10 et seq., Virginia Certification Standards/1993** and **adopt** regulations entitled: **13 VAC 5-21-10 et seq. Virginia Certification Standards.** The purpose of this proposal is (i) to delete the tradesmen certification requirements since regulatory authority for tradesmen certification was transferred to the Department of Professional and Occupational Regulation, and (ii) to transfer the blaster certification requirements from this regulation to the Virginia Statewide Fire Prevention Code.

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

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-30-10 et seq., Virginia Amusement Device Regulations/1993** and **adopt** regulations entitled: **13 VAC 5-31-10 et seq. Virginia Amusement Device Regulations.** The Virginia Amusement Device Regulations provide statewide standards for the construction, maintenance, inspection and operation of amusement devices. The proposed changes update this regulation to reflect current nationally approved standards.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-50-10 et seq., Virginia Statewide Fire Prevention Code/1993** and adopt regulations entitled: **13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code.** The proposed regulation sets forth performance requirements for the use of explosives, and the maintenance and use of structures with regard to fire safety. The proposed regulation has been updated to reflect current nationally approved safety standards, blaster certification requirements have been deleted from the Virginia Certification Standards and incorporated into this regulation, and the format of the regulation has been changed to make it more understandable to the regulated community

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

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-60-10 et seq., Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1993**, and **13 VAC 5-70-10 et seq., Virginia Uniform Statewide Building Code, Volume II - New Construction Code/1993**, and adopt regulations entitled: **13 VAC 5-61-10 et seq., Virginia Uniform Statewide Building Code.** The Building Code prescribes standards for construction, maintenance and use of buildings and structures and their equipment. This proposal consolidates Volumes I and II of the USBC into a single regulation and updates the latest construction and maintenance model codes and standards.

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

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **repeal** regulations entitled: **13 VAC 5-90-10 et seq., Virginia Industrialized Building and Manufactured Home and Safety Regulations/1993**, and adopt regulations entitled: **13 VAC 5-91-10 et seq., Virginia Industrialized Building Safety Regulations.** The proposed amendments update documents incorporated by reference to reflect current nationally approved safety standards and transfer requirements regarding manufactured home safety standards from this regulation to the Virginia Manufactured Home Safety Regulations (13 VAC 5-95-10 et seq.).

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

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia.

January 10, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to **adopt** regulations entitled: **13 VAC 5-95-10 et seq., Virginia Manufactured Home Safety Regulations.** The Virginia Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, and safety standards for manufactured homes, wherever produced.

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

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

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NOTE: CHANGE IN MEETING DATE

December 9, 1996 - 9 a.m. -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ☎

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 ☎

† **December 9, 1996 - 9 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, First Floor Board Room, Richmond, Virginia. ☎

A regular business meeting of the board. Public comment will be received.

Contact: Stephen W. Calhoun, CPA, Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7092, or (804) 371-7089/TDD ☎

COUNCIL ON INFORMATION MANAGEMENT

November 25, 1996 - 10 a.m. -- Open Meeting
Council on Information Management, 1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia. ☎

The first meeting of the Virginia Information Providers Network Authority Board of Directors.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (800) 828-1120/TDD ☎

VIRGINIA INTERAGENCY COORDINATING COUNCIL

December 11, 1996 - 9:30 a.m. -- Open Meeting
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), Early Intervention for Infants and Toddlers with Disabilities and their families. Discussion focuses on

issues related to Virginia's implementation of the Part H program. A public comment period will begin at 11 a.m.

Contact: Richard B. Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

STATE BOARD OF JUVENILE JUSTICE

December 11, 1996 - 10 a.m. -- Open Meeting
Fredericksburg City Hall, 715 Princess Anne Street, Council Chambers, Fredericksburg, Virginia.

A meeting to receive public comments regarding the promulgation of (i) consolidated standards for juvenile residential facilities; (ii) new standards for nonresidential services available to the juvenile and domestic relations district court; and (iii) the concurrent termination of existing regulations governing juvenile detention facilities, juvenile correctional centers, family group homes, pre- and post-dispositional group homes, post-dispositional detention, court service units and holdovers.

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

December 5, 1996 - 10 a.m. -- Open Meeting
Danville Community College, 1008 South Main Street, Danville, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting of the council.

Contact: Fred T. Yontz, Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-0295, FAX (804) 786-9877 or (804) 786-2376/TDD ☎

Migrant and Seasonal Farmworkers Board

† **December 4, 1996 - 10 a.m.** -- Open Meeting
Hall of the States Building, 444 North Capitol Street, N.W., Room 231, Washington, DC. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Patti C. Bell, Staff Coordinator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524 or (804) 786-2376/TDD ☎

LIBRARY BOARD

† **January 6, 1997 - 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

† **January 6, 1997 - 9 a.m.** -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, 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.

Facilities Committee

† **January 5, 1997 - 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 facilities.

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

† **January 5, 1997 - 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

† **January 6, 1997 - 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

† **January 5, 1997 - 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.

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

† **January 6, 1997 - 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

† **January 6, 1997 - 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.

COMMISSION ON LOCAL GOVERNMENT

November 25, 1996 - 10:30 a.m. -- Open Meeting
Washington County Administrative Building, 205 Academy Drive, Board of Supervisors Meeting Room, Abingdon, Virginia.

Oral presentations regarding the City of Bristol and Washington County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

November 25, 1996 - 7 p.m. -- Public Hearing
Bristol City Hall, 497 Cumberland Street, City Council Chambers, 2nd Floor, Bristol, Virginia.

A public hearing regarding the City of Bristol and Washington County Voluntary Settlement Agreement. Persons desiring to participate in the proceedings and requiring special accommodations or interpreter services should contact the commission.

Calendar of Events

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

November 26, 1996 - 9 a.m. -- Open Meeting
Abingdon Town Council Chambers, 133 West Main Street, Abingdon, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

MARINE RESOURCES COMMISSION

November 26, 1996 - 9:30 a.m. -- Open Meeting
December 17, 1996 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ☎ (Interpreter for the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TDD ☎

MATERNAL AND CHILD HEALTH COUNCIL

School Health Subcommittee

December 17, 1996 - 10 a.m. -- Open Meeting
Virginia PTA Building, 3810 Augusta Avenue, 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 23219, telephone (804) 786-7367.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

December 17, 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)

An open meeting to discuss medical assistance service and 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.

BOARD OF MEDICINE

† **December 13, 1996 - 1 p.m. -- Open Meeting**
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

A panel of the board will convene, pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia, to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel 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: Lorraine McGehee, Acting 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 ☎

Informal Conference Committee

† **December 4, 1996 - 10:30 a.m. -- Open Meeting**
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

December 6, 1996 - 8:30 a.m. -- Open Meeting
Fort Magruder Inn and Conference Center, Route 60, Williamsburg, Virginia.

December 10, 1996 - 8:30 a.m. -- Open Meeting
Sheraton Inn, 2801 Flank Road, Fredericksburg, Virginia.

December 19, 1996 - 8:30 a.m. -- Open Meeting
Fort Magruder Inn and Conference Center, Route 60, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15

of the Code of Virginia. Public comment will not be received.

Contact: Lorraine McGehee, Acting 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 ☎

Credentials Committee

December 14, 1996 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Executive Committee

December 13, 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 ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Project Leadership Team

December 13, 1996 - 10:30 a.m. -- Open Meeting
Location to be announced.

A meeting to continue the development of plans for mental health, mental retardation and substance abuse system reform pilot projects. The team will hear the reports of the Priority Populations/Case Rate Funding Subcommittee; the Consumer and Family Involvement Subcommittee; and the POMS Subcommittee.

Contact: Marion Greenfield, Policy Analyst, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-6431 or FAX (804) 786-0092.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

December 7, 1996 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Smith Hall Board Room, Lexington, Virginia. ♿

A regular meeting to hear committee reports. The Board of Visitors does not provide an opportunity for public comment at this meeting. Public comment is received at the first meeting of the academic year, normally in August or September.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7600.

VIRGINIA MUSEUM OF FINE ARTS

December 17, 1996 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting to consider gifts, purchases and loans of works of art. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Executive Committee

December 19, 1996 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A meeting to receive committee and staff reports and to consider art acquisitions recommended by the Collections Committee. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Nominating Committee

December 19, 1996 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A meeting to consider candidates for next year's Board of Trustees. Public comment will not be received.

Calendar of Events

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

Board of Trustees

NOTE: CHANGE IN MEETING DATE

† **December 10, 1996 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ☎

A monthly briefing of museum officers with the Director and Deputy Director for Administration. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

BOARD OF NURSING

† **December 5, 1996 - 10 a.m.** -- Open Meeting
Northern Virginia Community College, 6901 Sudley North, Provost Conference Room, Manassas, Virginia. (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct a formal hearing with licensee. Public comment will not be received.

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

Special Conference Committee

† **December 2, 1996 - 9 a.m.** -- Open Meeting
† **December 5, 1996 - 9 a.m.** -- Open Meeting
† **December 9, 1996 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the Board of Nursing. Public comment will not be received.

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

BOARD OF PHARMACY

December 4, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A meeting to conduct formal hearings before a panel of the board. Public comments will not be received.

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.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 17, 1996 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action. In addition, the Polygraph Examiners Licensing Examination will be administered to eligible polygraph examiner interns. 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 for appropriate accommodations. The department fully complies with the Americans with Disabilities Act. Please call the board 24 hours in advance to confirm that the meeting will take place.

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 ☎

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† **December 17, 1996 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.

† **January 24, 1997** -- 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 Professional Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The purpose of the proposed amendment is to establish educational and experience requirements for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575 or FAX (804) 662-9943.

BOARD OF PSYCHOLOGY

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.

Discipline Committee

November 26, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. ☎

A meeting to conduct an informal disciplinary hearing. 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.

STATE REHABILITATION ADVISORY COUNCIL

November 25, 1996 - 11 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 ☎

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

December 27, 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 Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendment is to make the department's regulations more representative of public needs and views through greater public participation in

the regulatory process and make changes mandated by 1993 amendments to the Administrative Process Act.

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia.

Contact: Mary C. Lutkenhaus, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7610, FAX (804) 662-7696, toll-free 1-800-552-5019, or toll-free 1-800-464-9950/TDD ☎

Assistive Technology Loan Fund Authority Board

December 12, 1996 - 1 p.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A business meeting of the board.

Contact: Michael Scione, ATLFA Staff, 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 ☎

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

December 5, 1996 - 5 p.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor,
Classroom, Richmond, Virginia. ☎

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.

VIRGINIA RESOURCES AUTHORITY

December 10, 1996 - 9:30 a.m. -- Open Meeting
January 14, 1997 - 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.

Calendar of Events

STATE BOARD OF SOCIAL SERVICES

December 3, 1996 - 9 a.m. -- Open Meeting
Holiday Inn-Select, 1021 Koger Center Boulevard, Koger South, Richmond, Virginia. ☎

A work session and formal business meeting of the board.

Contact: Pat Rengnerth, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1906, FAX (804) 692-1949, toll-free 1-800-552-7096 or 1-800-552-3431/TDD ☎

BOARD OF SOCIAL WORK

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 ☎

† **December 12, 1996 - 10:30 a.m.** -- Open Meeting
Family Resource Center, 1701 Will-O-Wisp Drive, Virginia Beach, Virginia. ☎

The Ad Hoc Committee on Bylaws will meet to develop bylaws for the board. Public comment will be received at 10:45 a.m.

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 ☎

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **December 10, 1996 - 3 p.m.** -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, Virginia.

A joint meeting with the Virginia Association of Soil and Water Conservation Districts and a regular bimonthly business meeting of the Virginia Soil and Water Conservation Board.

Contact: Linda J. Cox, Administrative Staff Assistant, Virginia Soil and Water Conservation Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123 or FAX (804) 786-6141.

DEPARTMENT OF TAXATION

November 25, 1996 - 9:30 a.m. -- Public Hearing
George Mason University, 4400 University Drive, Mason Hall, Fairfax, Virginia.

November 26, 1996 - 9:30 a.m. -- Public Hearing
Chesapeake Central Library, Chesapeake Civic Center Complex, 298 Cedar Road, Room 1, Chesapeake, Virginia.

November 26, 1996 - 12:20 p.m. -- Public Hearing
Hampton Public Library, Main Branch, 4207 Victoria Boulevard, Room A, Hampton, Virginia.

November 27, 1996 - 9 a.m. -- Public Hearing
Department of Taxation, Richmond District Office, 1708 Commonwealth Avenue, Richmond, Virginia.

December 4, 1996 - 10:30 a.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, Virginia.

Public hearings to hear comments on changes to the Guidelines for the Business, Professional, Occupational License (BPOL) Tax as amended by the Virginia legislature in 1996. The department, with input from localities and interested parties from the business community, has developed proposed draft guidelines to implement changes required by the 1996 BPOL legislation. The draft includes explanations and discussions on, among other things, the new thresholds, rules relating to "situs" of gross receipts, definition of "professional," and the new BPOL appeals process.

Contact: Robert L. Megna, Assistant Commissioner, Department of Taxation, Office of Tax Policy, P.O. Box 1880, Richmond, VA 23218-1880, telephone (804) 367-8010 or FAX (804) 367-0045.

COMMONWEALTH TRANSPORTATION BOARD

† **December 18, 1996 - 2 p.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **December 19, 1996 - 10 a.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another

forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

December 10, 1996 - 7 p.m. -- Public Hearing
Department of Transportation, 1221 East Broad Street, Main Auditorium, Richmond, Virginia.

December 27, 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 Commonwealth Transportation Board intends to repeal regulations entitled: **24 VAC 30-70-10 et seq. Minimum Standards of Entrances to State Highways**; and adopt regulations entitled: **24 VAC 30-71-10 et seq. Minimum Standards of Entrances to State Highways**. The purpose of the proposed action is to repeal the existing regulation and promulgate a new regulation concerning state highway entrances. The proposal is intended to make the regulation less restrictive to all users.

Statutory Authority: §§ 33.1-12, 33.1-197, and 33.1-198 of the Code of Virginia.

Contact: Steve Edwards, Transportation Engineer, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-0121 or Virginia Relay Center 1-800-828-1120/TDD

TREASURY BOARD

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.

BOARD ON VETERANS' AFFAIRS

† **December 5, 1996 - 1:30 p.m.** -- Open Meeting
General District Courtroom, 16441 Court Street, Amelia, Virginia. ♿

A meeting to discuss the state veterans' cemetery now under construction in Amelia, Virginia.

Contact: Beth Tonn, Secretary for the Board, Department of Veterans' Affairs, 270 Franklin Rd., S.W., Room 1012, Roanoke, VA 24011-2215, telephone (540) 857-7104.

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD OF)

† **January 22, 1997 - 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 ♿

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

December 12, 1996 - 2 p.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add and delete drugs and drug products to the formulary that became effective on January 15, 1996, and its most recent supplement. Copies of the proposed revisions to the formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Monroe Building, 101 North 14th Street, Room S-

Calendar of Events

45, P.O. Box 2448, Richmond, VA 23218. Written comments sent to the above address and received prior to 5 p.m. on December 12, 1996, will be made a part of the hearing record.

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) 786-4325.

STATE WATER CONTROL BOARD

December 12, 1996 - 9 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

COLLEGE OF WILLIAM AND MARY

Board of Visitors

December 6, 1996 - 9 a.m. -- Open Meeting
Richard Bland College, 11301 Johnson Road, Petersburg, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the Board of Visitors to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of the College of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: William T. Walker, Jr., Director, Office of University Relations, College of William and Mary, 312 Jamestown Rd., P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (804) 221-2624.

LEGISLATIVE

VIRGINIA HOUSING STUDY COMMISSION

December 5, 1996 - 1 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

A meeting relating to HB 625 (Board of Housing and Community Development/Membership), HB 1251 (Dissolution of Local Redevelopment and Housing Authorities), HB 1322 (Cable Service), HB 1513 (Water and Sewer Fees), HJR 8 (Regulation of Property Owners' Associations), HJR 161 (Preservation of Affordable Housing); HJR 181 (Homeless Children), SB 520 (Common Interest Community Management Information Fund), state regulations governing unlicensed home improvement contractors, and state

regulations governing air conditioning in multifamily rental housing.

Contact: Nancy D. Blanchard, Virginia Housing Study Commission, 601 South Belvidere St., Richmond, VA 23220, telephone (804) 782-1986, ext. 5565.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† December 9, 1996 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

Staff briefings on review of the Department of Environmental Quality.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

† December 18, 1996 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

Staff briefings on review of inmate telephone system and recordation of land records titles.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

VIRGINIA COMMISSION ON YOUTH

† December 9, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

A meeting to review the 1997 legislative package.

Contact: Joyce Huey, Virginia Commission on Youth, General Assembly Building, 910 Capitol Square, Suite 517 B, Richmond, VA 23219-0406, telephone (804) 371-2481.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 25

Elections, State Board of Forestry, Board of Information Management, Council on
† Local Government, Commission on Rehabilitative Advisory Council, State

November 26

Chesapeake Bay Local Assistance Board
- Regulation Advisory Committee
Conservation and Recreation, Department of
- Board on Conservation and Development of Public Beaches

Calendar of Events

Health Professions, Board of
- Regulatory Research Committee
Local Government, Commission on
Marine Resources Commission
Psychology, Board of
- Discipline Committee

December 2

† Agriculture and Consumer Services, Department of
- Virginia Sheep Board
Barbers, Board for
† Nursing, Board of

December 3

† Agriculture and Consumer Services, Department of
- Virginia Seed Potato Board
† Conservation and Recreation, Department of
- Board of Conservation and Recreation and
Chesapeake Bay Local Assistance Board
† Economic Development Partnership, Virginia
- Board of Directors
† Employment Commission, Virginia
- State Advisory Board
† Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council
Social Services, State Board of

December 4

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Architects
† Conservation and Recreation, Department of
- Virginia State Parks Foundation
Contractors, Board for
- Recovery Fund Committee
† Emergency Planning Committee, Local - Winchester
Fire Services Board, Virginia
- Sprinkler Committee
† Historic Resources, Department of
- Historic Resources Board and State Review Board
† Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board
† Medicine, Board of
Pharmacy, Board of

December 5

† Air Pollution, State Advisory Board on
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
- Board for Professional Engineers
† Conservation and Recreation, Department of
- Catoclin Creek Scenic River Advisory Board
Emergency Planning Committee, Local - County of
Chesterfield
Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
† Gaming Commission, Charitable
Housing Study Commission, Virginia
Labor and Industry, Department of
- Apprenticeship Council
† Nursing, Board of

Richmond Hospital Authority
- Board of Commissioners
† Veterans Affairs, Virginia Board on

December 6

Fire Services Board, Virginia
Medicine, Board of
William and Mary, College of
- Board of Visitors

December 7

Military Institute, Virginia
- Board of Visitors

December 9

Agriculture and Consumer Services, Department of
- Virginia Irish Potato Board
- Virginia Soybean Board
† Environmental Quality, Department of
† Housing and Community Development, Board of
† Legislative Audit and Review Commission, Joint
† Nursing, Board of
† Youth, Virginia Commission on

December 10

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Branch Pilots
† Emergency Planning Committee, Local - Arlington
County/City of Falls Church/Washington National Airport
Medicine, Board of
† Museum of Fine Arts, Virginia
Psychology, Board of
Resources Authority, Virginia
† Soil and Water Conservation Board, Virginia

December 11

Agriculture and Consumer Services, Department of
- Board of Agriculture and Consumer Services
- Virginia Corn Board
† Asbestos and Licensing and Lead Certification, Board
for
Interagency Coordinating Council, Virginia
Juvenile Justice, State Board of

December 12

Accountancy, Board for
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Landscape Architects
Chesapeake Bay Local Assistance Board
- Regulatory Committee and Regulation Advisory
Committee
Child Day-Care Council
Rehabilitative Services, Department of
- Assistive Technology Loan Fund Authority Board
† Social Work, Board of
Water Control Board, State

December 13

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Interior Designers
† Dentistry, Board of
† Game and Inland Fisheries, Department of

Calendar of Events

- Finance and Planning Committee
Medicine, Board of
- Executive Committee
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- Project Leadership Team

December 14

Medicine, Board of
- Credentials Committee
Visually Handicapped, Department for the
- Vocational Rehabilitation Council

December 16

Higher Education for Virginia, State Council of

December 17

† Conservation and Recreation, Board of
Marine Resources Commission
Maternal and Child Health Council
- School Health Subcommittee
Medical Assistance Services, Board of
Museum of Fine Arts, Virginia
- Collections Committee
Polygraph Examiners Advisory Board

December 18

† Aviation Board, Virginia
† Legislation and Audit Review Commission, Joint
† Transportation Board, Commonwealth
Treasury Board

December 19

Medicine, Board of
Museum of Fine Arts, Virginia
- Executive Committee
- Nominating Committee
† Transportation Board, Commonwealth

December 20

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
† Correctional Education, Board of
† General Services, Department of
-- Design-Build/ Construction Management Review
Board

January 5, 1997

† Library Board
- Facilities Committee
- Legislative and Finance Committee
- Public Library Development Committee

January 6

† Accountancy, Board for
† Library Board
- Automation and Networking Committee
- Publications and Cultural Affairs Committee
- Records Management Committee
- Research and Information Services Committee

January 7

Hopewell Industrial Safety Council

January 13

Hearing Aid Specialists, Board for

January 14

† Conservation and Recreation, Department of
- Appomattox Scenic River Advisory Board
Resources Authority, Virginia

January 17

† Correctional Education, Board of
† General Services, Department of
- Design-Build/Construction Management Review
Board

January 22

† Visually Handicapped, Board for the

February 21

† General Services, Department of
- Design-Build/Construction Management Review
Board

PUBLIC HEARINGS

November 25

Local Government, Commission on
Taxation, Department of

November 26

Taxation, Department of

November 27

Taxation, Department of

December 2

Air Pollution Control Board, State

December 4

Taxation, Department of

December 5

Fire Services Board, Virginia

December 9

Housing and Community Development, Board of

December 10

Transportation Board, Commonwealth

December 11

Environmental Quality, Department of
- Virginia Coastal Resources Management Program

December 12

Voluntary Formulary Board, Virginia

December 17

† Professional Counselors and Marriage and Family
Therapists, Board of

January 7, 1997

† Contractors, Board for