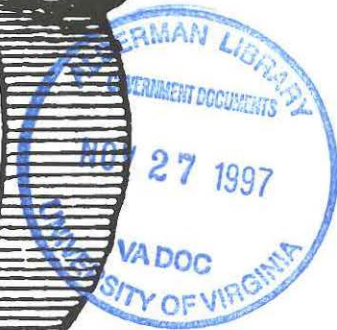
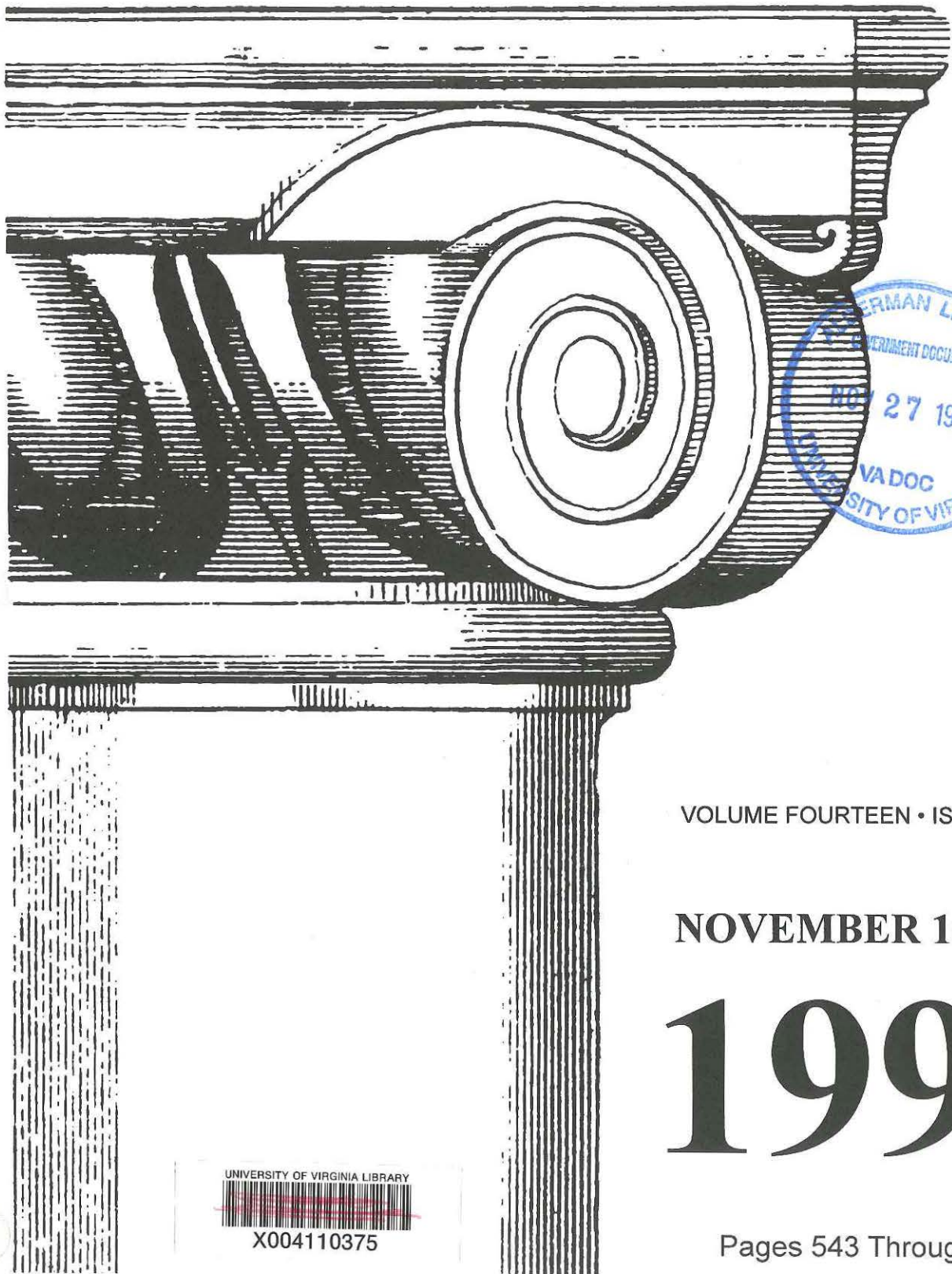


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THE VIRGINIA REGISTER

OF REGULATIONS



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THE VIRGINIA REGISTER INFORMATION PAGE

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) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar 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.

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

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

† Withdrawal of Notice of Intended Regulatory Action

The Alcoholic Beverage Control Board has **WITHDRAWN** its Notice of Intended Regulatory Action on the regulation entitled: **3 VAC 5-50-10 et seq. Retail Operations** which was initially published in 13:22 VA.R. 2742 July 21, 1997. The withdrawn notice has been replaced with a new Notice of Intended Regulatory Action initially published in 14:3 VA.R. 389 October 27, 1997, and published below.

VA.R. Doc. No. R98-610; Filed October 17, 1997, 2:28 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-50-10 et seq. Retail Operations**. The purpose of the proposed action is to (i) simplify regulations on nonmember use of club facilities; (ii) simplify regulations establishing food inventory and sale qualifications for retail licensees; (iii) provide a process for the approval of employees with certain criminal convictions; (iv) clarify rules relating to lewd conduct; and (v) allow an exemption to happy hour regulations for educational tastings. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 4.1-111 of the Code of Virginia.

Public comments may be submitted until December 31, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, P.O. Box 27491, Richmond, VA 23261-9491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R98-66; Filed October 8, 1997, 10:29 a.m.

† Withdrawal of Notice of Intended Regulatory Action

The Alcoholic Beverage Control Board has **WITHDRAWN** its Notice of Intended Regulatory Action on the regulation entitled: **3 VAC 5-70-10 et seq. Other Provisions** which was initially published in 13:22 VA.R. 2742 July 21, 1997. The withdrawn notice has been replaced with a new Notice of Intended Regulatory Action initially published in 14:3 VA.R. 389 October 27, 1997, and published below.

VA.R. Doc. No. R98-611; Filed October 17, 1997, 2:28 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions**. The purpose of the proposed action is to (i) clarify storage requirements for alcoholic beverages used for culinary purposes; (ii) eliminate certain reporting requirements for industrial and hospital permittees; (iii) increase the record retention period for licensees from two to three years; (iv) permit the use of electronic data interchange programs; (v) allow wholesalers to offer different prices to on-premises and off-premises retailers; (vi) allow manufacturers to make gifts of alcoholic beverages for certain public events; and (vii) provide a schedule of penalties for first violations of certain statutes or regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 4.1-111 of the Code of Virginia.

Public comments may be submitted until December 31, 1997.

Contact: W. Curtis Coleburn, Secretary, Department of Alcoholic Beverage Control, P.O. Box 27491, Richmond, VA 23261-9491, telephone (804) 213-4409 or FAX (804) 213-4411.

VA.R. Doc. No. R98-65; Filed October 8, 1997, 10:29 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES 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 Marine Resources Commission intends to consider promulgating regulations entitled: **4 VAC 20-345-10 et seq. General Wetlands Permit for Emergency Situations**. The purpose of the proposed action is to develop an expedited process for the issuance of general wetlands permits to be used by applicants during emergency situations in which a determination has been made that there is a threat to public or private property or to the health and safety of the public. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 28.2-103 and 28.2-1307 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until November 13, 1997.

Contact: Robert W. Grabb, Chief, Habitat Management, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2252, FAX (757) 247-8062 or (757) 247-2292/TDD



VA.R. Doc. No. R98-35; Filed September 24, 1997, 9:15 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to consider promulgating regulations entitled: **4 VAC 20-395-10 et seq. General Permit for Emergency Situations and Water Quality Improvement Projects.** The purpose of the proposed action is to develop an expedited process for the issuance of general permits for projects involving state-owned submerged lands. The general permit will cover projects designed to improve water quality such as bioengineered streambank projects and livestock crossings and address activities required during emergencies in which a determination has been made that there is a threat to public or private property or to the health and safety of the public. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 28.2-103 and 28.2-1207 of the Code of Virginia.

Public comments may be submitted until November 13, 1997.

Contact: Robert W. Grabb, Chief, Habitat Management, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2252, FAX (757) 247-8062 or (757) 247-2292/TDD



VA.R. Doc. No. R98-37; Filed September 24, 1997, 9:15 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider repealing regulations entitled: **4 VAC 25-30-10 et seq. Minerals Other Than Coal Surface Mining Regulations.** The regulation is being repealed because the revisions needed are extensive. It will be replaced by new regulations being promulgated as the Mineral Mining Reclamation Regulations. The agency intends to hold a public hearing on the proposed repeal after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-180.3 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Conrad T. Spangler, Division Director, Department of Mines, Minerals and Energy, Division of Mineral Mining, P.O. Box 3727, Charlottesville, VA 22903, telephone (804)

961-5000, FAX (804) 979-8544 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-57; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider promulgating regulations entitled: **4 VAC 25-31-10 et seq. Mineral Mining Reclamation Regulations.** The purpose of the proposed regulation is to ensure development of mineral resources minimizes the effect of mining on the environment. It is being promulgated to replace the Minerals Other Than Coal Surface Mining Regulations. Amendments to the regulation are needed to address changes in technology, eliminate duplicative or nonessential requirements, clarify and strengthen current requirements and establish new ones for areas for which there have been none. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-3 and 45.1-180.3 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

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

VA.R. Doc. No. R98-28; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-60-10 et seq. Rules and Regulations Governing Installation and Use of Automated Temporary Roof Support Systems.** The purpose of the regulation is to protect miners from unsupported roof falls before permanent roof supports are installed in a newly mined area of an underground coal mine. Amendments to the regulation make the requirements consistent with current safety standards for automated temporary roof support systems and consistent with the rules of the Mine Safety and Health Administration. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.114 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

Notices of Intended Regulatory Action

VA.R. Doc. No. R98-23; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-70-10. Rules and Regulations Governing Disruption of Communication in Mines.** The purpose of the regulation is to ensure there is a system of communication between those mining coal underground and mine personnel on the surface so miners can get help in case of an emergency. Amendments to the regulation are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA) and to avoid conflicts with MSHA regulations in federal law, and to eliminate duplicative information. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.106 and 45.1-161.191 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-26; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider repealing regulations entitled: **4 VAC 25-80-10. Rules and Regulations Governing Advanced First-Aid.** The regulation sets forth requirements for first aid training and the number of persons with first aid training needed on the mine site. However, the regulation is no longer needed as stand-alone requirements because they are incorporated into the Certification Requirements for Coal Miners promulgated by the Board of Coal Mining Examiners. The agency intends to hold a public hearing on the proposed repeal after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.101 and 45.1-161.106 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-24; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-90-10 et seq. Rules and Regulations Governing the Use of Diesel Powered Equipment in Underground Coal Mines.** The purpose of the regulation is to provide for the safe maintenance and use of diesel equipment in underground coal mines. Amendments to the regulation are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA) and to avoid conflicts with MSHA regulations in federal law, to address changes in technology, and to eliminate duplicative information. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161-106 and 45.1-161.206 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-30; Filed September 18, 1997, 1:52 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-110-10 et seq. Rules and Regulations Governing Blasting in Surface Mining Operations.** The purpose of the regulation is to ensure that blasting performed in conjunction with coal mining is performed safely and efficiently. It serves to protect miners, persons living close to mines, and property from fly rock and other hazards associated with blasting. Amendments to the regulation are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA) and to avoid conflict with MSHA regulations in federal law, to address changes in technology, and to eliminate duplicative information. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.254 and 45.1-161.286 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-25; Filed September 18, 1997, 1:52 p.m.

Notices of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-120-10 et seq. Rules and Regulations Governing Installation and Use of Cabs and Canopies.** The purpose of the regulation is to protect persons operating self-propelled mobile equipment at the face of coal mines from roof falls. Amendments to the regulation are needed to address important hazards not addressed by the Mine Safety and Health Administration (MSHA) and to avoid conflict with MSHA regulations in federal law, and to adopt standards for loads and capacities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3 and 45.1-161.106 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center)

VA.R. Doc. No. R98-29; Filed September 18, 1997, 1:52 p.m.

Board of Coal Mining Examiners

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Coal Mining Examiners intends to consider repealing regulations entitled: **4 VAC 25-50-10 et seq. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** The regulation which sets forth requirements for obtaining a certificate to perform maintenance on diesel engines is being repealed because it is now included in the Board of Coal Mining Examiners Certification Requirements, 4 VAC 25-20-10 et seq. The agency intends to hold a public hearing on the proposed repeal after publication.

Statutory Authority: §§ 45.1-161.28, 45.1-161.29, 45.1-161.34, and 45.1-161.35 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Frank A. Linkous, Mine Division Chief, Department of Mines, Minerals and Energy, Division of Mines, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8224, FAX (540) 523-8239 or toll-free 1-800-828-1120 (VA Relay Center).

VA.R. Doc. No. R98-27; Filed September 18, 1997, 1:52 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

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 Education intends to consider amending regulations entitled: **8 VAC 20-100-10 et seq. Regulations Governing Literary Loan Applications in Virginia.** The purpose of the proposed action is to amend the regulation to conform the regulation to changes made by Chapters 372 and 384 of the 1997 Acts of the Assembly by (i) increasing the limit on a single Literary Fund loan from \$5 million to \$7.5 million and (ii) providing the board with the authority to make Literary Fund loans for purchasing and installing educational technology equipment and infrastructure. A third potential change to the regulations stems from a request from the Piedmont Regional Education Program (PREP) to permit Literary Fund loans to be issued for regional programs using a "Blended Interest Rate." The Board of Education has the authority to set annual interest rates for Literary Fund loans pursuant to § 22.1-150 of the Code of Virginia, within the range of 2.0% and 6.0% per year. Current interest rates are established within this range by the board's regulations governing Literary Fund loans and are based on each school division's composite index. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16, 22.1-146 and 22.1-147 of the Code of Virginia.

Public comments may be submitted until November 26, 1997.

Contact: Daniel S. Timberlake, Assistant Superintendent for Finance, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2025 or FAX (804) 225-2300.

VA.R. Doc. No. R98-53; Filed September 25, 1997, 10:11 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution: Permits for Stationary Sources (Rev. K97).** The purpose of the proposed action is to bring the regulations into compliance with federal guidance concerning the implementation of Title V of the federal Clean Air Act (42

Notices of Intended Regulatory Action

USC §§ 7661-7661f) and of federal regulations concerning state operating permit programs (40 CFR Part 70).

Public Meeting: A public meeting will be held by the department in the Training Room, First Floor, Department of Environmental Quality, 629 E. Main St., Richmond, Virginia, at 9 a.m. on Thursday, November 13, 1997, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be in the group, notify the agency contact in writing by 4:30 p.m., Friday, November 14, 1997, providing your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be in the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: The regulation amendments are essential for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

On July 10, 1995, and March 5, 1996, the U.S. Environmental Protection Agency (EPA) issued "White Papers" designed to simplify and reduce the costs of preparing Title V permit applications. The guidance was developed to respond to the concerns of industry and permitting authorities that preparation of initial permit applications was proving more costly and burdensome than necessary to achieve the goals of the Title V permit program. The streamlining improvements set forth in the White Papers include allowing industry to substitute emissions descriptions for emissions estimates for emissions not regulated at the source, to substitute checklists rather than emissions descriptions for insignificant activities, to exclude certain trivial and short-term activities from permit applications, to provide group treatment for activities subject to certain generally applicable requirements, to certify compliance status without requiring reconsideration of previous applicability decisions, to use the Part 70 permit process to identify environmentally significant terms of new source review permits, and to submit tons per year estimates only where meaningful to do so, among other items. Because most sources are now in the process of preparing their initial applications, and many concerns have been raised by those sources about permit content, the intended scope of the program, the respective responsibilities of sources, and other issues, an immediate need exists for all

states to implement the guidance outlined in the White Papers.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being considered because it meets the stated purpose of the regulatory action: to bring the regulations into compliance with federal guidance concerning the implementation of Title V of the federal Clean Air Act (42 USC §§ 7661-7661f) and of federal regulations concerning state operating permit programs (40 CFR Part 70).
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being considered because it will not bring the regulations into compliance with federal guidance concerning the implementation of Title V of the federal Clean Air Act (42 USC §§ 7661-7661f) and of federal regulations concerning state operating permit programs (40 CFR Part 70). Furthermore, alternative regulatory changes might impose requirements that could exceed or be inconsistent with federal statutory and regulatory mandates.
3. Take no action to amend the regulations. This option is not being considered because it will not bring the regulations into compliance with federal guidance concerning the implementation of Title V of the federal Clean Air Act (42 USC §§ 7661-7661f) and of federal regulations concerning state operating permit programs (40 CFR Part 70). Furthermore, not taking any action might lead to federal sanctions.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Statutory Requirements: The regulation is mandated by federal law or regulation. A succinct statement of the source (including legal citation) and scope of the mandate may be found below.

Title V of the Clean Air Act requires the states to develop operating permit programs to cover all stationary sources defined as major by the Act. Permits issued under these programs must set out standards and conditions that cover all the applicable requirements of the Act for each emission unit at each individual stationary source. The federal regulations required to be developed under Title V, 40 CFR Part 70 (57 FR 32250, July 21, 1992), specify the minimum elements that must be included in state operating permit programs.

CAA, § 502(a), and 40 CFR 70.3(a) require that the following sources be covered under the provisions of any Title V program:

Notices of Intended Regulatory Action

1. Affected sources as defined under the acid deposition provisions of Title IV of the Act.
2. Major sources, defined as follows:
 - a. Any source of air pollutants with the potential to emit 100 tons per year (tpy) or more of any pollutant;
 - b. In ozone nonattainment areas designated as serious, any source emitting 50 tpy or more of VOCs or NO_x (in Virginia, the Northern Virginia area is designated serious); for severe or extreme nonattainment areas, sources emitting 25 and 10 tpy or more of VOCs or NO_x, respectively; and
 - c. Any source with the potential to emit 10 tpy of any hazardous air pollutant or 25 tpy of any combination of hazardous air pollutants regulated under Section 112 of the Act.
3. Any other source, including an area source, subject to a hazardous air pollutant standard under § 112 of the Act.
4. Any source subject to new source performance standards under § 111 of the Act.
5. Any source required to have a preconstruction review permit pursuant to the requirements of the prevention of significant deterioration program under Title I, Part C of the Act or the nonattainment area new source review program under Title I, Part D of the Act.
6. Any other stationary source in a category that EPA designates in whole or in part by regulation, after notice and comment.

CAA, § 502(b), and 40 CFR 70.4(b) and other provisions of 40 CFR Part 70, as noted, set out the minimum elements that must be included in each program, as follows:

1. Requirements for permit applications, including standard application forms, compliance plans and criteria for determining the completeness of applications. (40 CFR 70.5)
2. Monitoring and reporting requirements. (40 CFR 70.6(a)(3))
3. A permit fee system. (40 CFR 70.9)
4. Provisions for adequate personnel and funding to administer the program.
5. Authority to issue permits and assure that each permitted source complies with applicable requirements under the Act. (40 CFR 70.7(a)(1))
6. Authority to issue permits for a fixed term, not to exceed five years. (40 CFR 70.6(a)(2))
7. Authority to assure that permits incorporate emission limitations in an applicable implementation plan. (40 CFR 70.6(a)(1))

8. Authority to terminate, modify, or revoke and reissue permits for cause and a requirement to reopen permits in certain circumstances. (40 CFR 70.7)
9. Authority to enforce permits, permit fees, and the requirement to obtain a permit, including civil penalty authority in a maximum amount of not less than \$10,000 per day, and appropriate criminal penalties. (40 CFR 70.11)
10. Authority to assure that no permit will be issued if EPA objects to its issuance in a timely fashion. (40 CFR 70.8(c) and (e))
11. Procedures for (i) expeditiously determining when applications are complete, (ii) processing applications, (iii) public notice, including offering an opportunity for public comment, and a hearing on applications, (iv) expeditious review of permit actions, and (v) state court review of the final permit action. (40 CFR 70.5 (a)(2) and 70.7 (h))
12. Authority and procedures to provide that the permitting authority's failure to act on a permit or renewal application within the deadlines specified in the Act shall be treated as a final permit action solely to allow judicial review by the applicant or anyone also who participated in the public comment process to compel action on the application.
13. Authority and procedures to make available to the public any permit application, compliance plan, permit emissions or monitoring report, and compliance report or certification, subject to the confidentiality provisions of § 114(c) of the Act; the contents of the permit itself are not entitled to confidentiality protection.
14. Provisions to allow operational flexibility at the permitted facility.

CAA, § 503(b), and 40 CFR 70.5(c)(8) and (9) require that applicants shall submit with the permit application a compliance plan describing how the source will comply with all applicable requirements of the Act. The compliance plan must include a schedule of compliance and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every six months. The permittee must also certify that the facility is in compliance with any applicable requirements of the permit no less frequently than annually. The permittee must also promptly report any deviations from permit requirements to the permitting authority.

CAA, § 503(d), and 40 CFR 70.7(b) specify that a source's failure to have an operating permit shall not be a violation of the Act if the source owner submitted a timely and complete application for a permit and if he submitted other information required or requested to process the application in a timely fashion.

CAA, § 503(e), and 40 CFR 70.4(b)(3)(viii) require that a copy of each permit application, compliance plan (including the schedule of compliance), emissions or compliance

monitoring report, certification, and each permit issued under this title, shall be available to the public. Any information that is required of an applicant to submit and which is entitled to protection from disclosure under § 114 (c) of the Act can be submitted separately.

CAA, § 504, and 40 CFR 70.6(a)-(c) specify what is to be included in each operating permit issued under this program. These provisions require each permit to include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every six months, the results of any required monitoring and such other conditions as are necessary to assure compliance with applicable requirements, including the requirements of any state implementation plan.

CAA, § 504(b), indicates that the EPA administrator may prescribe, by rule, procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated by the Act. Continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance.

CAA, § 504(c), and 40 CFR 70.6(a)(3) require that each permit issued under the program shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to applicable regulations issued under § 504(b) and to any other requirements specified in federal regulation. Any report required to be submitted by a permit issued to a corporation shall be signed by a responsible corporate official who shall certify its accuracy.

CAA, § 504(d), and 40 CFR 70.6(d) allow the state permitting authority to issue a general permit covering numerous similar sources after notice and opportunity for public hearing. Any general permit shall comply with all program requirements. Any source governed by a general permit regulation must still file an application under this program.

CAA, § 504(e), and 40 CFR 70.6(e) allow the state permitting authority to issue a single permit authorizing emissions from similar operations at multiple temporary locations. No such permit shall be issued unless it includes conditions that will ensure compliance with all the requirements of the Act at all authorized locations, including, but not limited to, ambient standards and compliance with any applicable increment or visibility requirements under the Act. Any such permit shall in addition require the owner or operator to notify the permitting authority in advance of each change in location.

CAA, § 504(f), and 40 CFR 70.6(f) provide a permit shield for permittees. This section specifies that compliance with a permit issued in accordance with Title V shall be deemed in compliance with CAA, § 502, or with the program. And unless otherwise provided by the EPA administrator and by rule, the permit may also provide that compliance with the permit shall be deemed compliance with other applicable provisions of the Act that relate to the permittee, if:

1. The permit includes the applicable requirements of those provisions, or

2. The permitting authority in acting on the permit application makes a determination relating to the permittee that such other provisions (which shall be referred to in such determination) are not applicable and the permit includes the determination or a concise summary thereof.

CAA, § 503(c), and 40 CFR 70.5(a)(1) specify that all sources required to be permitted under a Title V program are required to submit an application within 12 months after the date EPA approves the state's program. The state permitting authority may specify an earlier date for submitting applications. The state permitting authority must establish a phased schedule for acting on permit applications submitted within the first full year after program approval, and must act on at least one-third of the permits each year over a period not to exceed three years after approval of the program. After acting on the initial application, the permitting authority must issue or deny a complete application within 18 months after receiving that application.

CAA, § 505(a), and 40 CFR 70.8(a) require the state permitting authority to send EPA a copy of each permit application and each permit proposed to be issued. For each permit application or proposed permit sent to EPA, CAA, § 505(a), and 40 CFR 70.8(b) also require the permitting authority to notify all states whose air quality may be affected and that are contiguous to the state in which the emission originates, or that are within 50 miles of the source. This notice must provide an opportunity for these affected states to submit written recommendations respecting the issuance of the permit and its terms and conditions. CAA, § 505(b), and 40 CFR 70.8(c) provide for EPA objections to any permit which contains provisions that are not in compliance with the requirements of the Act or with the applicable State Implementation Plan. This section also provides that any person may petition the EPA administrator within 60 days after the expiration of the 45-day review period if no objections were submitted by the EPA administrator. Furthermore, the state permitting authority may not issue the permit if the EPA administrator objects to its issuance unless the permit is revised to meet the objection. If the state permitting authority fails to revise and resubmit the permit, EPA must issue or deny the permit in accordance with the requirements of Title V. Under § 505(d) and 40 CFR 70.8(a)(2), the permit program submitted by the state may not have to meet these requirements for sources other than major sources covered by the program. CAA, § 505(e), and 40 CFR 70.7(g) allow the EPA administrator to terminate, modify, or revoke and reissue an operating permit issued under a state's program if he finds that cause exists for such action.

Affected sources as defined under the acid rain provisions of Title IV of the Act are one of the primary source categories required to be covered under the provisions of any Title V program.

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CAA, § 408, of Title IV covers the permit and compliance plan requirements for affected sources, those stationary sources that have at least one emission unit emitting air pollutants which cause acid rain. CAA, § 408(a), states that the requirements of Title IV are to be implemented by permits issued to affected sources in accordance with Title V as modified by the requirements of Title IV. Any permit issued to an affected source must prohibit all of the following:

1. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide that is held for the source. An allowance is the authorization to emit one ton of sulfur dioxide during or after a specified calendar year.
2. Exceedances of applicable emissions rates.
3. The use of any allowance prior to the year for which it was allocated.
4. Contravention of any other provision of the permit.

Permits must be issued for a period of five years. No permit can be issued that is inconsistent with the applicable requirements of Titles IV and V.

CAA, § 408(b), requires that compliance plans be submitted with each permit application. Alternative methods of compliance may be authorized by permitting authorities; however, a comprehensive description of the schedule and means by which the unit will rely on one or more of these alternative methods must be provided by the applicant. Any transfers of allowances recorded by EPA will automatically amend all applicable proposed or approved permit applications, compliance plans and permits. EPA may also require a demonstration of attainment of national ambient air quality standards for a source or, from the owner of two or more affected sources, an integrated compliance plan providing an overall plan for achieving compliance.

CAA, § 408(d), describes the requirements for Phase II permits, those to be issued by states with EPA-approved Title V programs. The owners of sources subject to Phase II of Title IV must submit their permit applications and compliance plans by January 1, 1996 to the state permitting authority. The states with approved programs must issue the permits no later than December 31, 1997. Permit applications and compliance plans that have been received by January 1, 1996 are binding and are enforceable as a permit for purposes of Titles IV and V until a permit is issued by the permitting authority.

CAA, § 408(e), covers new sources or emissions units, those that commence commercial operation on or after November 15, 1990. New sources must submit a permit application and compliance plan to the permitting authority no later than 24 months before the later of (i) January 1, 2000, or (ii) the date on which the source commences operation. The permitting authority must issue a permit to a new source if the requirements of Titles IV and V are satisfied.

CAA, § 408(f), covers stationary sources or emissions units subject to nitrogen oxides requirements. Applications and

compliance plans must be submitted to permitting authorities no later than January 1, 1998. The permitting authority must issue a permit to these sources or emissions units if the requirements of Titles IV and V are satisfied.

CAA, § 408(g), allows the applicant to submit a revised application and compliance plan at any time after the initial submission. CAA, § 408(h), states that it is unlawful for an owner or designated representative of the owner to fail to submit applications and compliance plans in the time period required by Title IV or to operate any affected source except in compliance with the terms and conditions of a permit and compliance plan issued by EPA or an approved permitting authority. CAA, § 408(h)(3), prohibits shutdown of an electric utility steam generating unit for failure to have an approved permit or compliance plan. However, the unit may be subject to applicable enforcement provisions under § 113 of the Act.

CAA, § 408(i), requires that no permit can be issued to an affected source until the designated representative has filed a certificate of representation with regard to the requirements of Title IV, including the holding and distribution of allowances. This section also describes the requirements for certification of representation when there are multiple holders of a legal or equitable title to, or leasehold interest in, an affected unit or when a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements.

The federal regulations required to be developed under § 408 of Title IV, 40 CFR Part 72 (58 FR 3591, January 11, 1993) and EPA guidance on Part 72, stipulate specific requirements for affected sources that are different from the requirements of 40 CFR Part 70. The differences include, but are not limited to, the following:

1. Only a designated representative or alternative designated representative of the source owner is authorized to make permit applications and other submissions under the Title IV requirements and must file a certificate of representation with EPA before they can assume these responsibilities. 40 CFR 72, Subpart B.
2. The state permitting authority must allow EPA to intervene in any appeal of an acid rain permit. 40 CFR Part 72, § 72.72(5)(iv).
3. The period by which the acid rain portion of an operating permit can be appealed administratively is 90 days. Judicial appeal of an acid rain portion of a permit cannot occur after 90 days. 40 CFR Part 72, § 72.72(5)(ii).
4. An application is binding and enforceable as a permit until the permit is issued. 40 CFR Part 72, § 72.72(b)(1)(i)(B).
5. The acid rain portion of an operating permit must be covered by a permit shield. 40 CFR Part 72, § 72.51.
6. The acid rain rules allow for four different types of permit revisions. Two of these are the same as those

provided for in 40 CFR Part 70: permit modifications and administrative amendments. The other two are unique to the acid rain program: fast-track modifications and automatic amendments. 40 CFR Part 72, Subpart H.

7. In general, permits are issued using Part 70 procedures. However, there are some exceptions. For instance, within 10 days of determining whether an acid rain application is complete, the permitting authority must notify EPA of that determination. The permitting authority must also notify EPA of any state or judicial appeal within 30 days of the filing of the appeal. 40 CFR Part 72, §§ 72.72(b)(1)(i)(C) and 72.72(b)(5)(iii).

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

Public comments may be submitted until 4:30 p.m., Friday, November 14, 1997, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

VA.R. Doc. No. R98-44; Filed September 24, 1997, 11:12 a.m.

TITLE 11. GAMING

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 10-180-10 et seq. Medication.** The purpose of the proposed action is to promulgate a medication regulation to provide for proper conduct of horse racing in the Commonwealth that places Virginia in accord with procedures in major racing states on the eastern seaboard. This begins the process to replace the emergency regulation with a permanent regulation thereby protecting the safety, health and welfare of participants and racehorses. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until November 12, 1997.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

VA.R. Doc. No. R98-36; Filed September 23, 1997, 12:27 p.m.

TITLE 12. HEALTH

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-140-10 et seq. Mandatory Standards for Community Mental Health Programs.** The purpose of the proposed action is to repeal regulations that were superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: § 37.1-10 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-38; Filed September 24, 1997, 9:54 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-150-10 et seq. Mandatory Standards for Community Mental Retardation Programs.** The purpose of the proposed action is to repeal regulations that were superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: § 37.1-10 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-43; Filed September 24, 1997, 9:56 a.m.

Notices of Intended Regulatory Action

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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-160-10 et seq. Mandatory Standards for Community Substance Abuse Programs.** The purpose of the proposed action is to repeal regulations that were superseded by 12 VAC 35-102-10 et seq., Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: § 37.1-10 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-42; Filed September 24, 1997, 9:56 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **12 VAC 35-170-10 et seq. Regulations for Certification of Case Management.** The purpose of the proposed action is to repeal the regulation promulgated pursuant to the 1990 Appropriations Act. There currently exists no statutory authority for this regulation as the cited provision of the 1990 Appropriations Act is no longer in effect. The agency does not intend to hold a public hearing on the proposed repeal after publication.

Statutory Authority: Item 466.F.5 of the 1990 Appropriations Act.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-40; Filed September 24, 1997, 9:55 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **12 VAC 35-171-10 et seq. Certification of the Qualifications of Providers**

of Rehabilitation Mental Health/Mental Retardation Case Management Services. The purpose of the proposed regulation is to define the specific knowledge, skills, and abilities that mental health and mental retardation case managers must have for Medicaid reimbursement. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 37.1-10 and 37.1-182.2 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-41; Filed September 24, 1997, 9:56 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **12 VAC 35-210-10 et seq. Certification of the Qualifications of Providers of Behavior Consultation Services.** The purpose of the proposed regulation is to define the specific knowledge, skills, and abilities that mental retardation behavior consultants must have at entry level for Medicaid reimbursement for mental retardation waiver services. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 37.1-10 and 37.1-182.2 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 13, 1997.

Contact: Marion Greenfield, Policy Analyst, Office of Planning and Regulations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-6431 or FAX (804) 371-0092.

VA.R. Doc. No. R98-39; Filed September 24, 1997, 9:55 a.m.



TITLE 13. HOUSING

VA.R. Doc. No. R98-54; Filed September 26, 1997, 11:50 a.m.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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 Housing and Community Development intends to consider amending regulations entitled: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.** The purpose of the proposed action is to amend 13 VAC 5-61-440 by establishing standards for automatic sprinkler systems in certain dormitories at colleges and universities. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 36-99.3 of the Code of Virginia.

Public comments may be submitted until November 28, 1997.

Contact: George Rickman, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

VA.R. Doc. No. R98-64; Filed October 6, 1997, 4:36 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Board intends to consider promulgating regulations entitled: **18 VAC 135-60-10 et seq. Common Interest Community Management Information Fund Regulations.** The purpose of the proposed regulation is to set fees and deadlines for filing common interest community annual reports with the Real Estate Board. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2105.1, 55-79.93:1, 55-504.1, 55-516.1 and 55-530 of the Code of Virginia.

Public comments may be submitted until November 28, 1997.

Contact: Emily O. Wingfield, Property Registration Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8510, FAX (804) 367-2475, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

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 State Police intends to consider amending regulations entitled: **19 VAC 30-70-10 et seq. Motor Vehicle Safety Inspection Rules and Regulations.** The purpose of the proposed action is to amend existing administrative regulations governing vehicle inspections to comply with mandates of the amended sections of the Code of Federal Regulations and the Code of Virginia. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 46.2-1165 of the Code of Virginia.

Public comments may be submitted until November 12, 1997.

Contact: Captain W. Steven Flaherty, Safety Officer, Department of State Police, Safety Division, P.O. Box 27472, Richmond, VA 23261, telephone (804) 378-3479, FAX (804) 378-3487 or toll-free 1-800-553-3144/TDD ☎

VA.R. Doc. No. R98-51; Filed September 25, 1997, 1:46 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to consider amending regulations entitled: **19 VAC 30-170-10 et seq. Regulations Governing the Operation and Maintenance of the Sex Offender Registry.** The purpose of the proposed action is to amend regulations governing the operation and maintenance of the Sex Offender and Crimes against Minors Registry to comply with statutory changes adopted during the 1997 Session of the General Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 19.2-298.1 and 19.2-390.1 of the Code of Virginia.

Public comments may be submitted until December 10, 1997.

Contact: Lt. Thomas W. Turner, Assistant Records Management Officer, Department of State Police, Safety Division, P.O. Box 27472, Richmond, VA 23261, telephone (804) 674-2022, FAX (804) 674-2105 or toll-free 1-800-553-3144/TDD ☎

VA.R. Doc. No. R98-74; Filed October 21, 1997, 12:42 p.m.

Notices of Intended Regulatory Action

TITLE 22. SOCIAL SERVICES

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† Withdrawal of Notice of Intended Regulatory Action

The Department for the Deaf and Hard-of-Hearing has **WITHDRAWN** its Notice of Intended Regulatory Action (NOIRA) on the regulation entitled: **22 VAC 20-30-10 et seq. Regulations Governing Interpreter Services for the Deaf and Hard of Hearing** which was published in 12:18 VA.R. 2365 May 27, 1996. The department has not filed proposed regulations on the earlier NOIRA and has filed a new NOIRA on the same regulations with a significantly revised purpose.

VA.R. Doc. No. R96-356; Filed October 21, 1997, 4:12 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **22 VAC 20-30-10 et seq. Regulations Governing Interpreter Services for the Deaf and Hard of Hearing**. The purpose of the proposed action is to (i) improve clarity and reduce redundancy with statutory code language; (ii) add provisions for maintenance of Virginia Quality Assurance Screening (VQAS) levels; and (iii) add provisions for a consumer input and grievance procedure. In addition, the department will clarify language about the confidentiality of VQAS results and the availability of information about candidate levels to the public. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-85.4 and 63.1-85.4:1 of the Code of Virginia.

Public comments may be submitted until December 10, 1997.

Contact: Leslie G. Hutcheson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9703/TDD ☎, FAX (804) 662-9718 or toll-free 1-800-552-7917/TDD ☎

VA.R. Doc. No. R98-80; Filed October 21, 1997, 4:12 p.m.

BOARD OF SOCIAL 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 Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program**. The purpose of the proposed action is to amend the regulation to add the Virginia

Targeted Grant Program. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-25.3 of the Code of Virginia.

Public comments may be submitted until November 27, 1997.

Contact: David Olds, Program Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2251.

VA.R. Doc. No. R98-55; Filed September 30, 1997, 3:04 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) pursuant to § 9-6.14:4.1 A 4; however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for the Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-50 and 13 VAC 10-180-60).

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Summary:

The proposed amendments to the authority's rules and regulations for the allocation of low-income housing tax credits (i) allow applicants with acquisition and rehabilitation financing from Rural Development of the U.S. Department of Agriculture to satisfy the site control requirement without the approval of all partners of the seller of the development; (ii) authorize the executive director to treat two or more applications as a single application; (iii) authorize the executive director to extend the deadline for the submission of certain mandatory attachments to the application, subject to a ten-point scoring penalty per item; (iv) exclude local housing authority sponsored developments from competing in the nonprofit pools; (v) add a scoring category for preparing documentation to be sent by the authority to the locality in which the proposed development is to be located; (vi) limit the number of rehabilitation points and new construction points on proposed developments involving both rehabilitation and new construction; (vii) effective in 1999, award points for rehabilitation and new construction based upon the percentage of low income households residing in the census tract in which the proposed development is to be located; (viii) increase the points awarded for applications seeking fewer credits; (ix) authorize the executive director to consider the proposed development to be part of a larger development in determining the feasible credit amount for the proposed development; (x) eliminate the limit on the number of credits that may be reserved to any one general partner or principal; and (xi) make other technical and clarification changes.

13 VAC 10-180-50. Application.

Application for a reservation of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the IRC and this chapter and to make the reservation and allocation of the credits in accordance with this chapter. The executive director may reject any application from consideration for a reservation or allocation of credits if in such application the applicant does not provide the proper documentation or information on the forms prescribed by the executive director.

The application should include a breakdown of sources and uses of funds sufficiently detailed to enable the authority to ascertain what costs will be incurred and what will comprise the total financing package, including the various subsidies and the anticipated syndication or placement proceeds that will be raised. The following cost information, if applicable, needs to be included in the application: site acquisition costs, site preparation costs, construction costs, construction contingency, general contractor's overhead and profit, architect and engineer's fees, permit and survey fees, insurance premiums, real estate taxes during construction, title and recording fees, construction period interest, financing fees, organizational costs, rent-up and marketing costs, accounting and auditing costs, working capital and operating deficit reserves, syndication and legal fees, development fees, and other cost and fees. All applications seeking credits for rehabilitation of existing units must provide for construction costs of at least \$5,000 per unit.

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. A contract that permits the owner to continue to market the property, even if the applicant has a right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases or has the right to acquire or

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lease the site of the proposed development as described in the preceding sentence. *In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture, the site control document does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.*

Each application shall include, in a form or forms required by the executive director, a certification of previous participation listing all residential real estate developments in which the general partner(s) or their affiliates has or had an ownership or participation interest, the location of such developments, the number of residential units and low-income housing units in such developments and such other information as more fully specified by the executive director. Furthermore, the applicant must indicate, for developments receiving an allocation of tax credits under § 42 of the IRC, whether any such development has ever been determined to be out of compliance with the requirements of the IRC by the appropriate state housing credit agency, and if so, an explanation of such noncompliance and whether it has been corrected. The executive director may reject any application from consideration for a reservation or allocation of credits unless the above information is submitted with the application. If, after reviewing the above information or any other information available to the authority, the executive director determines that the general partner(s) do not have the experience, financial capacity and predisposition to regulatory compliance necessary to carry out the responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development or the ability to fully perform all the duties and obligations relating to the proposed development under law, regulation and the reservation and allocation documents of the authority or if an applicant is in substantial noncompliance with the requirements of the IRC, the executive director, in his sole discretion, may reject applications by the applicant.

The application should include pro forma financial statements setting forth the anticipated cash flows during the credit period as defined in the IRC. The application shall include a certification by the applicant as to the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to each building or development. The executive director may also require the submission of a legal opinion or other assurances satisfactory to the executive director as to, among other things, compliance of the proposed development with the IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the

existing facts and circumstances the applicant will be eligible for the amount of credits requested.

If an applicant submits an application for reservation or allocation of credits that contains a material misrepresentation or fails to include information regarding developments involving the applicant that have been determined to be out of compliance with the requirements of the IRC, the executive director may reject the application or stop processing such application upon discovery of such misrepresentation or noncompliance and may prohibit such applicant from submitting applications for credits to the authority in the future.

In any situation in which the executive director deems it appropriate, he may treat two or more applications as a single application.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions may be indicated on the application form, instructions or other communication available to the public.

The executive director may prescribe such deadlines for submission of applications for reservation and allocation of credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such reservations and allocations. *If the executive director determines that an applicant for a reservation of credits has failed to submit one or more mandatory attachments to the application by the reservation application deadline, he may allow such applicant an opportunity to submit such attachments within a certain time established by the executive director with a ten-point scoring penalty per item.*

After receipt of the applications, the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located and shall provide such officers a reasonable opportunity to comment on the developments.

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, both the reservation and the allocation of credits to buildings or developments which the authority may own or may intend to acquire, construct and/or rehabilitate.

13 VAC 10-180-60. Review and selection of applications; reservation of credits.

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or

source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth. In any situation in which the executive director deems appropriate, he may treat two or more applications as a single application.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and
2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction

or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate

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reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits. ~~For the purposes of implementing this limitation, the executive director may determine that more than one application for more than one development which he deems to be a single development shall be considered as a single application.~~

Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools.

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

- a. Written evidence satisfactory to the authority (i) of approval by local authorities of the plan of development or site plan for the proposed development or (ii) that such approval is not required. (20 points)
- b. Written evidence satisfactory to the authority of preliminary approval by local authorities of the plan of development. (10 points)
- c. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (30 points)
- d. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (35 points)
- e. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient

calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)

2. Housing needs characteristics.

- a. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points)

- (2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision a (1) above) nor opposition (as described in subdivision a (3) below) as to the allocation of credits to the applicant for the development. (25 points)

- (3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

- b. Documentation from the local authorities that the proposed development is located in a Qualified Census Tract (QCT) or determination by the authority that the proposed development is located in a Difficult Development Area as defined by the U.S. Department of Housing and Urban Development or in an Enterprise Zone designated by the state. (20 points)

- c. Commitment by the applicant to give leasing preference to individuals and families on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant. (10 points)

- d. Commitment by the applicant to give leasing preference to individuals and families on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units

to the local section 8 administrator by the applicant. (10 points)

e. Any of the following: (i) firm financing commitment(s) from the local government, housing authority or the Rural Development of the U.S. Department of Agriculture or (ii) a resolution passed by the locality in which the proposed development is to be located committing a grant or below-market rate loan to the development or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development. (The amount of such financing will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

f. A letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadline established by the executive director. (5 points)

3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the estimated lowest gross square footage per unit for a given unit type divided by the estimated highest gross square footage per unit for a given unit type minus the estimated lowest gross square footage per unit for a given unit type.)

b. (1) Increase in the housing stock attributable to new construction or adaptive reuse of units or to the rehabilitation of units determined by the applicable local governmental unit to be uninhabitable and so documented in the application. (80 points multiplied by the percentage of such units in the proposed development, *provided, however, if combined with points from subdivision b (2) below, the total points from b (1) and b (2) may not exceed 80 points.*)

(2) Rehabilitation of existing housing stock. (25 points if hard construction costs, as determined by the executive director, equal or exceed \$15,000 per unit; 15 points if such hard construction costs equal or exceed \$5,000 up to \$14,999 per unit, *provided, however, if combined with points from subdivision*

b (1) above, the total points from b (1) and b (2) may not exceed 80 points.)

Effective January 1, 1999, subdivisions b (1) and b (2) will be replaced by the following provision:

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting VHDA to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (30 Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.)

d. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

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(j) If all metal windows have thermal breaks, and if insulating glass for windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

(2) The following points are available to applications electing to serve elderly and/or handicapped tenants as elected in subdivision 4 (a) of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

(3) The following points are available to projects which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (2 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical

significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (2 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 d of this section is 30 points.

e. Location of the proposed development in a geographic market (as defined by the executive director) that minimizes the overlap with the markets of existing tax credit developments. (0 to 60 points, as determined by the executive director on the basis of such factors as he deems relevant, which may include, but not be limited to, distance from other tax credit developments, population density, jurisdictional boundaries, the size of existing tax credit developments in the geographic area and the size of the proposed development.)

4. Tenant population characteristics.

a. Commitment by the applicant to lease low-income housing units in the proposed development only to one or more of the following: (i) persons 55 years or older, (ii) homeless persons or families, or (iii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

b. Commitment by the applicant to creating a development in which 20% or more of the low-income units have three or more bedrooms. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (30 points)

c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points)

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. In comparison with the proposed development, the controlling general partner or partners, or principals of the controlling general partner or partners acting in the capacity of controlling general partner or partners, has placed in service one or more developments which, in the aggregate, would result in the highest number of

points under one of the following: (i) at least an equal number of low-income housing units (60 points); or (ii) two or more times as many low-income housing units (90 points). For purposes of this subdivision 5 a of this section, each low-income housing tax credit unit developed in Virginia, as evidenced by the issuance of IRS forms 8609, shall count as a full low-income housing unit; each low-income housing tax credit unit developed out of Virginia shall count as 75% of a low-income housing unit; any other developed residential units (either for sale or rental) shall count as 50% of a low-income unit. In implementing the scoring of this subdivision a, (i) only existing units will be counted, (ii) the units of the proposed development will not be counted, and (iii) the executive director may determine that multiple applications for which he deems to be a single development shall be considered a single application.

b. Participation by a qualified nonprofit organization authorized to do business in Virginia *and* substantially based or active in the community of the development that (i) acts as a managing general partner under the partnership agreement (20 points); or (ii) materially participates in the development and the operation of the development and owns at least a 10% ownership interest in the general partnership interest of the partnership (10 points). No staff member, officer or member of the board of directors of such qualified nonprofit organization may materially participate, directly or indirectly, in the proposed development as a for-profit entity. Points awarded under clause (ii) of this subdivision b may not be combined with any points awarded under clause (i).

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the weighted average of the estimated highest per unit credit amount for new construction units and the estimated highest per unit credit amount for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per unit credit amount of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per unit credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 120 points.)

b. The percentage by which the total of the amount of credits per bedroom in such low-income housing units (the "per bedroom credit amount") of the proposed development is less than the weighted average of the estimated highest per bedroom credit amount for new construction units and the estimated highest per bedroom credit amount for rehabilitation units based

upon the number of new construction units and rehabilitation units in the proposed development. (If the per bedroom credit amount of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per bedroom credit amount of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 120 points.)

c. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the weighted average of the estimated highest per unit cost for new construction units and the estimated highest per unit cost for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per unit cost of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per unit cost of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 55 points.)

d. The percentage by which the total of the cost per bedroom in such low-income housing units (the "per bedroom cost"), adjusted by the authority for location, of the proposed development is less than the weighted average of the estimated highest per bedroom cost for new construction units and the estimated highest per bedroom cost for rehabilitation units based upon the number of new construction units and rehabilitation units in the proposed development. (If the per bedroom cost of the proposed development equals or exceeds such weighted average, the proposed development is assigned no points; if the per bedroom cost of the proposed development is less than such weighted average, the difference is calculated as a percentage of such weighted average, and then multiplied by 55 points.)

With respect to this subdivision 6 only, the term "new construction units" shall be deemed to include adaptive reuse units and units determined by the applicable local governmental unit to be uninhabitable which are intended to be rehabilitated. Also, for the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall be those requested in the applicable application, and the per unit credit amount and per bedroom credit amount for any building *documented by the applicant to be* located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any

Proposed Regulations

use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application which is assigned a total number of points less than a threshold amount of 500 points for rehabilitation developments, or 525 points for new construction developments, or, if both rehabilitation and new construction, the weighted average of the foregoing threshold amount of points based upon the number of units to be rehabilitated and the number of units to be newly constructed shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

7. Bonus points. For each application to which the total number of points assigned is equal to or more than the above-described threshold amount of points, bonus points shall be assigned as follows:

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. (The product of (i) 50 points multiplied by (ii) the percentage of low-income housing units restricted for occupancy to households at or below 50% of the area median gross income.)

b. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 15-year compliance period as defined in the IRC; such commitment beyond the end of the 15-year compliance period and prior to the end of the 30-year extended use period (as defined in the IRC) being deemed to represent a waiver of the applicant's right under the IRC to cause a termination of the extended use period in the event the authority is unable to present during the period specified in the IRC a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building. Applicants receiving points under this subdivision b may not receive bonus points under subdivision c below. (40 points for a 15-year commitment beyond the 15-year compliance period or 50 points for a 25-year commitment beyond the 15-year compliance period.)

c. Commitment by the applicant to sell the proposed development by option or right of first refusal to a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development, at the end of the 15-year compliance period, as defined by IRC, for a

price not to exceed the outstanding debt and exit taxes of the for profit entity. The applicant must record such option or right of first refusal as an exhibit to the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants receiving points under this subdivision c may not receive bonus points under subdivision b above. (50 points)

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and shall be ranked within such pool. Those applications assigned more points shall be ranked higher than those applications assigned fewer points.

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the most bonus points as described above, and each application so selected shall receive (in order based upon the number of such bonus points, beginning with the application with the most bonus points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of bonus points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development

as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines, in his sole discretion, to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. *The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.*

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, if the credits available equal to or exceed 75% of the credits needed for the financial feasibility of the proposed development, (ii) move the proposed development and the credits available to another pool, or (iii), for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development. Any modifications shall be subject to the approval of the executive director; provided, however, that in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to 13 VAC 10-180-60. The reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be made only to proposed developments that rank high enough to receive some credits from the state housing credit ceiling for the current year. However, any such reservation shall be in the sole discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

~~Notwithstanding anything contained herein, the executive director shall not reserve more than \$1,200,000 of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.~~

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any

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transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director in his sole discretion.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to 13 VAC 10-180-60). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on

the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

VA.R. Doc. No. R98-81; Filed October 22, 1997, 11:32 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.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

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

Title of Regulation: 9 VAC 5-190-10 et seq. Variance for Merck Stonewall Plant (Revision BV) (adding 9 VAC 5-190-110).

Statutory Authority: §§ 10.1-1307 and 10.1-1308 of the Code of Virginia.

Effective Date: January 1, 1998.

Summary:

The amendments incorporate the following federal documents (October 8, 1997, 62 FR 52622) by reference: (i) 40 CFR 52.2454: Prevention of significant deterioration of air quality for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia; (ii) 40 CFR 60.1: Applicability; (iii) 40 CFR 60.49b: Reporting and recordkeeping requirements; and (iv) 40 CFR 60.112b: Standard for volatile organic compounds (VOC).

Agency Contact: Copies of the regulation may be obtained from Olive B. Critzer, Valley Regional Office, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, VA 22801, telephone (540) 574-7800. Questions on the regulation should be referred to Larry M. Simmons, Regional Permit Manager, at the same address and telephone number.

9 VAC 5-190-110. Documents incorporated by reference.

A. The United States Environmental Protection Agency Regulations on Approval and Promulgation of Implementation Plans (40 CFR Part 52) and Standards of Performance for New Stationary Sources (40 CFR Part 60), as indicated in subsection B of this section, are incorporated by reference into this chapter as amended by the word or phrase substitutions given in subsection C of this section.

B. The following documents (October 8, 1997, 62 FR 52622) from the United States Environmental Protection Agency are incorporated herein by reference:

1. 40 CFR 52.2454: *Prevention of significant deterioration of air quality for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia.*

2. 40 CFR 60.1: *Applicability.*

3. 40 CFR 60.49b: *Reporting and recordkeeping requirements.*

4. 40 CFR 60.112b: *Standard for volatile organic compounds (VOC).*

C. *Word or phrase substitutions.*

In all the standards designated in subsection B of this section, substitute:

1. "Board" for "Administrator."

2. "Board" for "U.S. Environmental Protection Agency."

VA.R. Doc. No. R98-72; Filed October 15, 1997, 2:43 p.m.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

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

October 31, 1997

Mr. Thomas L. Hopkins, Director
Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Dear Mr. Hopkins:

This letter acknowledges receipt of the amendments to 9 VAC 5-190-10 et seq., Variance for Merck Stonewall Plant (Revision BV) (adding 9 VAC 5-190-110).

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a vertical line and the initials "JK".

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

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-260-5 et seq. **Water Quality Standards (amending 9 VAC 25-260-10, 9 VAC 25-260-20, [9 VAC 25-260-30,] 9 VAC 25-260-40, [9 VAC 25-260-50, 9 VAC 25-260-70, 9 VAC 25-260-80, 9 VAC 25-260-90,] 9 VAC 25-260-110, 9 VAC 25-260-140, 9 VAC 25-260-150, [9 VAC 25-260-160,] 9 VAC 25-260-170, [9 VAC 25-260-230,] 9 VAC 25-260-250, [9 VAC 25-260-260, 9 VAC 25-260-270,] 9 VAC 25-260-310, 9 VAC 25-260-320, 9 VAC 25-260-350, 9 VAC 25-260-360, 9 VAC 25-260-370, 9 VAC 25-260-380, 9 VAC 25-260-390, 9 VAC 25-260-400, 9 VAC 25-260-410, 9 VAC 25-260-420, 9 VAC 25-260-430, 9 VAC 25-260-440, 9 VAC 25-260-450, 9 VAC 25-260-460, 9 VAC 25-260-470, 9 VAC 25-260-480, 9 VAC 25-260-490, 9 VAC 25-260-500, 9 VAC 25-260-510, 9 VAC 25-260-520, 9 VAC 25-260-530 and 9 VAC 25-260-540; adding [9 VAC 25-260-5 and] 9 VAC 25-260-550 [; repealing 9 VAC 25-260-120 and 9 VAC 25-260-130]).**

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

Effective Date: December 10, 1997.

Summary:

Water Quality Standards consist of statements that describe water quality requirements in general narrative terms and numerical limits for specific physical, chemical and biological characteristics of water. Water Quality Standards also consist of the reasonable designated uses such as swimming, propagation and growth of aquatic life, and domestic water supply that are protected by these narrative statements and numerical limits.

The State Water Control Board has adopted a revised Water Quality Standards regulation to comply with § 62.1-44.15(3a) of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) which states that the board shall, at least once every three years, hold hearings for the purpose of reviewing the existing standards of quality and, as appropriate, adopt new standards or modify or cancel existing standards.

Amendments adopted during the current triennial review include (i) conforming Virginia's terminology to the federal terminology; (ii) adding federal definitions; (iii) adding the term "wetlands" to the general narrative standard; (iv) revising the antidegradation policy to be more consistent with the federal policy for Tier 1 and Tier 2 waters; (v) adding and revising numerical criteria; and (vi) updating use designations (public water supplies and trout streams). Changes in response to EPA and public comment on the proposed regulation include (i) the retention of the halogen ban; (ii) retention of the Staunton (Roanoke) River public water supply designations and listing of scenic rivers from the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia); and (iii) the inclusion of the water effect ratio and variance procedures.

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 regulations may be obtained from Eleanore M. Daub, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4111.

[9 VAC 25-260-5. Definitions.

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

"Board" means State Water Control Board.

"Criteria" means elements of the board's water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use. When criteria are met, water quality will generally protect the designated use.

"Designated uses" means those uses specified in water quality standards for each water body or segment whether or not they are being attained.

"Existing uses" means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

"Use attainability analysis" means a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors as described in 9 VAC 25-260-10 G.

"Water quality standards" means provisions of state or federal law which consist of a designated use or uses for the waters of the Commonwealth and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the federal Clean Water Act (33 USC § 1251 et seq.).]

9 VAC 25-260-10. [~~Use designations~~ Designation of uses] .

A. [~~Designated uses.~~] All state waters, including wetlands, are designated for the following uses: recreational use uses, e.g. [,] swimming and boating; the propagation and growth of a balanced, indigenous population of aquatic life, including game fish, which might reasonably be expected to inhabit them; wildlife; and the production of edible and marketable natural resources, e.g. [,] fish and shellfish [; ~~except for reasonably sized mixing zones in waters immediately below municipal and industrial discharges, for example as provided in] 9 VAC 25-260-170 [9 VAC 25-260-20 C below] , and for the propagation and growth of a balanced, indigenous population of fish, shellfish, and wildlife.~~

[B. Existing uses.

Final Regulations

~~Existing uses are defined as those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.]~~

[B. In designating uses of a water body and the appropriate criteria for those uses, the board shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.

C. The board may adopt subcategories of a use and set the appropriate criteria to reflect varying needs of such subcategories of uses, for instance, to differentiate between cold water (trout streams) and warm water fisheries.

D. At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under §§ 301(b) and 306 of the Clean Water Act and cost-effective and reasonable best management practices for nonpoint source control.

E. Prior to adding or removing any use, or establishing subcategories of a use, the board shall provide notice and an opportunity for a public hearing under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

F. The board may adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses; however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season.

G. The board may remove a designated use which is not an existing use, or establish subcategories of a use, if the board can demonstrate that attaining the designated use is not feasible because:

1. Naturally occurring pollutant concentrations prevent the attainment of the use;
2. Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met;
3. Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
4. Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;
5. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to

water quality, preclude attainment of aquatic life protection uses; or

6. Controls more stringent than those required by §§ 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

H. The board may not remove designated uses if:

1. They are existing uses, unless a use requiring more stringent criteria is added; or

2. Such uses will be attained by implementing effluent limits required under §§ 301(b) and 306 of the Clean Water Act and by implementing cost-effective and reasonable best management practices for nonpoint source control.

I. Where existing water quality standards specify designated uses less than those which are presently being attained, the board shall revise its standards to reflect the uses actually being attained.

J. The board must conduct a use attainability analysis whenever:

1. The board designates or has designated uses that do not include the uses specified in § 101(a)(2) of the Clean Water Act, or

2. The board wishes to remove a designated use that is specified in § 101(a)(2) of the Clean Water Act or to adopt subcategories of uses specified in § 101(a)(2) of the Clean Water Act which require less stringent criteria.

K. The board is not required to conduct a use attainability analysis under this chapter whenever designating uses which include those specified in subsection A of this section.]

9 VAC 25-260-20. General standard.

~~[A. All state waters, including wetlands, shall be maintained at such quality as will protect all] existing beneficial [designated uses] attained on or after November 28, 1975 and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them. Existing beneficial uses include, but are not limited to, recreational uses, (e.g. swimming and boating) and production of edible and marketable natural resources, (e.g. fish and shellfish) [Maintenance of designated uses listed above is accomplished through the application of the standards of quality set forth in this regulation.]~~

[B. A.] All state waters, including wetlands, shall be free from substances attributable to sewage, industrial waste, or other waste in concentrations, amounts, or combinations which contravene established standards or interfere directly or indirectly with reasonable, beneficial designated uses of such water or which are inimical or harmful to human, animal, plant, or aquatic life.

Specific substances to be controlled include, but are not limited to: floating debris, oil, scum, and other floating

materials; toxic substances (including those which bioaccumulate); substances that produce color, tastes, turbidity, odors, or settle to form sludge deposits; and substances which nourish undesirable or nuisance aquatic plant life. Effluents which tend to raise the temperature of the receiving water will also be controlled.

[~~C. B.~~] Mixing zones.

1. The board shall use mixing zone concepts in evaluating permit limits for acute and chronic standards in 9 VAC 25-260-140 B. No mixing zone established by the board shall:

- a. Prevent movement of passing or drifting aquatic organisms through the water body in question;
- b. Cause acute lethality to passing or drifting aquatic organisms;
- c. Be used for, or considered as, a substitute for minimum treatment technology required by the Clean Water Act and other applicable state and federal laws;
- d. Constitute more than one half of the width of the receiving watercourse nor constitute more than one third of the area of any cross section of the receiving watercourse;
- e. Extend downstream at any time a distance more than five times the width of the receiving watercourse at the point of discharge.

2. An allocated impact zone may be allowed within a mixing zone. This zone is the area of initial dilution of the effluent with the receiving water where the concentration of the effluent will be its greatest in the water column. Mixing within these allocated impact zones shall be as quick as practical and shall be sized to prevent lethality to passing [*or drifting*] aquatic organisms.

3. Mixing zones shall be determined such that acute standards are met outside the allocated impact zone and chronic standards are met at the edge of the mixing zone (see 9 VAC 25-260-140 A and B).

4. The board may waive the requirements of [~~paragraphs C 1 d and C 1 e subdivisions 1 d and e of this subsection~~] if:

- a. The board determines on a case-by-case basis that a complete mix assumption is appropriate; or
- b. A discharger provides an acceptable demonstration of:
 - (1)- Information defining the actual boundaries of the mixing zone in question; and
 - (2)- Information and data proving no violation of [~~paragraphs C 1 a, C 1 b, and C 1 c subdivisions 1 a, b and c of this subsection~~] by the mixing zone in question.

5. The size of a thermal mixing zone shall be determined on a case-by-case basis. This determination shall be based upon a sound rationale and be supported by substantial biological, chemical, physical, and engineering evidence and analysis. Any such determination shall show to the board's satisfaction that no adverse changes in the protection and propagation of balanced indigenous populations of fish, aquatic life, and wildlife may reasonably be expected to occur. A satisfactory showing made in conformance with § 316(a) of the Clean Water Act shall be deemed as compliance with the requirements of this ~~paragraph~~ *subdivision*.

6. Notwithstanding the above, no new or expanded mixing zone shall:

- a. Be allowed in waters listed in [~~9 VAC 25-260-30 C & 9 VAC 25-260-30 A 3 c~~] ;
- b. Be allowed in waters defined in [~~9 VAC 25-260-30 B 9 VAC 25-260-30 A 2~~] for new or increased discharges unless the requirements outlined in [~~9 VAC 25-260-30 B 9 VAC 25-260-30 A 2~~] are satisfied.

7. All mixing zones shall be implemented in accordance with the provisions of [~~subsections subsection~~] A [~~and B~~] (General standard) ~~above of this section~~.

[9 VAC 25-260-30. Antidegradation policy.

A. All surface waters of the Commonwealth shall be provided one of the following three levels, or tiers, of antidegradation protection. This antidegradation policy shall be applied whenever any board-regulated activity is proposed that has the potential to affect existing surface water quality.

~~A. 1. As a minimum, existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.~~

~~B. Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at the existing quality; provided that the board has the power to authorize any project or development, which would constitute a new or an increased loading of pollutants to high quality water, when it has been affirmatively demonstrated that a change is necessary to provide important economic or social development in the area in which the waters are located. Present and anticipated use of such waters will be preserved and protected.~~

~~1. A new or increased discharge is defined as a newly constructed facility or an existing facility which requests a significant increase in its loading of one or more of the constituents listed in 9 VAC 25-260-140 B.~~

~~2. In considering whether a possible significant change in water quality is necessary to provide important economic or social development, the board will provide notice and opportunity for a public hearing so that interested persons will have an opportunity to present information and the board will satisfy the requirement of~~

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~~intergovernmental coordination as part of the Commonwealth's continuing planning process.~~

~~3. Upon a finding that such change is justifiable, the change nevertheless, must not result in violation of those water quality characteristics necessary to attain the water quality goals in 9 VAC 25-260-20 A of protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water. Further, if a change is considered justifiable, it must not result in any significant loss of marketability or recreational use of fish, shellfish or other marine resources, and all practical measures should be taken to eliminate or minimize the impact on water quality.~~

~~4. When degradation or lower water quality is allowed, the board shall assure that there shall be achieved the highest statutory and regulatory requirements applicable to all new and existing point sources to the water body and all cost-effective and reasonable best management practices for nonpoint source control which are under the jurisdiction of the board.~~

~~5. Any determinations concerning thermal discharge limitations made under § 316(a) of the Clean Water Act (33 USC § 1251) will be considered to be in compliance with the antidegradation policy.~~

~~2. Where the quality of the waters exceed water quality standards, that quality shall be maintained and protected unless the board finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located provided that the board has the power to authorize any project or development. In allowing such degradation or lower water quality, the board shall ensure water quality adequate to protect existing uses fully. Further, the board shall ensure that there shall be achieved the highest statutory and regulatory requirements applicable to all new or increased point source discharges of effluent and all cost-effective and reasonable best management practices for nonpoint source control which are under the jurisdiction of the board.~~

~~3. Surface waters, or portions of these, which provide exceptional environmental settings and exceptional aquatic communities or exceptional recreational opportunities may be designated and protected as described in this subsection subdivisions 3 a, b and c of this subsection.~~

~~4. a. Designation procedures.~~

~~a. (1) Designations shall be adopted in accordance with the provisions of the Administrative Process Act and the board's public participation guidelines. As part of the process, the board shall, when considering regulatory action to designate any waters under this section, take all reasonable steps~~

~~to notify potentially impacted parties, including local governments, of the board's intent and the estimated impacts of any possible designation.~~

~~b. (2) Upon receiving a nomination of a waterway or segment of a waterway for designation as an exceptional state water pursuant to the board's antidegradation policy, as required by 40 CFR 131.12, the board shall notify each locality in which the waterway or segment lies and shall provide notice to impacted property owners. The written notice shall include, at a minimum: (i) a description of the location of the waterway or segment; (ii) the procedures and criteria for designation as well as the impact of the designation; (iii) the name of the person making the nomination; and (iv) the name of a contact person at the Department of Environmental Quality who is knowledgeable about the nomination and the waterway or segment. After receipt of the notice of the nomination localities shall be provided 60 days to comment on the consistency of the nomination with the locality's comprehensive plan. The comment period established by subdivision 3 a (2) of this subsection shall in no way impact a locality's ability to comment during any additional comment periods established by the board.~~

~~2. b. Implementation procedures.~~

~~a. (1) The quality of waters designated in subdivision 3 c of this subsection shall be maintained and protected to prevent permanent or long-term degradation or impairment.~~

~~b. (2) No new, additional, or increased discharge of sewage, industrial wastes or other pollution into waters designated in subdivision 3 c of this subsection shall be allowed.~~

~~c. (3) Nonpermitted activities causing temporary sources of pollution, which are under the jurisdiction of the board, may be allowed in waters designated in subdivision 3 c of this subsection even if degradation may be expected to temporarily occur as long as after a minimal period of time the waters are returned or restored to conditions equal to or better than those existing just prior to the temporary source of pollution.~~

~~3. c. Surface waters designated under this subsection subdivision are as follows:~~

~~a. (1) (Reserved.)~~

~~b. (2) (Reserved.)~~

~~c. (3) (Reserved.)~~

~~d. (4) North Creek in Botetourt County from the first bridge above the United States Forest Service North Creek Camping Area to its headwaters.~~

B. Any determinations concerning thermal discharge limitations made under § 316(a) of the Clean Water Act will be considered to be in compliance with the antidegradation policy.]

9 VAC 25-260-40. [~~Standards application;~~] Stream flow.

[A. Stream flow.

1. ~~Stream standards for protection from acute effects on aquatic life shall apply whenever flows are equal to, or greater than, the lowest flow which, on a statistical basis, would occur for a 1 day period once every 10 years.~~

2. ~~Stream standards for protection from chronic effects on aquatic life and applicable standards in 9 VAC 25-260-50 shall apply whenever flows are equal to, or greater than, the lowest flow which, on a statistical basis, would occur for a 7 consecutive day period once every 10 years.~~

3. ~~Stream standards for protection of human health from carcinogenic effects (as shown in 9 VAC 25-260-140 B) shall apply whenever flows are equal to, or greater than, the harmonic mean flow.~~

4. ~~Stream standards for protection of human health from non-carcinogenic effects (as shown in 9 VAC 25-260-140 B) shall apply whenever flows are equal to, or greater than, the lowest flow which, on a statistical basis, would occur for a 30 consecutive day period once every 5 years.~~

B. ~~The flows listed above in 9 VAC 25-260-40 A-1 are used to determine compliance with the water quality standards unless other methods which are statistically valid are employed which can be shown to protect aquatic organisms.~~

G.] Man-made alterations in stream flow shall not contravene reasonable, beneficial *designated* uses including protection of the propagation and growth of aquatic life.

[9 VAC 25-260-50. ~~Standards Numerical criteria for dissolved oxygen, pH, and maximum temperature.~~***

DESCRIPTION CLASS OF WATERS	DISS. DISSOLVED OXYGEN (mg/l)		pH	Max. Maximum Temp. (°C)
	Min.	Daily Avg.		
I Open Ocean	5.0	--	6.0-9.0	--
II Estuarine Waters (Tidal Water- Coastal Zone to Fall Line)	4.0	5.0	6.0-9.0	--
III Nontidal Waters (Coastal and Piedmont Zones)	4.0	5.0	6.0-9.0	32

IV Mountainous Zones Waters	4.0	5.0	6.0-9.0	31
V Put and Take Stockable Trout Waters	5.0	6.0	6.0-9.0	21
VI Natural Trout Waters	6.0	7.0	6.0-9.0	20
VII Swamp Water Wetlands	*	*	*	**

*This classification recognizes that the natural quality of ~~swamp water these waters~~ may fall outside of the ranges for D.O. and pH set forth above as water quality ~~standards criteria~~ *criteria*; therefore, on a case-by-case basis, ~~standards criteria~~ *criteria* for specific ~~swamp waters wetlands~~ can be developed that reflect what natural quality is which reflect the natural quality of the waterbody.

**Maximum temperature will be the same as that for Classes I through VI waters as appropriate.

***The water quality criteria in 9 VAC 25-260-50 do not apply below the lowest flow averaged (arithmetic mean) over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years (a climatic year begins April 1 and ends March 31.]

[9 VAC 25-260-70. Maximum hourly temperature change.

The maximum hourly temperature change shall not exceed 2°C, except in the case of Class VI waters (natural trout waters) where it shall not exceed 0.5°C. ~~This standard (limit) These criteria~~ shall apply beyond the boundaries of mixing zones and ~~is are~~ in addition to temperature changes caused by natural conditions.]

[9 VAC 25-260-80. Thermal discharges into lakes and impoundments.

In lakes and impoundments receiving thermal discharges, the temperature of the epilimnion, or surface water when there is no stratification, shall not be raised more than 3°C above that which existed before the addition of heat of artificial origin. The board may, on a case-by-case basis, impose a more stringent limit on temperature rise. The increase shall be based on the monthly average of the maximum daily temperature. The temperature of releases from these lakes and impoundments shall be consistent with standards established for the receiving waters. When an applicant for a permit proposes either a discharge of heated effluent into the hypolimnion or the pumping of water from the hypolimnion for return back into the same body of water, such practice shall not be approved unless a special study shows that the practice will not produce adverse effects.]

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[9 VAC 25-260-90. Site-specific temperature requirements.

A. The temperature limits set forth in 9 VAC 25-260-50 through 9 VAC 25-260-80 may be superseded in certain locations by Site-Specific Temperature Standards Criteria or in the case where a thermal variance demonstration is performed in accordance with § 316(a) of the Clean Water Act. ~~Criteria~~ The protocol for development of site-specific temperature requirements is found in ~~subsection A below of this section.~~ ~~Criteria for Information regarding § 316(a) demonstrations is found in subsection B below of this section.~~

~~A. Criteria~~ B. Protocol for Developing Site-Specific Temperature Standards Criteria. For any specified time of year there shall be two upper limiting temperatures for a location based on temperature requirements of important sensitive species found at the location at that time. These limiting temperatures are:

1. A maximum weekly average temperature that:

a. In the warmer months is determined by adding to the physiological optimum temperature (usually the optimum for growth) for the most sensitive important species (and appropriate life stage) that normally is found at that location and time; a factor calculated as ~~1/3~~ one third of the difference between the ultimate upper incipient lethal temperature and the optimum temperature for that species;

b. In the cooler months is an elevated temperature that would still ensure that important species would survive if the temperature suddenly dropped to the normal ambient temperature;

c. During reproduction seasons meets specific site requirements for successful migration, spawning, egg incubation, fry rearing, and other reproductive functions of important species; and

d. At a specific site is found necessary to preserve normal species diversity or prevent undesirable growths of nuisance organisms.

2. A time-dependent maximum temperature for short exposures.

Baseline thermal conditions shall be measured at a site where there is no unnatural thermal addition from any source, which site is in reasonable proximity to the thermal discharge (within ~~5~~ five miles), and which has similar hydrography to that of the receiving waters at the point of discharge.

~~Standards Criteria~~ development should be in accordance with Water Quality Criteria 1972: A Report of the Committee on Water Quality Criteria and Quality Criteria for Water, U.S. Environmental Protection Agency.

~~B. C.~~ § 316(a) Determinations. A successful demonstration accepted by the board concerning thermal discharge limits carried out under § 316(a) of the Clean Water Act shall constitute compliance with the temperature

requirements of these standards. A successful demonstration must assure the protection and propagation of a balanced indigenous population of aquatic species and wildlife in or on the water into which the discharge is made. When making a determination concerning thermal discharge limits under § 316(a) of the Clean Water Act, the board shall provide notice and opportunity for a public hearing.]

9 VAC 25-260-110. [~~Chlorine in surface waters Halogen ban~~].

[A. Standard.

~~1. The average daily concentration of total residual chlorine (TRC) in freshwater shall not exceed 11 parts per billion (µg/l) and the average daily concentration of chlorine produced oxidant (CPO) in saline waters (annual mean salinity of 5 parts per thousand or greater) shall not exceed 7.5 parts per billion (µg/l).~~

~~2. The one hour average concentration of total residual chlorine (TRC) in freshwater shall not exceed 10 parts per billion (µg/l) and the one hour average concentration of chlorine produced oxidant (CPO) in saline waters shall not exceed 13 parts per billion (µg/l).~~

~~B. Policy. The board, pursuant to § 62.1-44.15(3a) of the Code of Virginia, hereby sets forth its policy for implementation of the chlorine standard in surface waters of the Commonwealth. These concentrations shall apply to all surface waters of the Commonwealth except where the permittee can demonstrate to the board that exceptions may be allowed without resulting in damage to aquatic life.~~

~~1. Mixing zones may be established on a case by case basis according to 9 VAC 25-260-20 C. Since 9 VAC 25-260-20 C does not allow acutely toxic concentrations within the mixing zone, chlorine residuals within the mixing zone shall not exceed the one hour average of 10 µg/l TRC in freshwater or 13 µg/l CPO in saline waters.~~

~~2. Effluent limitations on chlorine shall be imposed to assure compliance with] paragraphs [subdivisions A-1 and A-2 of this section at the boundary of the mixing zone and] paragraph [subdivision A-2 of this section within the mixing zone. These effluent limitations shall be calculated presuming complete mixing.~~

~~3. The permittee may present to the board site specific analytical data showing that a modified effluent limit will result in compliance with] Sections [subdivisions A-1 and A-2 of] the standard [this section.~~

~~4. Exceptions to these concentrations may be allowed by the board only upon a case by case demonstration by the permittee. These case by case demonstrations shall contain both alternative instream concentrations and appropriate permit limitations to protect beneficial uses. Exceptions may be considered for only the following situations:~~

~~a. The nature of the receiving waters or the nature and composition of the chlorine discharged are such that~~

~~this TRC or CPO concentration is not necessary to protect aquatic life.~~

~~b. Receiving streams such as drainage ditches whose nature is such that they cannot reasonably be expected to support the propagation and growth of aquatic life and do not provide] reasonable beneficial [designated uses with respect to aquatic life. Compliance shall nonetheless be required where these waters discharge into other state waters capable of sustaining] reasonable beneficial [designated uses. In such situations, the board may place effluent limits at the confluence of these two waters.~~

~~c. Discharge of intermittently chlorinated water (not more than two hours in any eight hour period).~~

~~5. Notwithstanding the foregoing,]~~

[A. Chlorine or other halogen compounds¹ shall not be used for disinfection purposes or other treatment purposes including biocide applications for any treatment facility with a permitted flow of 20,000 gallons per day or more discharging to waters containing endangered or threatened species] as identified in 9 VAC 25-260-320 or to waters classified as natural trout waters [listed in subsection C of this section or to waters listed as i and ii in the River Basin Section Tables, 9 VAC 25-260-390] [except for dischargers who intermittently chlorinate. Dischargers of less than 20,000 gallons per day shall dechlorinate to the requirements of] subsections A-1 and A-2 [the numerical chlorine criteria in 9 VAC 25-260-140 B] [or to a nondetectable chlorine residual. Dischargers who intermittently chlorinate (not more than two hours in any eight-hour period) shall be required to install equipment or employ procedures, or both, to assure ensue dechlorination to a chlorine residual that meets the] requirements of subsections A-1 and A-2 [numerical chlorine criteria in 9 VAC 25-260-140 B] [, and to apply effective best management practices for chlorine. Dischargers who intermittently chlorinate shall, in order to address a possible malfunction of the dechlorination system, either have storage sufficient to contain the chlorinated water until it can be dechlorinated prior to discharge or have an online redundant and operational back-up dechlorination system.]

[B. Variance to this requirement shall not be made unless it has been affirmatively demonstrated that the] beneficial [existing uses of the water will be maintained and that either a change is justifiable to provide necessary economic or social development or the degree of waste treatment necessary to preserve the existing quality cannot be economically or socially justified.]

[C. TENNESSEE AND BIG SANDY RIVER BASINS

CLINCH RIVER SUBBASIN

Powell River from river mile 136 (south of Jonesville) downstream to the Tennessee/Virginia line (river mile 115.8—total 20.2 miles).

Endangered Species:

<i>Appalachian monkeyface pearly mussel</i>	<i>Quadrula sparsa</i>
<i>Birdwing pearly mussel</i>	<i>Conradilla caelata</i>
<i>Cumberland monkeyface pearly mussel</i>	<i>Quadrula intermedia</i>
<i>Dromedary pearly mussel</i>	<i>Dromus dromas</i>
<i>Fine-rayed pigtoe pearly mussel</i>	<i>Fusconaia cuneolus</i>
<i>Shiny pigtoe pearly mussel</i>	<i>Fusconaia edgariana</i>

Threatened Species:

<i>Slender chub</i>	<i>Hybopsis cahnii</i>
<i>Yellowfin madtom</i>	<i>Noturus flavipinnis</i>

Clinch River from river mile 323 (Richlands) downstream to the Tennessee/Virginia line (river mile 202.1).

Endangered Species:

<i>Appalachian monkeyface pearly mussel</i>	<i>Quadrula sparsa</i>
<i>Birdwing pearly mussel</i>	<i>Conradilla caelata</i>
<i>Fine-rayed pigtoe pearly mussel</i>	<i>Fusconaia cuneolus</i>
<i>Green blossom pearly mussel</i>	<i>Dysnomia torulosa gubernaculum</i>
<i>Pink mucket pearly mussel</i>	<i>Lampsilis orbiculata</i>
<i>Shiny pigtoe pearly mussel</i>	<i>Fusconaia edgariana</i>

Clinch River from the Scott/Russell County line (at Bangor - river mile 244.2) downstream to the Tennessee boundary (river mile 202.1).

Threatened Species:

<i>Slender chub</i>	<i>Hybopsis cahnii</i>
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Copper Creek from 2 miles above its confluence with the Clinch River (river mile 211.6).

Endangered Species:

<i>Fine-rayed pigtoe pearly mussel</i>	<i>Fusconaia cuneolus</i>
<i>Shiny pigtoe pearly mussel</i>	<i>Fusconaia edgariana</i>

Copper Creek from Dickensville (river mile 56) in Russell County downstream to its confluence with the Clinch River.

Threatened Species:

<i>Yellowfin madtom</i>	<i>Noturus flavipinnis</i>
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[¹ Bromine, bromine chloride, hypochlorite and chlorine dioxide.]

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HOLSTON RIVER SUBBASIN

North Fork Holston River from river mile 93.3 (near Broadford) downstream to the Smyth/Washington County line (river mile 82.1).

Endangered Species:

Shiny pigtoe pearly mussel *Fusconaia edgariana*

North Fork Holston River from the Smyth/Washington County line (river mile 82.1) to the Tennessee/Virginia boundary (river mile 5).

Threatened Species:

Spotfin chub *Hybopsis monacha*

Middle Fork Holston River from river mile 43 (in Marion) downstream to river mile 18.4.

Endangered Species:

Tan riffle shell mussel *Dysnomia walkeri*

Middle Fork Holston River from river mile 6.5 to river mile 3.2 near Osceola.

Threatened Species:

Spotfin chub *Hybopsis monacha*]

~~[9 VAC 25-260-120. Radiological quality standards. (Repealed.)~~

Substance	Standard
Total Radium (Ra-226 & Ra-228)	5 pCi/l
Radium-226	3 pCi/l
Gross Beta Activity*	50 pCi/l
Gross Alpha Activity (excluding Radon & Uranium)	15 pCi/l
Tritium	20,000 pCi/l
Strontium-90	8 pCi/l

Man-made Radioactivity Total Dose Equiv.** 4 mrem/yr
 pCi/l = picocurie per liter
 mrem/yr = millirems per year

*The gross beta value shall be used as a screening value only. If exceeded the water must be analyzed to determine the presence and quantity of radionuclides to determine compliance with the tritium, strontium, and man-made radioactivity standards.

Table of Parameters [8,10]

SUBSTANCE ¹	AQUATIC LIFE				HUMAN HEALTH	
	FRESHWATER		SALTWATER		PUBLIC WATER SUPPLIES ⁴	ALL OTHER SURFACE WATERS ⁵
	ACUTE ²	CHRONIC ³	ACUTE ²	CHRONIC ³		
<i>Acenaphthene</i>	µg/l	µg/l	µg/l	µg/l	1,200	2,700
Aldrin ⁶	3.0	0.3	1.3	0.13	0.0013	0.0014
Ammonia	See Table 1	See Table 2	See Tables 3 and 4			

~~**Combination of all sources should not exceed total dose equivalent of 4 mrem/year.]~~

~~9 VAC 25-260-130. Tributyltin in surface waters. [(Repealed.)]~~

~~The concentration of tributyltin (TBT) in freshwater shall not exceed 0.026 parts per billion (g/l), and the concentration of tributyltin in saltwater shall not exceed 0.001 parts per billion (g/l). [Reserved.]~~

~~9 VAC 25-260-140. [Standards Criteria] for surface water.~~

~~A. Instream water quality conditions shall not be acutely [²] or chronically [³] toxic except [for toxicity] as allowed [for] in 9 VAC 25-260-20 [G B] (mixing zones). The following are definitions of acute and chronic toxicity conditions:~~

~~"Acute toxicity" means an adverse effect that usually occurs shortly after [the introduction of exposure to] a pollutant. Lethality to an organism is the usual measure of acute toxicity. Where death is not easily detected, immobilization is considered equivalent to death.~~

~~"Chronic toxicity" means an adverse effect that is irreversible or progressive or occurs because the rate of injury is greater than the rate of repair during prolonged exposure to a pollutant. This includes low level, long-term effects such as reduction in growth or reproduction.~~

~~B. The following table is a list of numerical water quality [standards criteria] for specific parameters.~~

~~1. For those waters with multiple designated beneficial uses, the most stringent [standards criteria] in the following table shall apply.~~

~~2. When information has become available from the Environmental Protection Agency to calculate additional aquatic life or human health [standards criteria] not contained in the table, the board may employ these values in establishing effluent limitations or other limitations pursuant to the General Standard in 9 VAC 25-260-20 [A] necessary to protect the beneficial designated uses until the board has completed the regulatory standards adoption process.~~

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Anthracene					9,600	110,000
Antimony					14	4,300
Arsenic					50	
Arsenic III ¹	360	190	69	36		
Barium					2,000	
Benzene °					12	710
Benzo(a) anthracene °					0.028 0.044	0.344 0.49
Benzo(b) fluoranthene °					0.028 0.044	0.344 0.49
Benzo(k) fluoranthene °					0.028 0.044	0.344 0.49
Benzo(a)pyrene °					0.028 0.044	0.344 0.49
Bromoform °					44	3,600
Butyl benzyl phthalate					3,000	5,200
Cadmium ¹	[e(1.128[ln (hardness*)] -3.828) 3.9 (See Note 9)]	[e(0.7852[ln (hardness*)] -3.490) 1.1 (See Note 9)]	43	9.3	46	470
Carbon Tetrachloride °					2.5	45
Chlordane °	2.4	0.0043	0.09	0.0040	0.0058	0.0059
Chloride	860,000	230,000			250,000**	
[Chlorine	See 9-VAC-25-260-110]					
[Chlorine Total Residual	19	11]				
[Chlorine Produced Oxidant			13	7.5]		
Chlorodibromomethane					690	57,000
Chloroform °					57	4,700
Chloromethane—°					57	4,700
2-Chlorophenol					120	400
Chlorpyrifos	0.083	0.041	0.011	0.0056		
Chromium III ¹	[e(0.8190[ln (hardness*)] +3.688) 1700 (See Note 9)]	[e(0.8190[ln (hardness*)] +1.564) 210 (See Note 9)]			33,000	670,000
Chromium VI ¹	16	11	1,100	50	470	3,400
Chrysene °					0.028 0.044	0.344 0.49
Copper ¹	[e(0.9422[ln (hardness*)] -1.464) 18 (See Note 9)]	[e(0.8545[ln (hardness*)] -1.465) 12 (See Note 9)]	2.9 [3.7 5.9]	2.9 [3.7 3.8]	1,300	
Cyanide	22	5.2	1.0	1.0	700	215,000
DDD °					0.0083	0.0084
DDE °					0.0059	0.0059
DDT °	1.1	0.0010	0.13	0.0010	0.0059	0.0059
Demeton		0.1		0.1		
Dibenz(a,h) anthracene °					0.028 0.044	0.344 0.49
Dibutyl phthalate					2,700	12,000

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Dichloromethane °					47	16,000
1,2-Dichlorobenzene					2,700	17,000
1,3-Dichlorobenzene					400	2,600
1,4-Dichlorobenzene					400	2,600
Dichlorobromomethane °					[3.0 5.6]	[220 460]
1,2-Dichloroethane °					3.8	990
1,1-Dichloroethylene					310	17,000
2,4 Dichlorophenol					93	790
[() 2,4-dichlorophenoxy ()] acetic acid (2,4-D)					71	
Dieldrin °	2.5	0.0019	0.71	0.0019	0.0014	0.0014
Diethyl phthalate					23,000	120,000
Di-2-Ethylhexyl Phthalate °					18	59
2,4 Dimethylphenol					540	2,300
2,4-Dinitrotoluene °					1.1	91
Dioxin See 9 VAC 25-260-150						
Dissolved Oxygen	See 9 VAC 25-260-50					
Endosulfan	0.22	0.056	0.034	0.0087	[0.93 110]	[2.0 240]
Endrin	0.18	0.0023	0.037	0.0023	0.76	0.81
Ethylbenzene					3,100	29,000
Fecal Coliform See [Part II () 9 VAC 25-260-160 et seq. () of this chapter]						
Fluoranthene					300	370
Fluorene					1,300	14,000
Foaming agents (measured as methylene blue active substances)					500**	
Guthion		0.01		0.01		
Heptachlor °	0.52	0.0038	0.053	0.0036	0.0021	0.0021
Hexachlorocyclohexane (Lindane)	2.0	0.080	0.16	0.01	7	25
Hydrogen Sulfide		2.0		2.0		
Indeno(1,2,3-cd)pyrene °					0.028 0.044	0.311 0.49
Iron (soluble)					300**	
Isophorone					6,900	490,000
Kepon		zero		zero		
Lead ¹	[(1-273)(ln (hardness*)) -1.460) 120 (See Note 9)]	[(1-273)(ln (hardness*)) -4.705) 14 (See Note 9)]	[220 240]	[8.5 9.3]	15	
Malathion		0.1		0.1		
Manganese (soluble)					50**	
Mercury ^{1,6,7}	2.4	0.012	2.1	0.025	0.144 [0.14 0.052]	0.146 [0.15 0.053]
Methoxychlor		0.03		0.03	40	
Mirex		zero		zero		

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Monochlorobenzene					680	21,000
Nickel ¹	[_{0.8460} ln (hardness ²) +3.3612) 180 (See Note 9)]	[_{0.8460} ln (hardness ²) +4.1645) 20 (See Note 9)]	75	8.3	607 610	4,583 4,600
Nitrate (as N)					10,000	
Nitrobenzene					17	1,900
Parathion	0.065	0.013				
PCB-1242 °		0.014		0.030	0.00044	0.00045
PCB-1254 °		0.014		0.030	0.00044	0.00045
PCB-1221 °		0.014		0.030	0.00044	0.00045
PCB-1232 °		0.014		0.030	0.00044	0.00045
PCB-1248 °		0.014		0.030	0.00044	0.00045
PCB-1260 °		0.014		0.030	0.00044	0.00045
PCB-1016 °		0.014		0.030	0.00044	0.00045
Pentachlorophenol °	_{1.005} (pH) -4.830)	_{1.005} (pH) -5.290)	13	7.9	2.8	82
pH See 9 VAC 25-260-50						
Phenol					21,000	4,600,000
Phosphorus (Elemental)				0.10		
Pyrene					960	11,000
[Radioactivity	See VR680 21-01.12]					
[Radionuclides						
Gross Alpha Particle Activity					15 pCi/l	15 pCi/l
Beta Particle and Photon Activity (formerly manmade radionuclides)					4 mrem	4 mrem
Strontium-90					8 pCi/l	8 pCi/l
Tritium					20,000pCi/l	20,000pCi/l]
Selenium ¹	20	5.0	300	71	172 170	11,200 11,000
Silver ¹	[_{1.72} ln(hardness ²) -6.52) 4.1 (See Note 9)]		2.3			
Sulfate					250,000**	
Temperature See 9 VAC 25-260-50						
Tetrachloroethylene					318 320	3,519 3,500
Toluene					6,800	200,000
Total dissolved solids					500,000**	
Toxaphene ⁶ °	0.73	0.0002	0.21	0.0002	0.0073	0.0075
1,2,4 Trichlorobenzene					260	950
Trichloroethylene °					27	807 810
2,4,6-Trichlorophenol °					21	65
2-(2,4,5-Trichlorophenoxy) propionic acid (Silvex)				50		
Tributyltin See 9 VAC 25-260-130 [0.46]		0.026	[0.36]	0.001		
Vinyl Chloride °					20	5,250 5,300
Zinc ¹	[_{0.8473} ln (hardness ²)	[_{0.8473} ln (hardness ²)	95	86	5,000**	

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*0.8604) 120 *0.7614) 110
 (See Note 9) (See Note 9)

[NOTES:]

* = Hardness as calcium carbonate mg/l CaCO₃. The minimum hardness allowed for use in this equation shall not be less than 25 mg/l, as calcium carbonate, even if the actual ambient hardness is less than 25 mg/l as calcium carbonate. The maximum hardness value for use in this equation shall not exceed 400 mg/l as calcium carbonate, even if the actual ambient hardness is greater than 400 mg/l as calcium carbonate.

** = To maintain acceptable taste, odor or aesthetic quality of drinking water.

° = Known or suspected carcinogen, human health standards are for a risk level of 10⁻⁵.

¹ = ~~Unless specifically listed above,~~ All metals shall be measured as dissolved. *All aquatic life [standards criteria] for metals apply to the biologically available form of the metal. Metals measured as dissolved shall be considered to be biologically available, or, because local receiving water characteristics may otherwise affect the biological availability of the metal, the biologically available equivalent measurement of the metal can be further defined by determining a Water Effect Ratio (WER) and multiplying the numerical value shown in 9 VAC 25-260-140 B by the WER. Refer to 9 VAC 25-260-140 F.*

² = One hour average concentration not to be exceeded more than once every three years *on the average*.

³ = Four day average concentration not to be exceeded more than once every three years *on the average* [*except for ammonia*]. [*Ammonia is a 30 day average not to be exceeded more than once every three years on the average.*]

⁴ = Unless otherwise noted, these [standards criteria] have been calculated to protect human health from toxic effects through drinking water and fish consumption.

⁵ = Unless otherwise noted, these [standards criteria] have been calculated to protect human health from toxic effects through fish consumption.

⁶ = Chronic aquatic life values have been calculated to protect wildlife from harmful effects through ingestion of contaminated tissue. However, the [standard criteria] will also protect aquatic life from toxic effects.

⁷ = Chronic aquatic life [standard criteria] applies to methyl mercury. *This [standard criteria] will protect the marketability of natural resources, e.g. [,] fish and shellfish.*

⁸ = See 9 VAC 25-260-310 for additional standards or effluent limits which are site specific.

⁹ = *Freshwater aquatic life criteria for these metals are expressed as a function of total hardness as CaCO₃ (mg/l), and as a function of the pollutant's water effect ratio (WER) as defined in 9 VAC 25-260-140 F. The equations are provided in the matrix below. To maintain consistency when using these equations to calculate criteria, intermediate calculations should be rounded to four significant digits and the final criterion's value should be rounded to two significant digits. Values displayed above in the table are examples and correspond to a total hardness of 100 mg/l and a water effect ratio of 1.0.*

Acute criterion = $WER \exp\{m_A[\ln(\text{hardness}^*)] + b_A\}$

Chronic criterion = $WER \exp\{m_C[\ln(\text{hardness}^*)] + b_C\}$

	m_A	b_A	m_C	b_C
Cadmium	1.128	-3.828	0.7852	-3.490
Chromium (III)	0.8190	3.688	0.8190	1.561
Copper	0.9422	-1.464	0.8545	-1.465
Lead	1.273	-1.084	1.273	-3.259
Nickel	0.8460	1.312	0.8460	-0.8840
Silver	1.72	-6.52
Zinc	0.8473	0.8604	0.8473	0.7614

Note: The term "exp" represents the base e exponential function.

¹⁰ = The flows listed below are default design flows for calculating steady state waste load allocations unless statistically valid methods are employed which demonstrate compliance with the duration and return frequency of the water quality criteria.

Aquatic Life:

Acute criteria 1Q10
 Chronic criteria 7Q10

Human Health:

Non-carcinogens 30Q5
 Carcinogens Harmonic mean (An exception to this is for the carcinogen dioxin. The applicable stream flow for dioxin is listed in 9 VAC 25-260-150 B.)

The following are defined for this section:

"1Q10" means the lowest flow averaged over a period of one day which on a statistical basis can be expected to occur once every 10 climatic years.

"7Q10" means the lowest flow averaged over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years.

"30Q5" means the lowest flow averaged over a period of 30 consecutive days that can be statistically expected to occur once every five climatic years.

"Averaged" means an arithmetic mean.

"Climatic year" means a year beginning on April 1 and ending on March 31.]

TABLE 1***

[A. Acute Ammonia Standard for Freshwater: Coldwater Habitats; Trout or Other Sensitive Coldwater Species Present

pH	Total Ammonia (mg/liter)***							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	
6.50	35	33	31	30	29	20	14.3	
6.75	32	30	28	27	27	18.6	13.2	
7.00	28	26	25	24	23	16.4	11.6	
7.25	23	22	20	19.7	19.2	13.4	9.5	
7.50	17.4	16.3	15.5	14.9	14.6	10.2	7.3	
7.75	12.2	11.4	10.9	10.5	10.3	7.2	5.2	
8.00	8.0	7.5	7.1	6.9	6.8	4.8	3.5	
8.25	4.5	4.2	4.1	4.0	3.9	2.8	2.1	
8.50	2.6	2.4	2.3	2.3	2.3	1.71	1.28	
8.75	1.47	1.40	1.37	1.38	1.42	1.07	0.83	
9.00	0.86	0.83	0.83	0.86	0.91	0.72	0.58]	

[B. Acute Ammonia [Standard Criteria] for Freshwater [: Warm Water Habitats; Trout or Other Sensitive Coldwater Species Absent]

pH	Total Ammonia (mg/liter)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	
6.50	35	33	31	30	29	29	[29 29]	
6.75	32	30	28	27	27	26	[48.6 26]	
7.00	28	26	25	24	23	23	[46.4 23]	
7.25	23	22	20	19.7	19.2	19.0	[43.5 19]	
7.50	17.4	16.3	15.5	14.9	14.6	14.5	[40.3 14.5]	
7.75	12.2	11.4	10.9	10.5	10.3	10.2	[7.3 10.3]	
8.00	8.0	7.5	7.1	6.9	6.8	6.8	[4.9 7.0]	
8.25	4.5	4.2	4.1	4.0	3.9	4.0	[2.9 4.1]	

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8.50	2.6	2.4	2.3	2.3	2.3	2.4	[1.81 2.6]
8.75	1.47	1.40	1.37	1.38	1.42	1.52	[1.18 1.66]
9.00	0.86	0.83	0.83	0.86	0.91	1.01	[0.82 1.16]

TABLE 2***

[A. Chronic Ammonia Standard for Freshwater; Coldwater Habitats; Trout or Other Sensitive Coldwater Species Present

Total Ammonia (mg/liter)****

Temperature (°C)

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
6.50	3.02	2.82	2.66	2.59	1.79	1.26	0.90
6.75	3.02	2.82	2.66	2.59	1.79	1.26	0.90
7.00	3.02	2.82	2.66	2.59	1.79	1.26	0.90
7.25	3.02	2.82	2.66	2.59	1.79	1.26	0.90
7.50	3.02	2.82	2.66	2.59	1.79	1.26	0.90
7.75	2.80	2.60	2.47	2.38	1.66	1.17	0.84
8.00	1.80	1.71	1.62	1.57	1.10	0.78	0.56
8.25	1.03	0.97	0.93	0.91	0.64	0.46	0.34
8.50	0.58	0.55	0.53	0.53	0.38	0.27	0.21
8.75	0.34	0.32	0.31	0.31	0.23	0.17	0.13
9.00	0.20	0.19	0.19	0.20	0.15	0.12	0.09

[B.] Chronic Ammonia [Standard Criteria] for Freshwater [: Warm Water Habitats; Trout or Other Sensitive Coldwater Species Absent]

Total Ammonia (mg/liter)****

Temperature (°C)

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C
6.50	3.02	2.82	2.66	2.59	2.53	[1.78 2.5]	[1.27 2.5]
6.75	3.02	2.82	2.66	2.59	2.53	[1.78 2.5]	[1.27 2.5]
7.00	3.02	2.82	2.66	2.59	2.53	[1.78 2.5]	[1.27 2.5]
7.25	3.02	2.82	2.66	2.59	2.53	[1.78 2.5]	[1.27 2.5]
7.50	3.02	2.82	2.66	2.59	2.53	[1.78 2.5]	[1.27 2.5]
7.75	2.80	2.60	2.47	2.38	2.35	[1.65 2.3]	[1.18 2.4]
8.00	1.82	1.71	1.62	1.57	1.55	[1.40 1.56]	[0.79 1.59]
8.25	1.03	0.97	0.93	0.91	0.90	[0.65 0.91]	[0.47 0.95]
8.50	0.58	0.55	0.53	0.53	0.53	[0.39 0.55]	[0.29 0.58]
8.75	0.34	0.32	0.31	0.31	0.32	[0.24 0.35]	[0.19 0.38]
9.00	0.20	0.19	0.19	0.20	0.21	[0.16 0.23]	[0.13 0.27]

TABLE 3

Acute Ammonia [Standard Criteria] for Saltwater

Total Ammonia (mg/liter)****

Temperature (°C)

pH	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
Salinity = 10 g/kg								
7.0	270	191	131	92	62	44	29	21
7.2	175	121	83	58	40	27	19	13
7.4	110	77	52	35	25	17	12	8.3
7.6	69	48	33	23	16	11	7.7	5.6
7.8	44	31	21	15	10	7.1	5.0	3.5
8.0	27	19	13	9.4	6.4	4.6	3.1	2.3
8.2	18	12	8.5	5.8	4.2	2.9	2.1	1.5
8.4	11	7.9	5.4	3.7	2.7	1.9	1.4	1.0

8.6	7.3	5.0	3.5	2.5	1.8	1.3	0.98	0.75
8.8	4.6	3.3	2.3	1.7	1.2	0.92	0.71	0.56
9.0	2.9	2.1	1.5	1.1	0.85	0.67	0.52	0.44

Acute Ammonia [~~Standard~~ Criteria] for Saltwater

pH	Total Ammonia (mg/l)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
	Salinity = 20 g/kg							
7.0	291	200	137	96	64	44	31	21
7.2	183	125	87	60	42	29	20	14
7.4	116	79	54	37	27	18	12	8.7
7.6	73	50	35	23	17	11	7.9	5.6
7.8	46	31	23	15	11	7.5	5.2	3.5
8.0	29	20	14	9.8	6.7	4.8	3.3	2.3
8.2	19	13	8.9	6.2	4.4	3.1	2.1	1.6
8.4	12	8.1	5.6	4.0	2.9	2.0	1.5	1.1
8.6	7.5	5.2	3.7	2.7	1.9	1.4	1.0	0.77
8.8	4.8	3.3	2.5	1.7	1.3	0.94	0.73	0.56
9.0	3.1	2.3	1.6	1.2	0.87	0.69	0.54	0.44

TABLE 3 Continued

Acute Ammonia [~~Standard~~ Criteria] for Saltwater

pH	Total Ammonia (mg/l)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
	Salinity = 30 g/kg							
7.0	312	208	148	102	71	48	33	23
7.2	196	135	94	64	44	31	21	15
7.4	125	85	58	40	27	19	13	9.4
7.6	79	54	37	25	21	12	8.5	6.0
7.8	50	33	23	16	11	7.9	5.4	3.7
8.0	31	21	15	10	7.3	5.0	3.5	2.5
8.2	20	14	9.6	6.7	4.6	3.3	2.3	1.7
8.4	12.7	8.7	6.0	4.2	2.9	2.1	1.6	1.1
8.6	8.1	5.6	4.0	2.7	2.0	1.4	1.1	0.81
8.8	5.2	3.5	2.5	1.8	1.3	1.0	0.75	0.58
9.0	3.3	2.3	1.7	1.2	0.94	0.71	0.56	0.46

TABLE 4

Chronic Ammonia [~~Standard~~ Criteria] for Saltwater

pH	Total Ammonia (mg/l)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
	Salinity = 10 g/kg							
7.0	41	29	20	14	9.4	6.6	4.4	3.1
7.2	26	18	12	8.7	5.9	4.1	2.8	2.0
7.4	17	12	7.8	5.3	3.7	2.6	1.8	1.2
7.6	10	7.2	5.0	3.4	2.4	1.7	1.2	0.84
7.8	6.6	4.7	3.1	2.2	1.5	1.1	0.75	0.53
8.0	4.1	2.9	2.0	1.4	0.97	0.69	0.47	0.34

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8.2	2.7	1.8	1.3	0.87	0.62	0.44	0.31	0.23
8.4	1.7	1.2	0.81	0.56	0.41	0.29	0.21	0.16
8.6	1.1	0.75	0.53	0.37	0.27	0.20	0.15	0.11
8.8	0.69	0.50	0.34	0.25	0.18	0.14	0.11	0.08
9.0	0.44	0.31	0.23	0.17	0.13	0.10	0.08	0.07

Chronic Ammonia [Standard Criteria] for Saltwater

pH	Total Ammonia (mg/l)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
	Salinity = 20 g/kg							
7.0	44	30	21	14	9.7	6.6	4.7	3.1
7.2	27	19	13	9.0	6.2	4.4	3.0	2.1
7.4	18	12	8.1	5.6	4.1	2.7	1.9	1.3
7.6	11	7.5	5.3	3.4	2.5	1.7	1.2	0.84
7.8	6.9	4.7	3.4	2.3	1.6	1.1	0.78	0.53
8.0	4.4	3.0	2.1	1.5	1.0	0.72	0.50	0.34
8.2	2.8	1.9	1.3	0.94	0.66	0.47	0.31	0.24
8.4	1.8	1.2	0.84	0.59	0.44	0.30	0.22	0.16
8.6	1.1	0.78	0.56	0.41	0.28	0.20	0.15	0.12
8.8	0.72	0.50	0.37	0.26	0.19	0.14	0.11	0.08
9.0	0.47	0.34	0.24	0.18	0.13	0.10	0.08	0.07

TABLE 4 Continued

Chronic Ammonia [Standard Criteria] for Saltwater

pH	Total Ammonia (mg/l)****							
	Temperature (°C)							
	0 C	5 C	10 C	15 C	20 C	25 C	30 C	35 C
	Salinity = 30 g/kg							
7.0	47	31	22	15	11	7.2	5.0	3.4
7.2	29	20	14	9.7	6.6	4.7	3.1	2.2
7.4	19	13	8.7	5.9	4.1	2.9	2.0	1.4
7.6	12	8.1	5.6	3.7	3.1	1.8	1.3	0.90
7.8	7.5	5.0	3.4	2.4	1.7	1.2	0.81	0.56
8.0	4.7	3.1	2.2	1.6	1.1	0.75	0.53	0.37
8.2	3.0	2.1	1.4	1.0	0.69	0.50	0.34	0.25
8.4	1.9	1.3	0.90	0.62	0.44	0.31	0.23	0.17
8.6	1.2	0.84	0.59	0.41	0.30	0.22	0.16	0.12
8.8	0.78	0.53	0.37	0.27	0.20	0.15	0.11	0.09
9.0	0.50	0.34	0.26	0.19	0.14	0.11	0.08	0.07

*** To calculate total ammonia values at different pH's and temperature values than listed in Tables 1 and 2 use the following formulas:

Formulas Used In The Calculation of Acute Criteria Values for Ammonia In Freshwater

The one-hour average concentration of ammonia (in mg/l as un-ionized NH_3) can be calculated by using the following formulas.

$0.52/\text{FT}/\text{FPH}/2 = \text{acute criteria concentration}$

where; FT = final temperature

$$[= 10^{0.03(20-\text{TCAP})}; \text{TCAP} < T < 30^\circ\text{C}]$$

$$= 10^{0.03(20-T)} [; 0 < T < \text{TCAP}]$$

[TCAP = 20°C; When trout and other sensitive coldwater species are present.

= 25°C; When trout and other sensitive coldwater species are absent.]

FPH = final pH

= 1; 8.0 < pH < 9.0

= $(1 + 10^{7.4-pH})/1.25$; 6.5 < pH < 8.0

Conversions from un-ionized to total ammonia should be performed using the following formulas;

Total ammonia criteria = calculated un-ionized ammonia criteria divided by fraction of un-ionized ammonia

Where:

Fraction of un-ionized ammonia = $1/(10^{pKa-pH} + 1)$

pKa = $0.09018 + (2729.92/(273.2 + \text{temperature } ^\circ\text{C}))$.

Formulas Used In The Calculation of Chronic Criteria Values for Ammonia In Freshwater

The [~~4-day~~ 30-day] average concentration of ammonia (in mg/l as un-ionized NH₃) can be calculated by using the following formulas.

0.80/FT/FPH/RATIO = chronic criteria concentration

where;

FT = final temperature

[~~$= 10^{0.03(20-TCAP)}$; TCAP < T < 30°C~~]

= $10^{0.03(20-T)}$ [; 0 < T < TCAP]

[~~TCAP = 15°C; When trout and other sensitive coldwater species are present.~~

= 20°C; When trout and other sensitive coldwater species are absent.]

FPH = final pH

= 1; 8.0 < pH < 9.0

= $(1 + 10^{7.4-pH})/1.25$; 6.5 < pH < 8.0

RATIO = 13.5; 7.7 < pH < 9.0

= $20.25 \times (10^{7.7-pH})/(1 + 10^{7.4-pH})$; 6.5 < pH < 7.7

Conversions from un-ionized to total ammonia should be performed using the following formulas:

Total ammonia criteria = calculated un-ionized ammonia criteria divided by fraction of un-ionized ammonia

Where:

Fraction of un-ionized ammonia = $1/(10^{Ka-pH} + 1)$

Where pka = $0.09018 + (2729.92/(273.2 + \text{temperature } ^\circ\text{C}))$.

**** To convert these values to mg/liter N, multiply by 0.822.

C. Application of freshwater and saltwater numerical [~~standards criteria~~] . The numerical water quality [~~standards criteria~~] listed in [~~9-VAC-25-260-140 subsection~~] B [of this section] (excluding dissolved oxygen, pH, temperature [~~and chlorine~~]) shall be applied according to

the following classes of waters (see 9 VAC 25-260-50 G), and boundary designations:

CLASS OF WATERS	NUMERICAL [STANDARD CRITERIA]
I and II (Estuarine Waters)	Saltwater [standards criteria] apply
II (Transition Zone)	More stringent of either the freshwater or saltwater [standards criteria] apply
II (Tidal Freshwater), III, IV, V and VI	Freshwater [standards criteria] apply

The following describes the boundary designations for Class II, (estuarine, transition zone and tidal freshwater waters) by river basin:

1. Rappahannock Basin. Tidal freshwater is from the fall line of the Rappahannock River to Buoy 37 near Tappahannock, Virginia, including all tidal tributaries that enter the tidal freshwater Rappahannock River.

Transition zone is from Buoy 37 to Buoy 11 near Morattico, Virginia, including all tidal tributaries that enter the transition zone of the Rappahannock River.

Estuarine waters are from Buoy 11 to the mouth of the Rappahannock River (Buoy 6), including all tidal tributaries that enter the estuarine waters of the Rappahannock River.

2. York Basin. Tidal freshwater is from the fall line of the Mattaponi River to Clifton, Virginia and from the fall line of the Pamunkey River to Sweet Hall Landing, Virginia, including all tidal tributaries that enter the tidal freshwaters of the Mattaponi and Pamunkey Rivers.

Transition zone of the Mattaponi River is from Clifton, Virginia to the York River and the transition zone of the Pamunkey River is from Sweet Hall Landing, Virginia to the York River. The transition zone for the York River is from West Point, Virginia to Buoy 13 near Poropotank Bay. All tidal tributaries that enter the transition zones of the Mattaponi, Pamunkey, and York Rivers are themselves in the transition zone.

Estuarine waters are from Buoy 13 to the mouth of the York River (Tue Marsh Light) including all tidal tributaries that enter the estuarine waters of the York River.

3. James Basin. Tidal Freshwater is from the fall line of the James River to the confluence of the Chickahominy River (Buoy 70), including all tidal tributaries that enter the tidal freshwater James River.

Transition zone is from Buoy 70 to Buoy 47 near Jamestown Island including all tidal tributaries that enter the transition zone of the James River.

Estuarine waters are from Buoy 47 to the mouth of the James River (Buoy 25) including all tidal tributaries that enter the estuarine waters of the James River.

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4. Potomac Basin. Tidal Freshwater includes all tidal tributaries that enter the Potomac River from its fall line to Buoy 43 near Quantico, Virginia.

Transition zone includes all tidal tributaries that enter the Potomac River from Buoy 43 to Buoy 33 near Dahlgren, Virginia.

Estuarine waters includes all tidal tributaries that enter the Potomac River from Buoy 33 to the mouth of the Potomac River (Buoy 44B).

5. Chesapeake Bay, Atlantic Ocean, and small coastal basins. Estuarine waters include the Atlantic Ocean tidal tributaries, and the Chesapeake Bay and its small coastal basins from the Virginia state line to the mouth of the bay (a line from Cape Henry drawn through Buoys 3 and 8 to Fishermans Island), and its tidal tributaries, excluding the Potomac tributaries and those tributaries listed above.

6. Chowan River Basin. Tidal freshwater includes the Northwest River and its tidal tributaries from the Virginia-North Carolina state line to the free flowing portion, the Blackwater River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately state route 611 at river mile 20.90, the Nottoway River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately Route 674, and the North Landing River and its tidal tributaries from the Virginia-North Carolina state line to the Great Bridge Lock.

Transition zone includes Back Bay and its tributaries in the City of Virginia Beach to the Virginia-North Carolina state line.

D. Site specific modifications to numerical water quality [standards criteria].

1. The board may consider site specific modifications to numerical water quality [standards criteria] in [9 VAC 25-260-140 subsection] B [of this section] where the applicant or permittee demonstrates that the alternate numerical water quality [standards criteria] are sufficient to protect all existing beneficial designated uses (see 9 VAC 25-260-10 [and 9 VAC 25-260-20]) of that particular surface water segment or body.

2. Any demonstration for [a] site specific human health [standard criteria] shall be restricted to a reevaluation of the bioconcentration or bioaccumulation properties of the pollutant. *The exceptions to this restriction are for site specific [standards criteria] for taste, odor, and aesthetic compounds noted by double asterisks in subsection B of this section and nitrates.*

3. Site specific temperature requirements are found in 9 VAC 25-260-90.

4. Procedures for promulgation and review of site specific modifications to numerical water quality

[standards criteria] resulting from 9 VAC 25-260-140-D subdivisions 1 and 2 of this subsection.

a. Proposals describing the details of the site specific study shall be submitted to the board's staff for approval prior to commencing the study.

b. Any site specific modification shall be promulgated as a regulation in accordance with the Administrative Process Act. *All site specific modifications shall be listed in 9 VAC 25-260-310 (Special standards and requirements).*

E. Variances to water quality standards.

[4.] Water body variance [~~Removal of designated uses.~~]

[a.] A water body variance may be allowed [A designated use may be removed where the conditions are currently limiting attainment of] a water quality standard [the designated use. Only designated uses which are not existing uses may be removed. A variance to the water quality standard designed to protect that designated use may be allowed on a case-by-case basis where the applicant affirmatively demonstrates that one or more of the conditions below serve as the basis for the variance:

(1) Naturally occurring pollutant concentrations prevent the attainment of the] water quality standard [use;

(2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the] water quality standard [use, unless these conditions may be compensated by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable water quality standards to be met;

(3) Human caused conditions or sources of pollution prevent the attainment of the] water quality standard [use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

(4) Dams, diversions, or other types of hydrologic modifications preclude the attainment of the] water quality standard [use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the water quality standard; or

(5) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of] the water quality standard for the protection of aquatic life [aquatic life protection uses.

~~b. The variance shall establish the modified water quality standard as close to the underlying standard as possible.~~

~~2. Discharger specific variance.~~

~~a. A discharger specific variance may be allowed on a case-by-case basis where a discharger can demonstrate that compliance with a water quality based permit limit is not presently feasible because immediate compliance would impose a substantial and widespread economic and social impact.~~

~~b. The variance shall establish the modified water quality standard as close to the underlying standard as possible and shall establish the basis for a modified permit limit as close as possible to the original permit limit. The modified variance is applicable only to the discharger.~~

~~3. Variances in 9 VAC 25-260-140 E-1 and 2 above shall not prevent the maintenance and protection of existing uses; or exempt any discharger or activity from compliance with other appropriate technology or water quality based limits or best management practices.~~

~~4. Procedures for promulgation and review of variances to water quality standards resulting from 9 VAC 25-260-10 E-1 and 2.~~

~~a. Proposals describing the details of the variance study shall be submitted to staff for approval prior to commencing the study.~~

~~b. Any variance shall be promulgated as a regulation in accordance with the Administrative Process Act, Chapter 1.1:1 (§ 9-6-14:1 et seq.) of Title 9 of the Code of Virginia. All variances shall be listed in 9 VAC 25-260-310 (Special Standards and Requirements).~~

~~c.] The variance [Discharger specific variances shall be reevaluated and either continued, modified, or revoked as part of each subsequent triennial review. At the time of triennial review the permittee shall make a showing that the conditions for granting the discharger specific variance still apply. Notwithstanding the above, any approved discharger specific variances shall terminate within three years of their promulgation.~~

~~1. A variance from numeric criteria may be granted to a discharger if it can be demonstrated that one or more of the conditions in 9 VAC 25-260-10 G limit the attainment of one or more specific water quality criteria.~~

~~a. Variances shall apply only to the discharger to whom they are granted and shall be reevaluated and either continued, modified or revoked at the time of permit issuance. At that time the permittee shall make a showing that the conditions for granting the variance still apply.~~

~~b. Variances shall be described in the public notice published for the permit. The decision to approve a~~

variance shall be subject to the public participation requirements of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (Permit Regulation), 9 VAC 25-31-10 et seq

c. Variances shall not prevent the maintenance and protection of existing uses or exempt the discharger or regulated activity from compliance with other appropriate technology or water quality-based limits or best management practices.

d. Variances granted under this section shall not apply to new discharges.

e. Variances shall be submitted by the department's Division of Scientific Research or its successors to the Environmental Protection Agency for review and approval/disapproval.

f. A list of variances granted shall be maintained by the department's Division of Scientific Research or its successors.]

~~[5. 2.] None of the variances in 9 VAC 25-260-140 subsection E of this section shall apply to [the halogen ban section] of the chlorine policy (9 VAC 25-260-110 B 5); [(9 VAC 25-260-110),] and to [or] temperature (9 VAC 25-260-50) if superseded by § 316(a) of the Clean Water Act requirements. No water body variances [to water quality standards from removal of designated uses (9 VAC 25-260-140 E-1) in subsection E of this section] shall apply to the [standards criteria] that are designed to protect human health from carcinogenic and noncarcinogenic toxic effects (9 VAC 25-260-140 subsection B of this section) with the exception of the metals, and the taste, odor, and aesthetic compounds noted by double asterisks and nitrates, listed in [9 VAC 25-260-140 subsection] B [of this section] . [Discharger specific variances (9 VAC 25-260-140 E-2) to standards designed to protect human health from carcinogenic and non-carcinogenic effects shall be limited to an order of magnitude increase in exposure concentration.]~~

~~F. Water effect ratio.~~

~~1. [Description.]~~

~~[a.] A water effects ratio (WER) shall be determined by measuring the effect of receiving water (as it is or will be affected by any discharges) on the bioavailability or toxicity of a metal by using standard test organisms and a metal [salt] to conduct toxicity tests simultaneously in receiving water and laboratory water. The ratio of toxicities of the metal(s) in the two waters is the WER (toxicity in receiving water divided by toxicity in laboratory water = WER). Once an acceptable WER for a metal is established, the numerical value for the metal in subsection B of this section is multiplied by the WER to produce an instream concentration that will protect designated uses. This instream concentration shall be utilized in permitting decisions.~~

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~~[b. 2.]~~ The WER shall be assigned a value of 1.0 unless the applicant or permittee demonstrates to the ~~[board's department's]~~ satisfaction in a permit proceeding that another value is appropriate, or unless available data allow the ~~[board department]~~ to compute a WER for the receiving waters. The applicant or permittee is responsible for proposing and conducting the study to develop a WER. ~~[An appropriate study will]~~ The study may require multiple testing over several seasons. The applicant or permittee shall obtain the ~~[board's department's]~~ Division of Scientific Research or its successor approval of the study protocol ~~[prior to beginning any study and the final WER]~~.

~~[e. 3.]~~ The Permit Regulation at ~~[VR 680-14-04.2.6]~~ 9 VAC 25-31-230 C requires that permit limits for metals be expressed as total recoverable measurements. To that end, the study used to establish the WER may be based on total recoverable measurements of the metals.

~~[2. WER is a site specific standard.~~

4.] The Environmental Protection Agency views the WER in any particular case as a site specific ~~[standard criterion]~~. [Therefore, the department's Division of Scientific Research or its successor shall submit the results of the study to the Environmental Protection Agency for review and approval/disapproval within 30 days of the receipt of certification from the state's Office of the Attorney General.] Nonetheless, the WER is established in a permit proceeding, [shall be described in the public notice associated with the permit proceeding,] and applies only to the applicant or permittee in that proceeding. The ~~[board's department's]~~ action to approve or disapprove a WER ~~[thus]~~ is a case decision, not an amendment to the present regulation.

The decision to approve or disapprove a WER shall be subject to the public participation requirements of the Permit Regulation, ~~[VR 680-14-04]~~ 9 VAC 25-31-260 et seq.] . [A list of final WER's will be maintained by the department's Division of Scientific Research or its successor.]

~~[3. Exclusions.~~

5.] A WER shall not be used for the freshwater and saltwater chronic mercury ~~[standard criteria]~~ or the freshwater acute and chronic selenium ~~[standards criteria]~~.

9 VAC 25-260-150. Surface water standards for the protection of human health Dioxin surface water quality standard.

A. Dioxin (2,3,7,8-tetrachlorodibenzo-p-dioxin). For the protection of human health from the toxic properties of dioxin ingested through water and contaminated aquatic organisms, the ambient concentration of all surface waters shall not exceed 1.2 parts per quadrillion (ppq) based upon a risk level of 10^{-5} and a potency of 1.75×10^4 (mg/kg-day)⁻¹.

B. The applicability of the standard in calculating an average effluent limit is based on a mean annual stream flow.

C. Variances to Water Quality ~~[Standards Criteria]~~ in ~~Section 9 VAC 25-260-150 subsection A of this section~~. The board may consider site-specific modifications to the numerical ~~[standard criterion]~~ in ~~Section 9 VAC 25-260-150 subsection A of this section~~ where the applicant demonstrates that the alternative numerical water quality ~~[standard criterion]~~ is sufficient to protect human health. Any demonstration provided to the board for review shall utilize the previously referenced risk level and potency as its basis.

[9 VAC 25-260-160. Fecal coliform bacteria; shellfish waters.

In all open ocean or estuarine waters capable of propagating shellfish or in specific areas where public or leased private shellfish beds are present, and including those waters on which condemnation or restriction classifications are established by the State Department of Health, the following ~~standard criteria~~ for fecal coliform bacteria shall apply:

The median fecal coliform value for a sampling station shall not exceed an MPN (most probable number) of 14 per 100 milliliters. Not more than 10% of samples shall exceed an MPN of 43 for a 5-tube, 3-dilution test or 49 for a 3-tube, 3-dilution test.]

9 VAC 25-260-170. Fecal coliform bacteria; other waters.

A. General requirements. In all surface waters, except shellfish waters and certain waters addressed in ~~[subsection]~~ B ~~[below of this section]~~, the fecal coliform bacteria shall not exceed a geometric mean of 200 fecal coliform bacteria per 100 ml of water for two or more samples over a 30-day period, or a fecal coliform bacteria level of 1,000 per 100 ml ~~[at any time in more than 10% of samples]~~

B. Disinfection policy. In waters that receive sewage discharges, all the ~~reasonable, beneficial, seasonal designated~~ uses in these waters shall be protected. The board's disinfection policy applies to these waters.

1. Sewage discharges in relation to water supply intakes. Discharges located within 15 miles upstream or one tidal cycle downstream of a water supply intake shall be disinfected in order to achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters.

2. Sewage discharges into shellfish waters. When sewage discharges are permitted to or within five miles upstream of shellfish waters, they shall be disinfected in order to achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters.

3. Sewage discharges into other waters. Sewage discharges into other waters shall be adequately treated

and disinfected as necessary to protect all the ~~reasonable beneficial seasonal~~ *designated* uses in these waters. Generally, these discharges shall achieve a fecal coliform geometric mean value in the effluent equal to or less than 200 per 100 milliliters. However, the board, with the advice of the State Department of Health, may determine that reduced or no disinfection of a discharge is appropriate on a seasonal or year-round basis. In making such a determination, the board shall consider the ~~actual and potential beneficial~~ *designated* uses of these waters and the seasonal nature of those uses. Such determinations will be made during the process of approving, issuing, or reissuing the discharge permit and shall be in conformance with a board approved site specific ~~beneficial~~ use-attainability analysis performed by the permittee. When making a case-by-case determination concerning the appropriate level of disinfection for sewage discharges into these waters, the board shall provide a 45-day public notice period and opportunity for a public hearing.

[9 VAC 25-260-230. General requirements.

These groundwater quality criteria apply primarily to groundwater constituents that occur naturally. Since natural groundwater quality can vary greatly from area to area for these constituents, enforceable standards were not adopted. These criteria are intended to provide guidance in preventing groundwater pollution. Groundwater criteria ~~carry the same regulatory limitation as surface water criteria~~; they are not mandatory.]

9 VAC 25-260-250. [~~Variance in standards~~ Procedural requirements for variances due to natural conditions, temperature and § 316(a) thermal variances] .

A. The [~~above~~] standards [~~in this chapter~~] notwithstanding, as a result of natural conditions, water quality may from time to time vary from established limits as a result of natural conditions.

B. When the maximum temperature of [~~put and take stockable~~] trout waters exceeds, solely due to natural conditions, the maximum allowable temperature [~~standard criterion~~] specified in 9 VAC 25-260-50, the board, on a case-by-case basis, may grant a variance to the maximum temperature [~~standard criterion~~] and will use the naturally occurring maximum temperature in setting effluent limits in permits. The public notice for any permit proposed to be issued or reissued by the board will contain reference to any proposed granting of such a variance.

C. Variances under § 316(a) of the Clean Water Act and under ~~subsection B above of this section~~ are site-specific case decisions that do not require a standards amendment.

[9 VAC 25-260-260. Modification, amendment, and cancellation of standards.

A. Under the authority of § 62.1-44.15(3)(b) of the State Water Control Law, the board reserves the right at any time to modify, amend, or cancel any of the rules, policies, or

standards set forth here. Such modification, amendment, or cancellation shall be consistent with requirements of § 303 of the Clean Water Act, as amended, and regulations promulgated under it.

B. *Within three years after December 10, 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 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.*

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 25-260-270. Shellfish buffer zones; public hearing.

Before acting on any proposal for a project that, while not contravening established numeric ~~standards criteria~~ for shellfish waters, would result in condemnation by the State Health Department of shellfish beds, the board shall convene a public hearing to determine the socio-economic effect of the proposal. Such proposals include discharge of treated waste or proposals to otherwise alter the biological, chemical or physical properties of state waters. If the Marine Resources Commission or the Virginia Institute of Marine Science certify that the project would have no effect on the shellfish use now and in the foreseeable future, the board may dispense with such hearing.

When the board finds that the proposed project will result in shellfish bed condemnation and if the condemnation will violate the general standard, it shall disapprove the proposal.]

PART VII.
SPECIAL STANDARDS AND DESIGNATIONS SCENIC
RIVERS LISTINGS.

[9 VAC 25-260-310. Special standards and requirements.

The special standards are shown in small letters to correspond to lettering in the basin tables. The special standards are as follows:

- a. Shellfish waters. In all open ocean or estuarine waters capable of propagating shellfish or in specific areas where public or leased private shellfish beds are present, including those waters on which condemnation or restriction classifications are

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established by the State Department of Health, the following ~~standard criteria~~ for fecal coliform bacteria will apply:

The median fecal coliform value for a sampling station shall not exceed an MPN of 14 per 100 ml of sample and not more than 10% of samples shall exceed 43 for a 5-tube, 3-dilution test or 49 for a 3-tube, 3-dilution test.

The shellfish area is not to be so contaminated by radionuclides, pesticides, herbicides, or fecal material that the consumption of shellfish might be hazardous.

b. Policy for the Potomac Embayments. At its meeting on September 12, 1996, the board adopted a policy (9 VAC 25-415-10 et seq. Policy for the Potomac Embayments) to control point source discharges of conventional pollutants into the Virginia embayment waters of the Potomac River, and their tributaries, from the fall line at Chain Bridge in Arlington County to the Route 301 bridge in King George County. The policy sets effluent limits for BOD₅, total suspended solids, phosphorus, and ammonia, to protect the water quality of these high profile waterbodies.

c. Cancelled.

d. Aquia Creek. No proposal resulting in the discharge of treated wastes to Aquia Creek will be approved unless the following is provided:

(1) At least 100 days' storage to allow complete elimination of discharges during the low-flow summer months; or

(2) Other treatment, based on sound engineering concepts (preferably with experimental data to show their feasibility), be provided for nutrient removal prior to discharge.

e. Cancelled.

f. Cancelled.

g. Occoquan watershed policy. At its meeting on July 26, 1971 (Minute 10), the board adopted a comprehensive pollution abatement and water quality management policy for the Occoquan watershed. The policy set stringent treatment and discharge requirements in order to improve and protect water quality, particularly since the waters are an important water supply for Northern Virginia. Following a public hearing on November 20, 1980, the board, at its December 10-12, 1980, meeting, adopted as of February 1, 1981, revisions to this policy (Minute 20). These revisions became effective March 4, 1981. *Additional amendments were made following a public hearing on August 22, 1990, and adopted by the board at its September 24, 1990, meeting (Minute 24) and became effective on December 5, 1990.* Copies are

available upon request from the ~~State Water Control Board~~ Department of Environmental Quality.

h. Cancelled.

i. Cancelled.

j. Cancelled.

k. Cancelled.

l. Cancelled.

m. The following effluent standards apply to the entire Chickahominy watershed above Walker's Dam:

CONSTITUENT	CONCENTRATION
1. Biochemical Oxygen demand 5-day at 20°	6.0 mg/l monthly average, with not more than 5% of individual samples to exceed 8.0 mg/l
2. Settleable Solids	Not to exceed 0.1 ml/l
3. Suspended Solids	5.0 mg/l monthly average, with not more than 5% of individual samples to exceed 7.5 mg/l
4. Ammonia Nitrogen	Not to exceed 2.0 mg/l as N
5. Total Phosphorus	Not to exceed 0.1 mg/l monthly average for all discharges with the exception of Holly Farms Poultry Industries, Inc. which shall meet 0.3 mg/l monthly average and 0.5 mg/l daily maximum.
6. Other Physical and Chemical Constituents	Other physical or chemical constituents not specifically mentioned will be covered by additional specifications as conditions detrimental to the stream arise. The specific mention of items 1 through 5 does not necessarily mean that the addition of other physical or chemical constituents will be condoned.

n. No sewage discharges, regardless of degree of treatment, should be allowed into the James River between Boshier and Williams Island Dams.

o. The concentration and total amount of impurities in Tuckahoe Creek and its tributaries of sewage origin shall be limited to those amounts from sewage, industrial wastes, and other wastes which are now present in the stream from natural sources and from existing discharges in the watershed.

p. Cancelled.

q. Rappahannock River Basin.

The following effluent standards (adopted in Minute 17 from the proceedings of the board at its meeting on September 17-18, 1972) apply to all waste discharges to

the Rappahannock River Basin above the proposed Salem Church Dam in accordance with paragraphs subdivisions (1) and (2) below:

CONSTITUENT	FINAL EFFLUENT REQUIREMENTS (WEEKLY AVERAGE)
BOD - mg/l	1
COD - mg/l	10
Suspended solids - mg/l	0 (unmeasurable)
MBAS - mg/l	0.1
Turbidity (Jackson Units)	0.4
Fecal Coliform Bacteria per 100 ml sample	Less than 2
Nitrogen - mg/l	1
Phosphorus - mg/l	0.1

(1) After the date of Congressional authorization for actual construction of the dam has been given, all new proposals shall comply fully with the adopted standards of the paragraph above and all existing owners shall immediately commence the necessary planning, financing and design to ensure that facilities are completed prior to final completion of the construction of the dam; and

(2) Any new proposals for waste discharges to the area encompassed by the standards shall provide such conventional treatment that in the opinion of the State Department of Health, the staff and the board, satisfactory advanced waste treatment units can readily be added when funds for construction of the Salem Church Dam have been authorized.

r. Cancelled.

s. Chlorides not to exceed 40 mg/l at any time.

t. Cancelled.

u. Maximum temperature for the New River Basin from West Virginia state line upstream to the Giles - Montgomery County line:

The maximum temperature shall be 27°C (81°F) unless caused by natural conditions; the maximum rise above natural temperatures shall not exceed 2.8°C (5°F).

This maximum temperature limit of 81°F was established in the 1970 water quality standards amendments so that Virginia temperature standards criteria for the New River would be consistent with those of West Virginia, since the stream flows into that state.

v. The maximum temperature of the New River and its tributaries (except trout waters) from the Montgomery-Giles County line upstream to the Virginia-North Carolina state line shall be 29°C (84°F).

w. In Minute 3 from its meeting on March 10 11, 1977, the board authorized a variance to the General Standard relating to zinc for the length of Ash Camp Creek and a portion of Little Roanoke Creek from the confluence of Ash Camp Creek to the Route 47 bridge. Cancelled.

x. Clinch River from the confluence of Dumps Creek at river mile 268 at Carbo downstream to river mile 255.4. The special water quality standard criteria for copper (measured as total recoverable) in this section of the Clinch River is 12.4 µg/l for protection from chronic effects and 19.5 µg/l for protection from acute effects. These site specific standard criteria are needed to provide protection to several endangered species of freshwater mussels.

9 VAC 25-260-320. ~~Special designations in surface waters. [Reserved Scenic rivers] .~~

~~The following section recognizes waters which the General Assembly, board or other state agencies, or all, have determined to be of special ecological or recreational significance to the Commonwealth. The designation of a Scenic River and the significance of this designation are the subject of the Scenic Rivers Act (§10-167 et seq. of the Code of Virginia).~~

~~A. Scenic rivers. The purpose of the Scenic Rivers Act is to provide for identification, preservation, and protection of certain rivers which possess natural beauty of high quality to assure their use and enjoyment for their scenic, recreational, geologic, fish and wildlife, historic, cultural or other values. According to the Act "in all planning for the use and development of water and related land resources including the construction of impoundments, diversions, roadways, crossings, channelization, locks, canals, or other uses which change the character of a stream or waterway or destroy its scenic values, full consideration and evaluation of the river as a scenic resource shall be given before alternative plans for use and development are approved."~~

~~The following have been included by the General Assembly in the Scenic Rivers System:~~

~~POTOMAC RIVER BASIN.~~

~~POTOMAC RIVER SUBBASIN.~~

~~SR-1 Goose Creek from its confluence with the Potomac River upstream to the Fauquier-Loudoun County line (about 28 miles).~~

~~SR-2 Catactin Creek in Loudoun County from its confluence with the Potomac River upstream to the Town of Waterford.~~

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~~SHENANDOAH RIVER SUBBASIN.~~

~~SR-3 The Shenandoah River in Clarke County from the Warren-Clarke County line to Lockes Landing.~~

~~JAMES RIVER BASIN.~~

~~SR-4 The Saint Marys River in Augusta County within the George Washington National Forest.~~

~~SR-5 Rivanna River from its confluence with the James River upstream to the Fluvanna Albemarle County line.~~

~~SR-6 Appomattox River from the Route 36 bridge crossing in the City of Petersburg upstream to the abutment dam located about 1.3 miles below Lake Chesdin (about five miles).~~

~~SR-9 The James River from Orleans Street extended in the City of Richmond westward to the 1970 corporate limits of the City.~~

~~SR-10 The Upper James River from a point two miles below Eagle Rock to the Route 630 bridge in Springwood, 44+/- miles.~~

~~RAPPAHANNOCK RIVER BASIN.~~

~~SR-11 The Rappahannock River from its headwaters near Chester Gap to the confluence of Deep Run at the Fauquier/Stafford County line, 64+/- miles.~~

~~ROANOKE RIVER BASIN.~~

~~SR-7 Roanoke (Staunton) River from Brookneal upstream to Long Island.~~

~~CHOWAN AND DISMAL SWAMP BASIN.~~

~~CHOWAN RIVER SUBBASIN.~~

~~SR-8 The Nottoway River in Sussex County from the Route 40 bridge at Stony Creek to the Southampton County line.~~

~~B. Trout streams. Trout streams that are Class I and II according to the Commission of Game and Inland Fisheries Classification System are indicated by Trout Stream subclassifications i and ii in this booklet.~~

~~C. Waters containing endangered or threatened species. The following waters provide essential or critical habitat for endangered or threatened species which have been identified by the United States Fish and Wildlife Service under the Endangered Species Act of 1973, as amended (16 USC § 1531 et seq.). If the U.S. Fish and Wildlife Service identifies new waters containing endangered or threatened species, the board shall consider the need to protect these beneficial uses in reviewing discharge permits and other actions until such time as the waters are officially added to the list in this section.~~

~~TENNESSEE AND BIG SANDY RIVER BASINS.~~

~~CLINCH RIVER SUBBASIN.~~

~~Powell River from river mile 136 (south of Jonesville) downstream to the Tennessee/Virginia line (river mile 115.8--total 20.2 miles).~~

~~Endangered Species.~~

~~Appalachian monkeyface pearly mussel—*Quadrula sparsa*~~

~~Birdwing pearly mussel—*Conradilla caelata*~~

~~Cumberland monkeyface pearly mussel—*Quadrula intermedia*~~

~~Dromedary pearly mussel—*Dromus dromas*~~

~~Fine-rayed pigtoe pearly mussel—*Fusconaia cuneolus*~~

~~Shiny pigtoe pearly mussel—*Fusconaia edgariana*~~

~~Threatened Species.~~

~~Slender chub—*Hybopsis cahni*~~

~~Yellowfin madtom—*Noturus flavipinnis*~~

~~Clinch River from river mile 323 (Richlands) downstream to the Tennessee/Virginia state line (river mile 202.1).~~

~~Endangered Species.~~

~~Appalachian monkeyface pearly mussel—*Quadrula sparsa*~~

~~Birdwing pearly mussel—*Conradilla caelata*~~

~~Fine-rayed pigtoe pearly mussel—*Fusconaia cuneolus*~~

~~Green-blossom pearly mussel—*Dysnomia torulosa gubernaculum*~~

~~Pink mucket pearly mussel—*Lampsilis orbiculata*~~

~~Shiny pigtoe pearly mussel—*Fusconaia edgariana*~~

~~Clinch River from the Scott/Russell County line (at Banger—river mile 244.2) downstream to the Tennessee boundary (river mile 202.1).~~

~~Threatened Species.~~

~~Slender chub—*Hybopsis cahni*~~

~~Copper Creek from 2 miles above its confluence with the Clinch River (at river mile 211.6).~~

~~Endangered Species.~~

~~Fine-rayed pigtoe pearly mussel—*Fusconaia cuneolus*~~

~~Shiny pigtoe pearly mussel—*Fusconaia edgariana*~~

~~Copper Creek from Dickensonville (river mile 56) in Russell County downstream to its confluence with the Clinch River.~~

~~Threatened Species.~~

~~Yellowfin madtom *Noturus flavipinnis*~~

~~HOLSTON RIVER SUBBASIN.~~

~~North Fork Holston River from river mile 93.3 (near Broadford) downstream to the Smyth/Washington County line (river mile 82.1)~~

~~Endangered Species.~~

~~Shiny pigtoe-pearly mussel *Fusconaia edgariana*~~

~~North Fork Holston River from the Smyth/Washington County line (river mile 82.1) to the Tennessee/Virginia boundary (river mile 5).~~

~~Threatened Species.~~

~~Spotfin chub *Hybopsis monacha*~~

~~Middle Fork Holston River from river mile 43 (in Marion) downstream to river mile 18.4.~~

~~Endangered Species.~~

~~Tan riffle shell mussel *Dysnomia walkeri*~~

~~Middle Fork Holston River from river mile 6.5 to river mile 3.2 near Osceola.~~

~~Threatened Species.~~

~~Spotfin chub *Hybopsis monacha*~~

[The following section recognizes waters which the General Assembly has determined to be of special ecological or recreational significance to the state. The designation of a scenic river and the significance of this designation are the subject of the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia) and are listed here for informational purposes only.

POTOMAC RIVER BASIN

POTOMAC RIVER SUBBASIN

Goose Creek from its confluence with the Potomac River upstream to the Fauquier-Loudoun County line (7+ miles).

Catoctin Creek in Loudoun County from its confluence with the Potomac River upstream to the Town of Waterford (16+ miles).

SHENANDOAH RIVER SUBBASIN

The Shenandoah River in Clarke County from the Warren-Clarke County line to Lockes Landing (14+ miles).

JAMES RIVER BASIN

The Saint Marys River in Augusta County within the George Washington National Forest. (6+ miles).

Rivanna River from its confluence with the James River upstream to the base of the dam at the Woolen Mills in the City of Charlottesville to the junction of the Rivanna with the James River (37+ miles).

Appomattox River from the Route 36 bridge crossing in the City of Petersburg upstream to the abutment dam located about 1.3 miles below Lake Chesdin (5+ miles).

The James River from Orleans Street extended in the City of Richmond westward to the 1970 corporate limits of the city (8+ miles).

The Upper James River from a point two miles below Eagle Rock to the Route 630 bridge in Springwood (14+/- miles).

Chickahominy River from Route 360 to the junction of the Hanover/Henrico/New Kent County line in Hanover County (10.2+ miles).

The Moomans River in Albemarle County, from the foot of the dam of the Charlottesville water supply reservoir to the junction with the Mechums River below Route 601 (13+ miles).

Rockfish River from the Route 693 bridge in Schuyler to its confluence with the James River (9.75+ miles).

Lower James River, from an unnamed tributary to the James River approximately 1.2 miles east of Trees Point in Charles City County (northside) and Upper Chippokes Creek (southside) to Grices Run (northside) and Lawnes Creek (southside) (25+ miles).

RAPPAHANNOCK RIVER BASIN

Rappahannock River in Rappahannock, Culpeper, Fauquier, Stafford, and Spotsylvania Counties and the City of Fredericksburg from its headwaters near Chester Gap to the Ferry Farm-Mayfield Bridge (86+/- miles).

ROANOKE RIVER BASIN

ROANOKE RIVER SUBBASIN

Roanoke (Staunton) River from the Route 501 bridge in Brookneal upstream to the Route 761 bridge in Long Island (11+ miles).

CHOWAN AND DISMAL SWAMP BASIN

CHOWAN RIVER SUBBASIN

Nottoway River in Sussex County from the Route 40 bridge at Stony Creek to the Southampton County line (33+ miles).

North Meherrin River in Lunenburg County from the Route 712 bridge to the confluence with the Meherrin River (7.5 miles).

ALBEMARLE SOUND SUBBASIN

The North Landing River from the North Carolina line to the bridge at Route 165, Pocaty River from its junction with North Landing River to the Blackwater Road Bridge, West Neck Creek from the junction with the North Landing River to Indian River Road Bridge, and Blackwater Creek from the junction with the North Landing River to its confluence, approximately 4.2 miles, of an unnamed tributary 1.75+/- miles west of Blackwater Road (26+ miles).

TENNESSEE AND BIG SANDY RIVER BASINS CLINCH RIVER SUBBASIN

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Guest River from a point 100 feet downstream of the Route 72 Bridge to the junction with the Clinch River in Scott and Wise County (6.5+ miles).]

9 VAC 25-260-350. Designation of nutrient enriched waters.

A. The following state waters are hereby designated as "nutrient enriched waters":

1. Smith Mountain Lake and all tributaries^{*} of the impoundment upstream to their headwaters;
2. Lake Chesdin from its dam upstream to where the Route 360 bridge (Goodes Bridge) crosses the Appomattox River, including all tributaries to their headwaters that enter between the dam and the Route 360 bridge;
3. South Fork Rivanna Reservoir and all tributaries of the impoundment upstream to their headwaters;
4. *New River and its tributaries, except Peak Creek above Interstate 81, from Claytor Dam upstream to Big Reed Island Creek (Claytor Lake).*
- 4- 5. Peak Creek from its headwaters to its mouth (confluence with Claytor Lake), including all tributaries to their headwaters;
- ~~6-~~ 6. Aquia Creek from its headwaters to the state line;
- ~~6-~~ 7. Fourmile Run from its headwaters to the state line;
- ~~7-~~ 8. Hunting Creek from its headwaters to the state line;
- ~~8-~~ 9. Little Hunting Creek from its headwaters to the state line;
- ~~9-~~ 10. Gunston Cove from its headwaters to the state line;
- ~~10-~~ 11. Belmont and Occoquan Bays from their headwaters to the state line;
- ~~11-~~ 12. Potomac Creek from its headwaters to the state line;
- ~~12-~~ 13. Neabsco Creek from its headwaters to the state line;
- ~~13-~~ 14. Williams Creek from its headwaters to its confluence with Lower Upper Machodoc Creek;
- 14- 15. Tidal freshwater Rappahannock River from the fall line to Buoy 44, near Leedstown, Virginia, including all tributaries to their headwaters that enter the tidal freshwater Rappahannock River;
- ~~15-~~ 16. Estuarine portion of the Rappahannock River from Buoy 44, near Leedstown, Virginia, to the mouth of the Rappahannock River (Buoy 6), including all

tributaries to their headwaters that enter the estuarine portion of the Rappahannock River;

~~16-~~ 17. Estuarine portion of the Mattaponi River from Clifton, Virginia, and estuarine portion of the Pamunkey River from Sweet Hall Landing, Virginia to West Point, Virginia, and the York River from West Point, Virginia, to the mouth of the York River (Tue Marsh Light) including all tributaries to their headwaters that enter the estuarine portions of the Mattaponi River, the Pamunkey River and the York River;

~~17-~~ 18. Tidal freshwater James River from the fall line to the confluence of the Chickahominy River (Buoy 70) including all tributaries to a distance five river miles above their fall lines that enter the tidal freshwater James River;

~~18-~~ 19. Estuarine portion of the James River from its confluence with the Chickahominy River (Buoy 70) to the mouth of the James River (Buoy 25), including all tributaries to their headwaters;

~~19-~~ 20. Chesapeake Bay and its small coastal basins from the Virginia state line to the mouth of the Bay (a line from Cape Henry drawn through Buoys 3 and 8 to Fishermans Island), and its tidal tributaries, excluding the Potomac tributaries, those tributaries listed above, and the Mattaponi River upstream of Clifton, Virginia, and the Pamunkey River upstream of Sweet Hall Landing, Virginia; and

~~20-~~ 21. Tidal freshwater Blackwater River from the Norfolk and Western railway bridge at Burdette, Virginia, and tidal freshwater Nottoway River from the Norfolk and Western railway bridge at Courtland, Virginia, to the state line, including all tributaries to their headwaters that enter the tidal freshwater portions of the Blackwater River and the Nottoway River.

B. Whenever any water body is designated as "nutrient enriched waters", the board shall modify the NPDES VPDES permits of point source dischargers into the "nutrient enriched waters" as provided in the board's Policy for Nutrient Enriched Waters (9 VAC 25-40-10 et seq.).

9 VAC 25-260-360. Section number and description columns.

A. Basin descriptions. The tables that follow divide the state's surface waters into nine river basins, some with subbasins: Potomac River Basin (Potomac and Shenandoah Subbasins), James River Basin, Rappahannock River Basin, Roanoke River Basin (Roanoke and Yadkin Subbasins), Chowan and Dismal Swamp Basin (Chowan and Albemarle Sound Subbasins), Tennessee and Big Sandy Basins (Big Sandy, Clinch and Holston Subbasins), Chesapeake Bay, Atlantic Ocean and Small Coastal Basin, York River Basin and New River Basins Basin. (See Figure 2.)

Each basin is further divided into sections. Each section is assigned a class, represented by Roman Numerals I through VII, based on its geographic location or, in the case of trout

^{*}When the word "tributaries" is used in this standard, it does not refer to the mainstem of the water body that has been named.

waters, on its use. Descriptions of these classes are found in 9 VAC 25-260-50.

B. Potomac water supplies (raw water intakes). The Leesburg and County of Fairfax intakes in the Potomac are in Maryland waters and the board cannot adopt the *public water supply [standards criteria]* in ~~9 VAC 25-260-180~~ 9 VAC 25-260-140 B to apply at the raw water intake points. However, applications to discharge into, or otherwise alter the physical, chemical, or biological properties of Virginia waters within an area five miles upstream of the intake will be reviewed on a case-by-case basis to ensure that they will protect the water supply. Basin sections where this would be applicable are shown with an asterisk (*) in the basin and section description columns.

RIVER BASINS IN VIRGINIA

- 1 POTOMAC-SHENANDOAH
- 2 JAMES
- 3 RAPPAHANNOCK
- 4 ROANOKE
- 5 CHOWAN AND DISMAL SWAMP
- 6 TENNESSEE AND BIG SANDY
- 7 SMALL COASTAL BASINS AND CHESAPEAKE BAY
- 8 YORK
- 9 NEW

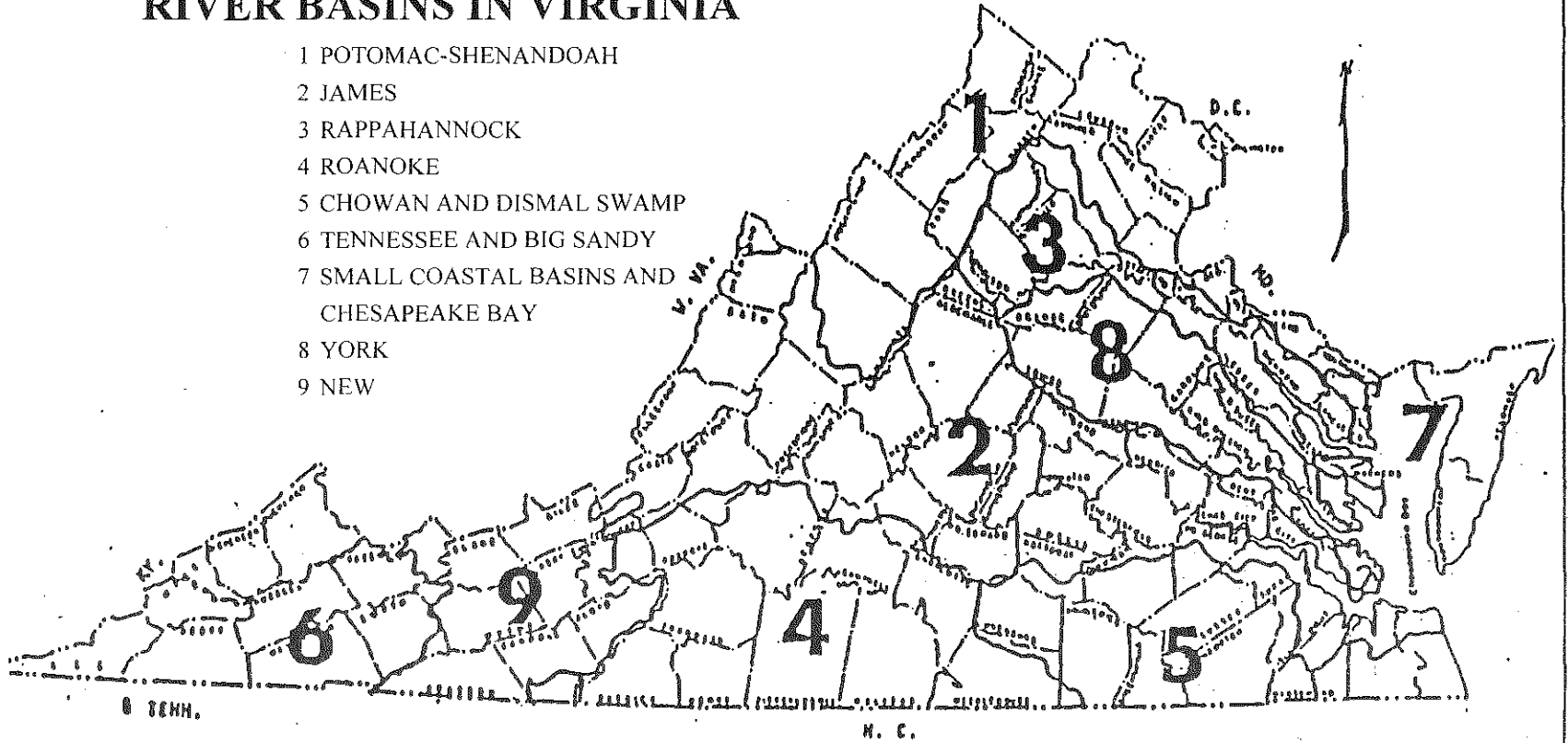


Figure 2

9 VAC 25-260-370. Classification column.

A. DO, pH and temperature [~~standards criteria~~]. The classification column defines the class of waters to which the basin section belongs in accordance with the class descriptions given in 9 VAC 25-260-50. 9 VAC 25-260-50 defines the state's seven classes (I through VII) and the dissolved oxygen (DO), pH and maximum temperature that apply to each class. By finding the class of waters for a basin section in the classification column and referring to 9 VAC 25-260-50, the DO, pH and maximum temperature [~~standards criteria~~] can be found for each basin section.

B. DGIF trout waters. The Department of Game and Inland Fisheries (DGIF) has established a classification system for trout waters based on aesthetics, productivity, resident fish population and stream structure. Classes ~~I i~~ through ~~IV iv~~ rate wild trout habitat; Classes ~~V v~~ through ~~VIII vii~~ rate cold water habitat not suitable for wild trout but adequate for year-round hold-over of stocked trout. The DGIF classification system is included in this publication ~~as a subclassification of~~ with the board's trout water classes (Class V - [~~put and take Stockable~~] trout waters and Class VI - Natural trout waters) in the ~~classification class column of the River Basin Section Tables 9 VAC 25-260-390 et seq. These subclassifications are for informational purposes only and imply no additional requirements.~~

~~The DGIF subclasses are shown as subclasses i - viii in the Class Column to differentiate from the board's Classes V and VI. DGIF trout water classifications which are not consistent with board classifications for [Put and Take stockable] trout waters or natural trout waters are shown with a double asterisk (**) in the classification class column of the River Basin Section Tables 9 VAC 25-260-390 et seq. These trout waters have been identified for reevaluation by the DGIF. Those trout waters which have no DGIF classification are shown with a triple asterisk (***). The DGIF subclasses are described below. Inclusion of these subclasses will provide DGIF classes provides additional information about specific streams for permit writers and other interested persons. Trout waters classified as classes I i or II ii by the DGIF (shown as i or ii in this chapter) are also recognized in [9 VAC 25-260-320 9 VAC 25-260-110].~~

~~a. DGIF stream class descriptions. Classes are shown in small Roman numerals (i-viii) in the basin tables.~~

DGIF STREAM CLASS DESCRIPTIONS.

Wild natural trout streams.

Class ~~I i~~. Stream of outstanding natural beauty possessing wilderness or at least remote characteristics, an abundance of large deep pools, and excellent fish cover. Substrate is variable with an abundance of coarse gravel and rubble. Stream contains a good population of wild trout or has the potential for such. Would be considered an exceptional wild trout stream.

Class ~~II ii~~. Stream contains a good wild trout population or the potential for one but is lacking in aesthetic quality, productivity, and/or in some structural characteristic. Stream maintains good water quality and temperature, maintains at least a fair summer flow, and adjacent land is not extensively developed. Stream would be considered a good wild trout stream and would represent a major portion of Virginia's wild trout waters.

Class ~~III iii~~. Stream which contains a fair population of wild trout with carrying capacity depressed by natural factors or more commonly man-related landuse practices. Land use activities may result in heavy siltation of the stream, destruction of banks and fish cover, water quality degradation, increased water temperature, etc. Most streams would be considered to be in the active state of degradation or recovery from degradation. Alteration in landuse practices would generally improve carrying capacity of the stream.

Class ~~IV iv~~. Stream which contains an adequately reproducing wild trout population but has severely reduced summer flow characteristics. Fish are trapped in isolated pools where they are highly susceptible to predators and fishermen. Such streams could quickly be over-exploited and, therefore, provide difficult management problems.

Stockable [~~put and take~~] trout streams.

Class ~~V v~~. Stream does not contain an adequately reproducing wild trout population nor does it have the potential for such. However, water quality is adequate, water temperature is good, and invertebrate productivity is exceptional. Pools are abundant with good size and depth and fish cover is excellent. Stream would be good for stocked trout but may offer more potential for a fingerling stocking program.

Class ~~VI vi~~. Stream does not contain a significant number of trout nor a significant population of warmwater gamefish. Water quality is adequate and water temperature good for summer carryover of stocked trout. Summer flow remains fair and adjacent land is not extensively developed. All streams in this class would be considered good [~~put and take~~] trout stocking water.

Class ~~VII vii~~. Stream does not contain a significant number of trout nor a significant population of warmwater gamefish. Water quality and temperature are adequate for trout survival but productivity is marginal as are structural characteristics. Streams in this class could be included in a stocking program but they would be considered marginal and generally would not be recommended for stocking.

Class ~~VIII viii~~. Stream does not contain a significant number of trout nor a significant population of warmwater gamefish. Water quality and temperature are adequate for trout but summer flows are very poor (less than 30% of channel). Streams in this class can provide good [~~put and take~~] trout fishing during spring and early summer but would not be recommended for summer or fall stocking.

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Other. Remaining streams would be considered unsuitable for any type of trout fishery. Streams would be considered unsuitable under any of the following conditions:

- (a) summer temperatures unsuitable for trout survival;
- (b) stream contains a significant population of warmwater gamefish;
- (c) insufficient flow; or
- (d) intolerable water quality [.]

9 VAC 25-260-380. Special standards column.

A. Bacteria [~~standards criteria~~]. All surface waters have [~~a standard criteria~~] for fecal coliform bacteria. The bacteria [~~standard criteria~~] for shellfish waters [~~is are~~] set forth in 9 VAC 25-260-160; the [~~standard criteria~~] applying to all other surface waters [~~is are~~] found in 9 VAC 25-260-170. The letter a "a" in the special standards column next to a river basin section indicates that there are shellfish waters somewhere within that section and the bacteria [~~standard criteria~~] for shellfish waters applies to those shellfish waters. (It should be noted that even though the column contains the letter a "a" the entire section may not be shellfish waters.)

B. Natural variation. In some cases natural water quality does not fall within the [~~limits criteria~~] set by [~~the these~~] standards. (For example streams in some areas of the state may naturally exceed the usual pH range of 6.0 to 9.0.) In these instances the board may have set [~~a~~] more appropriate [~~standard criteria~~] that [~~reflects reflect~~] natural quality, and this special limit is shown in the special standards column.

C. Additional requirements. In other cases the basic water quality parameters of DO, pH, temperature, and bacteria have not been sufficient to protect water quality in certain areas, and effluent limits or treatment requirements have been established for these areas. This fact is also indicated in the special standards column. If the applicable standard was too long to print in its entirety in that column, the column contains only a lower case letter, and the standard itself will be found in the special standards 9 VAC 25-260-310 under that letter.

D. Other special standards or designations.

1. Public water supplies [~~(PWS)~~]. Sections that are public water supplies are indicated in the special standards column with a PWS. This designation indicates that additional [~~standards criteria~~] are applicable. (See ~~9 VAC 25-260-180~~ 9 VAC 25-260-140 B for applicable [~~standards criteria~~]).

2. Scenic rivers. ~~If a section contains a stream that has been designated a scenic river by the General Assembly, the special standards column indicates this with an SR followed by a number. The appropriate waterway can be found listed in the Key to special standards section under scenic rivers, 9 VAC 25-260-320 A. The entire section is not necessarily a scenic river, only that portion specifically listed in 9 VAC 25-260-320 A. Nutrient~~

~~enriched waters [(NEW)]. If a section contains a waterbody that has been designated as nutrient enriched in 9 VAC 25-260-350, the special standards column indicates this with [a the letters] "NEW-" followed by a number. The appropriate waterway can be found listed in 9 VAC 25-260-350. The entire section is not necessarily nutrient enriched, only that portion specifically listed in 9 VAC 25-260-350.~~

[9 VAC 25-260-390. Potomac River Basin.

Potomac River Subbasin

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
1	II	a	Tidal tributaries of the Potomac River from Smith Point to Upper Machodoc Creek (Baber Point).
1a	III		All free flowing portions of tributaries to the Potomac River from Smith Point to the Route 301 Bridge in King George County unless otherwise designated in this chapter.
1b	III	b,NEW-12	All free flowing portions of tributaries to the Potomac River from the Route 301 Bridge in King George County to, and including, Potomac Creek, unless otherwise designated in this chapter.
1c	III	PWS,b,NEW-12	Potomac Creek and its tributaries from the Stafford County water supply dam (Able Lake Reservoir) to its their headwaters.
2	II	a,NEW-14	Tidal Upper Machodoc Creek and the tidal portions of its tributaries.
2a	III	NEW-14	Free flowing portions of these streams in Section 2 Upper Machodoc Creek and its tributaries.
3	II	b,NEW-12	Tidal portions of the tributaries to the Potomac River from the Route 301 Bridge in King George County to Marlboro Point.
4	II	b,d,NEW-6	Tidal portions of the tributaries to the Potomac River from Marlboro Point to Brent Point (to include Aquia Creek and its tributaries).

4a	III	b,d,NEW-6	Free flowing portions of tributaries to the Potomac River in Section 4 up to the Aquia Sanitary District Water Impoundment.				impoundment on Bull Run and Occoquan River, and the tributaries of Occoquan above the dam to a point 5 miles above the dam.
4b	III	PWS,b,d,NEW-6	Aquia Creek from the Aquia Sanitary District Water Impoundment, and other tributaries into the impoundment, including Beaverdam Run and the Lunga Reservoir upstream to their headwaters.	7c	III	PWS,g	Broad Run and its tributaries above the water supply dam of the City of Manassas upstream to a point 5 miles above the dam.
5	II	b	Tidal portions of tributaries to the Potomac River from Brent Point to Shipping Point, including tidal portions of Chopawamsic Creek and its tidal tributaries.	7d	III	PWS,g	The impounded waters of Lake Jackson, Broad Run, and Cedar Run.
5a	III	b	Free flowing portions of Chopawamsic Creek and its tributaries to Quantico Marine Base water supply dam.	7e	III	PWS,g	Cedar Run from the Town of Warrenton's raw water intake (just upstream of Route 678 672) to a point 5 miles upstream of the proposed multiple purpose structure near Airlie (Fauquier County).
5b	III	PWS,b	Chopawamsic Creek and its tributaries above the Quantico Marine Base water supply intakes at the Gray and Breckenridge Reservoirs to their headwaters.	7f	III	PWS,g	The Quantico Marine Base Camp Upshur and its tributaries' raw water intake on Cedar Run (located approximately 0.2 mile above its confluence with Lucky Run) to a point 5 miles upstream.
6	II	b,NEW-7,8,9,10,11,13	Tidal portions of tributaries to the Potomac River from Shipping Point to Chain Bridge.	7g	III	PWS,g	The proposed impounded waters of Licking Run above the multiple purpose impoundment structure in Licking Run near Midland (Fauquier County) upstream to a point 5 miles above the proposed impoundment.
7	III	b,NEW-7,8,9,10,11,13	Free flowing portions of tributaries to the Potomac River from Shipping Point to Chain Bridge, unless otherwise designated <i>in this chapter</i> .	7h	III	PWS,g	The proposed impounded waters of Cedar Run above the proposed multiple purpose impoundment structure on the main stem of Cedar Run near Auburn (Fauquier County), to a point 5 miles above the impoundment.
7a	III	g	Occoquan Creek River and its tributaries to their headwaters above Fairfax County Water Authority's water supply impoundment, unless otherwise designated <i>in this chapter</i> .	8	III	PWS,SR-4	Tributaries to the Potomac River in Virginia between Chain Bridge and the Monacacy River from their confluence with the Potomac upstream 5 miles, to include Goose Creek to the City of Fairfax's raw water intake, unless
7b	III	PWS,g	The impounded waters of Occoquan River above the water supply dam of the Fairfax County Water Authority to backwater of the				

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			otherwise designated <i>in this chapter</i> .				impoundments located northwest of the town on the eastern slope of the Blue Ridge Mountains.
8a	VI	PWS	Big Spring Creek and its tributaries in Loudoun County, from its confluence with the Potomac River upstream to their headwaters. (The temperature standard for natural trout water may be exceeded in the area above Big Spring and Little Spring at Routes 15 and 740 due to natural conditions). This section was given a PWS designation due to the Town of Leesburg's intake on the Potomac as referenced in Section 8b below.	9c	III	PWS	Unnamed tributary to Goose Creek, from Camp Highroad's raw water intake (Loudoun County) located in an old quarry (at latitude 39°02'02"; longitude 77°40'49") to its headwaters.
				10	III		Tributaries of the Potomac River from the Monacacy River to the West Virginia-Virginia state line in Loudoun County, from their confluence with the Potomac River upstream to their headwaters, unless otherwise designated <i>in this chapter</i> .
8b	III	PWS	Those portions of Virginia tributaries into the Potomac River that are within a 5 mile distance upstream of the Town of Leesburg's intake on the Potomac River, unless otherwise designated <i>in this chapter</i> .*	10a	III	PWS	North Fork Catoctin Creek from Purcellville's raw water intake to its headwaters.
				10b	III	SR-2	South Fork Catoctin Creek and its tributaries from its confluence with the North Fork Catoctin Creek to its headwaters.
8c	III	PWS	Those portions of Virginia tributaries into the Potomac River that are within a 5 mile distance upstream of the County of Fairfax's intake on the Potomac River.*	11	IV	pH-6.5-9.5	Tributaries of the Potomac River in Frederick and Clarke Counties, Virginia, unless otherwise designated <i>in this chapter</i> .
9	III	SR-1	Broad Run, Sugarland Run, Difficult Run, Tuscarora Creek, Sycoline Creek, and other streams tributary to streams in Section 8 from a point 5 miles above their confluence with the Potomac River to their headwaters, unless otherwise designated <i>in this chapter</i> .		V	pH-6.5-9.5	Put and Take Stockable Trout Waters in Section 11
					***		Back Creek (upper) from Rock Enon 4 miles upstream.
					***		Back Creek (lower) from Route 600 to the mouth of Hogue Creek - 2 miles.
9a	III	PWS,SR-1	All the impounded water of Goose Creek from the City of Fairfax's water supply dam upstream to backwater, and its tributaries above the dam to a point 5 miles above the dam.		***		Hogue Creek from Route 679 upstream 6 miles to the Forks below Route 612.
					vi		Opequon Creek (in Frederick County) from its confluence with Hoge Run upstream to the point at which Route 620 first crosses the stream.
9b	III	PWS	The Town of Round Hill's raw water intake at the Round Hill Reservoir, and including the two spring		vi		Turkey Run (Frederick

		County) from its confluence with Opequon Creek 3.6 miles upstream.			upstream <i>including all named and unnamed tributaries.</i>		
11a	VI	pH-6.5-9.5	Natural Trout Waters in Section 11	ii	Buck Run (Highland County) from its confluence with Laurel Fork 4.3 miles upstream <i>including all named and unnamed tributaries.</i>		
	ii		Bear Garden Run from its confluence with Sleepy Creek 3.1 miles upstream.				
	iii		Redbud Run from its confluence with Opequon Creek 4.4 miles upstream.	ii	Collins Run from its confluence with Laurel Fork 0.9 mile upstream <i>including all named and unnamed tributaries.</i>		
	IV	pH-6.5-9.5	Hot Run and its tributaries from its confluence with Opequon Creek to its headwaters.	ii	Laurel Fork (Highland County) from 1.9 miles above its confluence with the North Fork South Branch Potomac River 15.7 miles upstream <i>including all named and unnamed tributaries.</i>		
	V	pH-6.5-9.5	Put and Take Stockable Trout Waters in Section 11a				
	vi		Clearbrook Run from its confluence with Hot Run 2.1 miles upstream.				
12	IV	pH-6.5-9.5	South Branch of the Potomac River and its tributaries, such as Strait Creek, and the North Fork River and its tributaries from the Virginia-West Virginia state line to their headwaters.	ii	Locust Spring Run from its confluence with Laurel Fork 3.5 miles upstream <i>including all named and unnamed tributaries.</i>		
	V		Put and Take Stockable Trout Waters in Section 12 [-]	ii	Lost Run from its confluence with Laurel Fork 4.5 miles upstream <i>including all named and unnamed tributaries.</i>		
	vi		Frank Run from its confluence with the South Branch Potomac River 0.8 mile upstream.	ii	Mullenax Run from its confluence with Laurel Fork 4 mile upstream <i>including all named and unnamed tributaries.</i>		
	vii		South Branch Potomac River (in Highland County) from 69.2 miles above its confluence with the Potomac River 4.9 miles upstream.	ii	Newman Run from its confluence with Laurel Fork 4 mile upstream <i>including all named and unnamed tributaries.</i>		
	vi		Strait Creek (Highland County) from its confluence with the South Branch Potomac River 3.9 miles upstream.	ii	Slabcamp Run from its confluence with Laurel Fork 2.2 miles upstream <i>including all named and unnamed tributaries.]</i>		
	VI		Natural Trout Waters in Section 12	9 VAC 25-260-400. Potomac River Basin.			
	ii		Blights Run from its confluence with Laurel Fork (Highland County) 0.6 mile	Shenandoah River Subbasin			
				SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
				1	IV	pH-6.5-9.5	Shenandoah River and its tributaries in Clarke County,

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			Virginia, from the Virginia-West Virginia state line to Lockes Landing, unless otherwise designated in this chapter.		iii		Page Brook from its confluence with Spout Run, 1 mile upstream.
1a	IV	PWS pH-6.5-9.5 SR-3	Shenandoah River and its tributaries from Lockes Landing river mile 24.66 (latitude 39°16'19"; longitude 77°54'33") approximately 0.7 mile downstream of the confluence of the Shenandoah River and Dog Run to a point 5 miles above Berryville's raw water intake (latitude 39°05'56"; longitude 77°58'31"), unless otherwise designated in this chapter.		***		Roseville Run (Clarke County) from its confluence with Spout Run 3.2 miles upstream (headwaters) including all named and unnamed tributaries.
					iii		Spout Run (Clarke County) from its confluence with the Shenandoah River (in the vicinity of Calmes Neck at Rts 651 and 621), 3.9 miles upstream.
	V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 1a		***		Westbrook Run (Clarke County) from its confluence with Spout Run 2.4 miles upstream (headwaters) including all named and unnamed tributaries.
	vi		Chapel Run (Clarke County) from its confluence with the Shenandoah River 5.7 miles upstream.	1d	IV	PWS	The South Fork Shenandoah River and its tributaries from the Town of Front Royal's raw water intake (at the State Route 619 bridge at Front Royal) to a point 5 miles upstream.
	vi		Spout Run (Clarke County) from its confluence with the Shenandoah River [(in the vicinity of the Ebenezer Church at Route 604)] to its headwaters.	2	IV	pH-6.5-9.5	South Fork Shenandoah River and its tributaries from its confluence with the North Fork Shenandoah River, upstream to a point 5 miles above the Town of Shenandoah's raw water intake, unless otherwise designated in this chapter.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 1a				
	vi**		Spout Run (Clarke County) from its confluence with the Shenandoah River (in the vicinity of the Ebenezer Church at Route 604), 2.3 miles upstream.		V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 2
1b			(Deleted)		***		Brown Run from its confluence with Big Run upstream 1 mile.
1c	IV	pH-6.5-9.5 SR-3	Shenandoah River and its tributaries from a point 5 miles above Berryville's raw water intake to the confluence of the North and South Forks of the Shenandoah River. [(The Scenic River designation extends only to the Warren/Clarke County line.)]		vi		Cub Run (Page County) from Pitt Spring upstream 6.5 miles.
					vi		Flint Run from its confluence with the South Fork Shenandoah River 4 miles upstream.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 1c		***		Gooney Run from the mouth to its confluence with Broad Run above Browntown (in the vicinity of Route 632).

***		Hawksbill Creek from Route 675 in Luray to 1 mile above Route 631.	ii			Overall Run from its confluence with the South Fork Shenandoah River 4.8 miles upstream <i>including all named and unnamed tributaries.</i>
VI	pH-6.5-9.5	Natural Trout Waters in Section 2				
iii		<i>Browns Run from its confluence with Big Run upstream including all named and unnamed tributaries.</i>	ii			Pass Run (Page County) from its confluence with Hawksbill Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii		<i>Cub Run (Page County) from Pitt Spring Run upstream including all named and unnamed tributaries.</i>	ii			Pass Run (Page County) from its mouth 2 miles upstream.
***		Cub Run from its mouth to Pitt Spring Run.	***			Pass Run (Page County) from 2 miles above its confluence with Hawksbill Creek to its headwaters.
ii		Fultz Run from the Park boundary (river mile 1.8) to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii			Pitt Spring Run from its confluence with Cub Run 2.4 miles upstream <i>including all named and unnamed tributaries.</i>
ii		Gooney Run (in Warren County) from 6.6 miles above its confluence with the South Fork Shenandoah River 3.9 miles upstream.	ii			Roaring Run from its confluence with Cub Run 2.4 miles upstream <i>including all named and unnamed tributaries.</i>
ii		Hawksbill Creek in the vicinity of Pine Grove at Route 624 (river mile 17.7) 1.5 miles upstream.	2a	IV	PWS pH-6.5-9.5	Happy Creek from Front Royal's raw water intake to its headwaters.
ii		Jeremys Run from the National Park boundary to its headwaters upstream <i>including all named and unnamed tributaries.</i>	2b	IV	PWS pH-6.5-9.5	Dry Run and its tributaries from Luray's raw water intake to its headwaters. (Deleted)
ii		Lands Run from its confluence with Gooney Run 3.1 miles upstream <i>including all named and unnamed tributaries.</i>	2c	IV	PWS pH-6.5-9.5	East Hawksbill Creek and its tributaries from Ida's raw water intake to its headwaters. (Deleted)
*** j		Little Hawksbill Creek from Route 626 to its headwaters upstream <i>including all named and unnamed tributaries.</i>	2d	IV	PWS pH-6.5-9.5	South Fork Shenandoah River from the Town of Shenandoah's raw water intake to a point 5 miles upstream. (Deleted)
ii		Morgan Run (Page County) from its confluence with Cub Run 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	V	vii	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 2d Bear Lithia Spring from its confluence with the South Fork Shenandoah River 0.8 mile upstream.

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VI	pH-6.5-9.5	Natural Trout Waters in Section 2d	3	IV	pH-6.5-9.5	South Fork Shenandoah River and its tributaries from 5 miles above the Town of Shenandoah's raw water intake to its confluence with the North and South Rivers, and the South River and its tributaries from its confluence with the South Fork Shenandoah River to their headwaters, unless otherwise designated in this chapter.
ii		Big Creek (Page County) from its confluence with the East Branch Naked Creek 1.7 miles upstream <i>including all named and unnamed tributaries.</i>				
ii		Big Ugly Run from its confluence with the South Branch Naked Creek 0.7 mile upstream <i>including all named and unnamed tributaries.</i>		V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 3
ii		Boone Run from 4.6 miles above its confluence with the South Fork Shenandoah River (in the vicinity of Route 637) 5.3 miles upstream <i>including all named and unnamed tributaries.</i>		vi		Hawksbill Creek (Rockingham County) from 0.8 mile above its confluence with the South Fork Shenandoah River 6.6 miles upstream.
i		East Branch Naked Creek from its confluence with Naked Creek at Route 759 to its headwaters upstream <i>including all named and unnamed tributaries.</i>		vi		Mills Creek (Augusta County) from 1.8 miles above its confluence with Back Creek 2 miles upstream.
ii		Little Creek (Page County) from its confluence with Big Creek 0.7 mile upstream <i>including all named and unnamed tributaries.</i>		vi		North Fork Back Creek (Augusta County) from its confluence with Back Creek 2.6 miles upstream, unless otherwise designated in this chapter.
ii		South Branch Naked Creek from 1.7 miles above its confluence with Naked Creek (in the vicinity of Route 607) 6 miles upstream <i>including all named and unnamed tributaries.</i>		VI	pH-6.5-9.5	Natural Trout Waters in Section 3
ii		Stony Run (Page County) from 1.6 miles above its confluence with Naked Creek 2.8 miles upstream <i>including all named and unnamed tributaries.</i>		i		Bearwallow Run from its confluence with Onemile Run 4.0 miles upstream <i>including all named and unnamed tributaries.</i>
ii		West Branch Naked Creek from 2.1 miles above its confluence with Naked Creek 4.1 miles upstream <i>including all named and unnamed tributaries.</i>		ii		Big Run (Rockingham County) from 3.3 miles above its confluence with the South Fork Shenandoah River 4 miles upstream <i>including all named and unnamed tributaries.</i>
				iii		Cold Spring Branch (Augusta County) from Sengers Mountain Lake (Rhema Lake) to its headwaters upstream <i>including all named and unnamed tributaries.</i>

ii	Deep Run (Rockingham County) from 1.8 miles above its confluence with the South Fork Shenandoah River 2.8 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Lower Lewis Run (Rockingham County) from 1.7 miles above its confluence with the South Fork Shenandoah River 2.4 miles upstream <i>including all named and unnamed tributaries.</i>
ii	East Fork Back Creek from its confluence with the South Fork Back Creek 4.3 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Madison Run (Rockingham County) from 2.9 miles above its confluence with the South Fork Shenandoah River 3.7 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Gap Run from 1.7 miles above its confluence with the South Fork Shenandoah River 3.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Meadow Run (Augusta County) from its confluence with the South River 5.8 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Inch Branch (Augusta County) from the dam to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	North Fork Back Creek (Augusta County) from river mile 2.6 (in the vicinity of its confluence with Williams Creek) 4.9 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Johns Run (Augusta County) from its confluence with the South River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	i	Onemile Run (Rockingham County) from 1.5 miles above its confluence with the South Fork Shenandoah River 3.4 miles upstream <i>including all named and unnamed tributaries.</i>
iv	Jones Hollow (Augusta County) from 1.1 miles above its confluence with the South River 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Paine Run (Augusta County) from 1.7 miles above its confluence with the South River 4.8 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Kennedy Creek from its confluence with the South River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Robinson Hollow (Augusta County) from the dam to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iv	Lee Run from 0.6 mile above its confluence with Elk Run 3.3 miles upstream.	ii	Rocky Mountain Run from its confluence with Big Run 2.9 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Loves Run (Augusta County) from 2.7 miles above its confluence with the South River 4.9 miles upstream <i>including all named and unnamed tributaries.</i>	iv	Sawmill Run from 2.5 miles above its confluence with the South River 5 miles

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			upstream <i>including all named and unnamed tributaries.</i>	VI	PWS	Natural Trout Waters in Section 3b
ii			South Fork Back Creek from its confluence with Back Creek at Route 814 (river mile 2.1) 4.4 miles upstream <i>including all named and unnamed tributaries.</i>	ii	pH-6.5-9.5	Coles Run (Augusta County) from 3.9 miles above its confluence with the South River Sanitary District's raw water intake (<i>Coles Run Dam</i>) 2.4 miles upstream <i>including all named and unnamed tributaries.</i>
ii			Stony Run (Augusta County) from 3.5 miles above its confluence with the South River 4.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii		Mills Creek (Augusta County) from the South River Sanitary District's raw water intake (river mile 3.8) 4 miles upstream <i>including all named and unnamed tributaries.</i>
iii			Stony Run (Rockingham County) from 4.1 miles above its confluence with the South Fork Shenandoah River 4.9 miles upstream <i>including all named and unnamed tributaries.</i>	3c IV	PWS pH-6.5-9.5	A tributary to Coles Run from [Stuarts Draft] Water Company's (R. A. Blacke) [the South River Sanitary District] raw water intake approximately one-half mile south of Stuarts Draft and just off Route 610, to its headwaters.
iii			Toms Branch (Augusta County) from 1.1 miles above its confluence with Back Creek 4.7 miles upstream <i>including all named and unnamed tributaries.</i>	4 IV	pH-6.5-9.5	Middle River and its tributaries from the confluence with the North River upstream to its headwaters, unless otherwise designated <i>in this chapter.</i>
i			Twomile Run from 1.4 miles above its confluence with the South Fork Shenandoah River 3.5 miles upstream <i>including all named and unnamed tributaries.</i>	V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 4
ii iv			Upper Lewis Run from 0.5 mile above its confluence with Lower Lewis Run 2.9 miles upstream <i>including all named and unnamed tributaries.</i>	v		Parterbrook Branch from its confluence with Christians Creek 2.8 miles upstream.
ii			White Oak Whiteoak Run from its confluence with Madison Run 1.9 miles upstream <i>including all named and unnamed tributaries.</i>	4a IV	PWS pH-6.5-9.5	Folly Mills Creek from 2.4 miles above its confluence with Christians Creek (in the vicinity of Route 81) 4.5 miles upstream.
3a	IV	pH-6.5-9.5	South River from the dam above Waynesboro (all waters of the impoundment).	V		[Put and Take Stockable] Trout Waters in Section 4a
3b	IV	PWS pH-6.5-9.5	Coles Run and Mills Creek from South River Sanitary District's raw water intake to their headwaters.	***		<i>East Dry Branch from its confluence with Buffalo Branch to its headwaters.</i>

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	VI	pH-6.5-9.5	Natural Trout Waters in Section 4a		to 12.9 upstream including all named and unnamed tributaries.
	iv		Buffalo Branch and its tributaries (Augusta County) from Route 703 to their headwaters upstream including all named and unnamed tributaries.	iv	Gum Run from its confluence with Black Run 3.2 miles upstream mouth upstream including all named and unnamed tributaries.
5	IV	pH-6.5-9.5	North River and its tributaries from its confluence with the South River upstream to its headwaters, unless otherwise designated in this chapter.	iii	Hone Quarry Run from its confluence with Briery Branch to its headwaters upstream including all named and unnamed tributaries.
	V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 5	*** iv	Little River from its confluence with the North River at Route 718 to its headwaters upstream including all named and unnamed tributaries.
	v		Beaver Creek (Rockingham County) from river mile 0.63 its confluence with Briery Branch to its headwaters.	iv	Maple Spring Run from its confluence with Gum Run 2 miles upstream mouth upstream including all named and unnamed tributaries.
	***		Briery Branch (Rockingham County) from Route 643 to its headwaters, unless otherwise designated.		
	***		Dry River (Rockingham County) from its junction with Route 734 (river mile 3.83) to Harrisonburg's raw water intake (river mile 11.7).	iv	Mines Run from its confluence with Briery Branch 2.9 miles upstream including all named and unnamed tributaries.
	v		Naked Creek (Augusta County) from 3.7 miles above its confluence with the North River at Route 696, 2 miles upstream.	iv	Rocky Run (which is tributary to Briery Branch in Rockingham County) from its confluence with Briery Branch 1.5 miles upstream mouth upstream including all named and unnamed tributaries.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 5		
	iv		Big Run (Augusta County) from 0.9 mile above its confluence with Little River 4.6 miles upstream including all named and unnamed tributaries.	iii	Rocky Run (which is tributary to Dry River in Rockingham County) from its confluence with Dry River 3.4 miles upstream mouth upstream including all named and unnamed tributaries.
	ii		Black Run (Rockingham County) from its confluence with Dry River mouth to its headwaters upstream including all named and unnamed tributaries.	***	Skidmore Fork from Route 710 to its headwaters.
	iii		Briery Branch (Rockingham County) from river mile 6.9	ii	Union Springs Run from 3 miles above its confluence with Beaver Creek 4.9 miles upstream including all

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			<i>named and unnamed tributaries.</i>	VI	PWS	Natural Trout Waters in Section 5c
	iv		Wolf Run (Augusta County) from its confluence with Briery Branch 3.2 miles upstream <i>including all named and unnamed tributaries.</i>	iv	pH-6.5-9.5	Dry River (Rockingham County) from Harrisonburg's raw water intake (approximately 11.7 miles above its confluence with the North River) to a point 5 miles upstream.
5a	IV	PWS pH-6.5-9.5	Silver Lake			
5b	IV	PWS pH-6.5-9.5	North River and its tributaries from Harrisonburg's raw water intake at Bridgewater to a point 5 miles above Bridgewater's raw water intake to include Dry River and Muddy Creek.	iv		Dry Run (Rockingham County) from its confluence with Dry River 2 miles upstream <i>including all named and unnamed tributaries.</i>
	V	PWS	[Put and Take Stockable] Trout Waters in Section 5b	iv		Hopkins Hollow from its confluence with Peach Run 0.8 miles upstream <i>including all named and unnamed tributaries.</i>
	v	pH-6.5-9.5	Beaver Creek (Rockingham County) from its confluence with the North River to river mile 0.63.	iv		Kephart Run from its confluence with Dry River 3.3 miles upstream <i>including all named and unnamed tributaries.</i>
	v		Dry River (Rockingham County) from its confluence with the North River to a point 5 miles above Bridgewater's raw water intake on the North River.	5d VI	pH-6.5-9.5	Dry River and its tributaries from 5 miles above Harrisonburg's raw water intake to its headwaters.
	v		Mossy Creek from its confluence with the North River 7.1 miles upstream.	VI	pH-6.5-9.5	Natural Trout Waters in Section 5d
	v		Spring Creek (Rockingham County) from its confluence with the North River 2 miles upstream.	iv		Dry River (Rockingham County) from 5 miles above Harrisonburg's raw water intake to its headwaters upstream <i>including all named and unnamed tributaries.</i>
5c	IV	PWS pH-6.5-9.5	Dry River in Rockingham County from Harrisonburg's raw water intake (approximately 11.7 miles above its confluence with the North River) to a point 5 miles upstream, unless otherwise designated <i>in this chapter.</i>	ii		Laurel Run (Rockingham County) from its confluence with Dry River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	V	PWS	[Put and Take Stockable] Trout Waters in Section 5c	ii		Little Laurel Run from its confluence with Dry River 3.2 miles upstream <i>including all named and unnamed tributaries.</i>
	viii	pH-6.5-9.5	Raccoon Run (Rockingham County) from its confluence with Dry River 4.7 miles upstream <i>to its headwaters.</i>	ii		Low Place Run from its confluence with Dry River 2.6 miles upstream <i>including all named and unnamed</i>

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			<i>tributaries.</i>			miles
	iv		Miller Spring Run from its confluence with Dry River 2.7 miles upstream <i>including all named and unnamed tributaries.</i>	vi		Mountain Run from its mouth at Passage Creek to its headwaters.
				***		Passage Creek from the U. S. Forest Service line (in the vicinity of Blue Hole and Buzzard Rock) 4 miles upstream.
	iii		Sand Run from its confluence with Dry River 1.8 miles upstream <i>including all named and unnamed tributaries.</i>	vi		Passage Creek from 29.6 miles above its confluence with the North Fork Shenandoah River 7.8 miles upstream <i>to its headwaters.</i>
	*** iv		Skidmore Fork from its confluence with Dry River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	vi		<i>Peters Mill Run from the mouth to its headwaters.</i>
5e	VI	PWS pH-6.5-9.5	North River from Staunton Dam to its headwaters.	***		<i>Shoemaker River from 612 at Hebron Church to its junction with Route 817 at the Shoemaker's confluence with Slate Lick Branch.</i>
6	IV	pH-6.5-9.5	North Fork Shenandoah River from its confluence with the Shenandoah River to its headwaters, unless otherwise designated <i>in this chapter.</i>	VI	pH-6.5-9.5	Natural Trout Waters in Section 6
	V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 6	ii		Anderson Run (Shenandoah County) from 1.1 miles above its confluence with Stony Creek 3.1 miles upstream <i>including all named and unnamed tributaries.</i>
	vi		Bear Run from its confluence with Foltz Creek 1.9 miles upstream <i>to its headwaters.</i>			
	***		Big Stony Creek from Route 685 above Edinburg upstream to Basye.	iv		Beech Lick Run from its confluence with the German River 1.1 miles upstream <i>including all named and unnamed tributaries.</i>
	vi		Bull Run (Shenandoah County) from its confluence with Foltz Creek 1 mile upstream <i>to its headwaters.</i>	iii		Bible Run from its confluence with Little Dry River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	vi		Falls Run from its confluence with Stony Creek 2.6 miles upstream <i>to its headwaters.</i>	ii		Camp Rader Run from its confluence with the German River 1.3 miles upstream <i>including all named and unnamed tributaries.</i>
	vi		Foltz Creek from its confluence with Stony Creek 3 miles upstream <i>to its headwaters.</i>	iv		Carr Run from its confluence with Little Dry River 2.5 miles upstream <i>including all named and unnamed tributaries.</i>
	***		Mill Creek from Mount Jackson to Route 720 - 3.5	iv		Clay Lick Hollow from its

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	confluence with Carr Run to its headwaters upstream including all named and unnamed tributaries.				including all named and unnamed tributaries.
# iv	Gate Run from its confluence with Little Dry River to its headwaters upstream including all named and unnamed tributaries.		iv		Root Run from its confluence with Marshall Run 4.6 miles upstream including all named and unnamed tributaries.
iv	German River (Rockingham County) from its confluence with the North Fork Shenandoah River (at Route 820) to its headwaters upstream including all named and unnamed tributaries.		*** iv		Seventy Buck Lick Run from its confluence with Carr Run 1.5 miles upstream including all named and unnamed tributaries.
ii	Laurel Run (Shenandoah County) from its confluence with Stony Creek to river mile 2.4 upstream including all named and unnamed tributaries.		***		Shoemaker River from Route 612 at Hebron Church to its junction with Route 817 at the Shoemaker's confluence with Slate Lick Branch.
ii	Little Stony Creek from its confluence with Stony Creek to its headwaters upstream including all named and unnamed tributaries.		iv		Sirks Run (Spring Run) from 1.3 miles above its confluence with Crab Run 3 miles upstream including all named and unnamed tributaries.
iv	Marshall Run (Rockingham County) from 1.2 miles above its confluence with the North Fork Shenandoah River 3.4 miles upstream including all named and unnamed tributaries.		iv		Spruce Run (Rockingham County) from its confluence with Capon Run 1.0 miles upstream including all named and unnamed tributaries.
iii	Mine Run (Shenandoah County) from its confluence with Passage Creek 3 miles upstream including all named and unnamed tributaries.	6a	IV	PWS pH-6.5-9.5	Little Passage Creek from the Strasburg Reservoir Dam upstream to its headwaters, unless otherwise designated in this chapter.
vi**	Peters Mill Run from the mouth to its headwaters.		V	PWS pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 6a
ii	Poplar Run (Shenandoah County) from its confluence with Little Stony Creek 4 mile upstream including all named and unnamed tributaries.		*** vi		Little Passage Creek from the Strasburg Reservoir Dam upstream to its headwaters.
iv	Rattlesnake Run (Rockingham County) from its confluence with Spruce Run 4.4 miles upstream	6b	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from the Winchester raw water intake to a point 5 miles upstream (to include Cedar

V	PWS pH-6.5-9.5	Creek and its tributaries to their headwaters). [Put and Take Stockable] Trout Waters in Section 6b	6d	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from Woodstock's raw water intake (approximately 1/4 mile upstream of State Route 609 bridge near Woodstock) to a point 5 miles upstream.
***		Cedar Creek (Shenandoah County) from Route 55 (river mile 23.56) to the U. S. Forest Service Boundary (river mile 32.0) - approximately 7 miles.	6e	IV	PWS pH-6.5-9.5	Smith Creek [<i>and its tributaries</i>] from New Market's raw water intake to its headwaters.
v	PWS pH-6.5-9.5	Meadow Brook (Frederick County) from its confluence with Cedar Creek 5 miles upstream.	6f	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from the [Timberville Food Process dam to the confluence with the Shoemaker River Food Processors Water Coop, Inc. dam at Timberville and the Town of Broadway's intakes on Linville Creek and the North Fork Shenandoah to points 5 miles upstream].
VI	PWS pH-6.5-9.5	Natural Trout Waters in Section 6b				
iii		Cedar Creek (Shenandoah County) from the U. S. Forest Service boundary (river mile 32.0) near Route 600 to its headwaters upstream including all named and unnamed tributaries.	6g	IV	pH-6.5-9.5	Shoemaker River and its tributaries from Slate Lick Run, and including Slate Lick Run, to its headwaters.
ii		Duck Run from its confluence with Cedar Creek 5.7 miles upstream including all named and unnamed tributaries.		V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 6g
		Paddy Run (Frederick County) from the mouth to its headwaters upstream including all named and unnamed tributaries.		***		Slate Lick Run from its confluence with the Shoemaker River upstream to the 1500 foot elevation.
***		(Paddy Run (Frederick County) from its mouth (0.0) to river mile 1.8.)		VI	pH-6.5-9.5	Natural Trout Waters in Section 6g
vi**		(Paddy Run (Frederick County) from river mile 1.8 to 8.1-6.3 miles.)		iv		Long Run (Rockingham County) from its confluence with the Shoemaker River to its headwaters upstream including all named and unnamed tributaries.
iii		Sulphur Springs Gap (Shenandoah County) from its confluence with Cedar Creek 1.9 miles upstream.		*** iv		Slate Lick Run from the 1500 foot elevation upstream to its headwaters upstream including all named and unnamed tributaries.
6c	IV PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from Strasburg's raw water intake to [its confluence with Posey Hollow (Deep Hollow Run) points 5 miles upstream].	6h	IV	PWS pH-6.5-9.5	Unnamed tributary of North Fork Shenandoah River (on the western slope of Short Mountain opposite Mt.

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6i	IV	PWS pH-6.5-9.5	Jackson) from the Town of Mt. Jackson's raw water intake (north and east dams) to its headwaters. Little Sulfur Creek, Dan's Hollow and Horns Gully (tributaries of the North Fork Shenandoah River on the western slope of Short Mountain opposite Mt. Jackson) which serve as a water supply for the Town of Edinburg, from the Edinburg intakes upstream to their headwaters.	1f	II	a,NEW-19	Elizabeth River and of the Southern Branch of the Elizabeth River from their confluence with the Elizabeth River to the lock at Great Bridge. Nansemond River and its tributaries from its confluence with the James River to Suffolk (dam at Lake Meade), unless otherwise designated <i>in this chapter</i> .
[6j	IV	PWS pH-6.5-9.5	North Fork Shenandoah River and its tributaries from the Town of Broadway's raw water intake (just upstream of Linville Creek's confluence with the North Fork Shenandoah River) to a point 5 miles upstream.]	1g	III	NEW-19	Shingle Creek from its confluence with the Nansemond River to its headwaters in the Dismal Swamp. Lake Prince, Lake Burnt Mills and Western Branch impoundments for Norfolk raw water supply and Lake Kilby - Cahoon Pond, Lake Meade and Lake Speight impoundments for Portsmouth raw water supply <i>and including all tributaries to these impoundments</i> .
9 VAC 25-260-410. James River Basin (Lower).							
SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION				
1	II	a,NEW-19	James River and its tidal tributaries from Old Point Comfort - Fort Wool to Barrets Point (Buoy 64), except prohibited or spoil areas, unless otherwise designated <i>in this chapter</i> .	1i	III	NEW-19	Free flowing portions of the Pagan River and its free flowing tributaries.
1a	III	NEW-19	Free flowing or non-tidal portions of streams in Section 1, unless otherwise designated <i>in this chapter</i> .	1j	III		Chisel Run and its tributaries, except that tributary into which Eastern State Hospital discharges, to their headwaters. (Deleted)
1b	II	a,NEW-19	Eastern Branch of the Elizabeth River and tidal portions of its tributaries from its confluence with the Elizabeth River to the end of tidal waters.	1k	III	PWS,NEW-19	Skiffes Creek Reservoir (Newport News water impoundment).
1c	III	NEW-19	Free flowing portions of the Eastern Branch of the Elizabeth River and its tributaries.	1l	III	PWS,NEW-19	The Lone Star lakes and impoundments in the City of Suffolk, Chuckatuck Creek watershed which will serve as a water source for the City of Suffolk.
1d	II	a,NEW-19	Southern Branch of the Elizabeth River from its confluence with the Elizabeth River to the lock at Great Bridge.	1m	III	PWS,NEW-19	The Lee Hall Reservoir system, near Skiffes Creek and the Warwick River, in the City of Newport News.
1e	III	NEW-19	Free flowing portions of the Western Branch of the	1n	III	PWS,NEW-19	Chuckatuck Creek and its tributaries from Suffolk's raw water intake (at Godwin's

Millpond) to a point 5 miles upstream.

Dam to Bottoms Bridge (Route 60 bridge), unless otherwise designated [in this chapter].

9 VAC 25-260-420. James River Basin (Middle).

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION				
2	II	NEW-18,19	James River and its tidal tributaries from Buoy 64 near Barrets Point upstream to the fall line at Richmond, to include the Chickahominy River and its tidal tributaries from the mouth upstream to Walkers Dam and the Appomattox River and its tidal tributaries from the mouth upstream to the head of tidal waters (approximately at the Route 1/301 Bridge across the Appomattox), unless otherwise designated in this chapter.	4a	III	PWS,m,NE W-18	Chickahominy River from Walkers Dam to a point 5 miles upstream.
				5	III	m	Chickahominy River and its tributaries, unless otherwise designated in this chapter, from Bottoms Bridge (Route 60 bridge) to its headwaters.
				6	III	SR-6 NEW-2	Appomattox River from the head of tidal waters, and free flowing tributaries to the Appomattox River, to their headwaters, unless otherwise designated in this chapter.
2a	II	PWS,NEW-18	James River from City Point to a point 5 miles above American Tobacco Company's raw water intake and the Appomattox River and its tidal tributaries from its mouth to 5 miles upstream of Virginia-American Water Company's raw water intake.	6a	III	PWS	Swift Creek and its tributaries from Colonial Heights' raw water intake to a point 5 miles upstream. (Deleted)
				6b	III		Swift Creek and its tributaries from the dam at Pocahontas State Park upstream to Chesterfield County's raw water impoundment dam.
2b	III	PWS,NEW-18	Free flowing tributaries to Section 2a.	6c	III	PWS	Swift Creek and its tributaries from Chesterfield County's raw water impoundment dam to a point 5 miles upstream.
3	III	NEW-18,19	Free flowing tributaries of the James River from Buoy 64 to Brandon and free flowing tributaries of the Chickahominy River to Walkers Dam, unless otherwise designated in this chapter.	6d	III	PWS	That portion of Oldtown Creek within the corporate limits of Colonial Heights. (Deleted)
3a	III	PWS,NEW-18	Diascund Creek and its tributaries from Newport News' raw water intake dam to its headwaters.	6e	III	PWS,NEW-2	Appomattox River and its tributaries from Appomattox River Water Authority's raw water intake located at the dam at Lake Chesdin to the headwaters of the lake.
3b	III	PWS,NEW-18	Little Creek Reservoir and its tributaries from the City of Newport News impoundment dam to 5 miles upstream of the raw water intake.	6f	III	PWS	Buffalo Creek from Farmville's raw water intake to a point 5 miles upstream. (Deleted)
4	III	m,NEW-18	Chickahominy River and its tributaries from Walkers	6g	III	PWS	The Appomattox River and its tributaries from Farmville's raw water intake (approximately 2.5 miles

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			above the Route 15/45 bridge) to a point 5 miles upstream.	*** vii	Ivy Branch 1.5 miles upstream from the church above the junction of Routes 628 and 614. Lynch River from the upper Route 810 crossing near the intersection of Route 628 2.9 miles upstream (to Ivy Creek).
7	III		Free flowing tributaries to the James River from Brandon to the fall line at Richmond, unless otherwise designated <i>in this chapter</i> .		
7a	III	PWS	Falling Creek and its tributaries from Bellwood Defense General Supply Center's raw water intake to a point 5 miles above Chesterfield County's raw water intake. (Deleted)	***	Rockfish Creek from its confluence with the South Fork Rockfish River to its headwaters.
8	III	SR-9	James River and its tributaries from the low water dam above 14th Street Bridge to Richmond's raw water intake at Williams Island Dam.	VI	Natural Trout Waters in Section 10
9	III	PWS,n	James River and its tributaries, unless otherwise designated <i>in this chapter</i> , from Richmond's raw water intake at Williams Island Dam to a point 5 miles above Richmond's raw water intake at Boshier Dam river mile 127.26 (at latitude 37°35'24"; longitude 77°42'33") near public landing site, inclusive of Henrico County's raw water intake (at latitude 37°33'32"; longitude 77°37'16") and St. John's Hospital's raw water intake (at latitude 37°34'33"; longitude 77°40'39").	ii	Doyles River (from 6.4 miles above its confluence with Moormans River above Browns Cove at Route 629) [2.4 miles upstream] including all named and unnamed tributaries.
				iii	Fork Hollow from its confluence with Ivy Creek 4.0 miles upstream including all named and unnamed tributaries.
				***	Ivy Branch from Route 810 to its headwaters.
9a	III	PWS,o	Tuckahoe Creek and its tributaries from its confluence with the James River to its headwaters.	iii	Ivy Creek (Greene County) from its confluence with the Lynch River 3.5 miles upstream including all named and unnamed tributaries.
10	III	SR-5,NEW-3	James River and its tributaries from a point 5 miles above Richmond's raw water intake at Boshier dam at latitude 37°40'32"; longitude 77°54'08" to, and including the Rockfish River, unless otherwise designated <i>in this chapter</i> .	ii	Jones Falls Run from its confluence with Doyles River 1.1 miles upstream including all named and unnamed tributaries.
	V		[Put and Take Stockable] Trout Waters in Section 10	ii	Little Stony Creek (Nelson County) from its confluence with Stony Creek 1.3 miles upstream including all named and unnamed tributaries.
				iv	Mill Creek (Nelson County) from its confluence with Goodwin Creek 2 miles

	upstream <i>including all named and unnamed tributaries.</i>				County line) to river mile 14.5.
ii	Mutton Hollow from its confluence with Swift Run 4.8 miles upstream including all named and unnamed tributaries.		iii ii		Swift Run from 14.5 miles above its confluence with the North Fork Rivanna River 3 miles upstream including all named and unnamed tributaries.
iv	Pauls Creek (Nelson County) from 1.3 miles above its confluence with the North Fork Rockfish River 2.3 miles upstream including all named and unnamed tributaries.	10a	III	PWS	James River [<i>at river mile 127.26 near the public landing site</i>] and its tributaries from, and including, Little River to 5 miles above State Farm's raw water intake, including Beaverdam and Courthouse Creeks, to their headwaters.
iv	Rodes Creek from its confluence with Goodwin Creek 4.9 miles upstream including all named and unnamed tributaries.	10b	III	PWS	Deep Creek and its tributaries from St. Emma's Military Academy's raw water intake to a point 5 miles upstream.
	South Fork Rockfish River from its confluence with the Rockfish River to its headwaters.	10c	III		Willis River and its tributaries within Cumberland State Forest.
***	South Fork Rockfish River from its confluence with the Rockfish River 8 miles upstream.	10d	III	PWS	Johnson Creek above the Town of Schuylers (Nelson County Service Authority) raw water intake to its headwaters.
ii	South Fork Rockfish River from 8 miles above its confluence with the Rockfish River 4.6 miles upstream including all named and unnamed tributaries.	10e	III	PWS	Totier Creek and its tributaries from <i>the Scottsville's (Rivanna Water and Sewer Authority)</i> raw water intake to their headwaters (including the Reservoir).
ii	Spruce Creek (Nelson County) from 1.5 miles above its confluence with the South Fork Rockfish River 2.7 miles upstream including all named and unnamed tributaries.	10f	III		Powell Creek and its tributaries from its confluence with the Rivanna River upstream to their headwaters.
ii	Stony Creek (Nelson County) from 1 mile above its confluence with the South Fork Rockfish River 7.5 miles upstream including all named and unnamed tributaries.	10g	III	PWS,NEW-3	Beaver Creek and its tributaries above Albemarle County Service Authority's <i>from the Crozet (Rivanna Water and Sewer Authority)</i> raw water intake upstream to their headwaters (including the reservoir).
	Swift Run from the Albemarle County line to its headwaters.	10h	III	PWS,NEW-3	Mechums River and its tributaries from Charlottesville's <i>the Rivanna Water and Sewer Authority's</i>
***	Swift Run from river mile 1.39 (at the Albemarle				

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			raw water intake to a point 5 miles upstream.				water intake for Lake Monticello (about 2.69 2.76 miles above the Route 600 bridge in Fluvanna County) to a point 5 miles upstream.
10i	III	PWS,NEW-3	Moormans River and its tributaries from Charlottesville's the Rivanna Water and Sewer Authority's raw water intake to a point 5 miles upstream (including the Sugar Hollow Reservoir).	10n	III	PWS	Ragged Mountain Reservoir (intake for the City of Charlottesville's Observatory Hill Water Treatment Plant Rivanna Water and Sewer Authority) including its tributaries to their headwaters.
	VI		Natural Trout Waters in Section 10i				
	ii		North Fork Moormans River from its confluence with Moormans River to its headwaters upstream including all named and unnamed tributaries.	10o	III	PWS	The North Fork Rivanna River and its tributaries from the Rivanna Water and Sewer Authority's raw water intake (approximately 1/4 mile upstream of the U. S. Route 29 bridge north of Charlottesville) to a point 5 miles upstream.
	ii		Pond Ridge Branch from its confluence with the North Fork Moormans River 0.9 mile upstream including all named and unnamed tributaries.	10p	III	PWS	Troublesome Creek in Buckingham County from the Department of Corrections Buckingham County's raw water intake point at a flood control dam south of the Route 631 bridge to a point 5 miles upstream.
	iii		South Fork Moormans River from its confluence with Moormans River to its headwaters upstream including all named and unnamed tributaries.				
10j	III	PWS,NEW-3	South Fork Rivanna River and its tributaries to their headwaters; except Ivy Creek, from Charlottesville's the Rivanna Water and Sewer Authority's South Fork Rivanna River Dam to the confluence of the South Fork Rivanna River and Moormans River, and Ivy Creek to a point 5 miles above the dam.	10q	III	PWS	Allen Creek and its tributaries from the Wintergreen Mtn. Mountain Village's primary raw water intake at Lake Monocan at latitude 37°54'15"; longitude 78°52'10" to a point 5 miles upstream at latitude 37°53'59"; longitude 78°53'14".
				10r	III	PWS	Stony Creek from the diversion structure at latitude 37°54'00"; longitude 78°53'47" to its headwaters inclusive of the Stony Creek raw water intake just upstream of the Peggy's Pinch booster pump station.
10k	III	PWS	James River and its tributaries from Fork Union Sanitary District's raw water intake (just below the Route 15 bridge) to a point 5 miles upstream, including the Slate River to a point 5 miles above the intake.	[10s	III	PWS	Mechunk Creek and its tributaries from the Department of Corrections raw water intake (at the US Route 250 bridge 37°58'57.6", 78°18'48.1") to
10l	III		Lake Monticello in Fluvanna County.				
10m	III	PWS	Rivanna River and its tributaries from the raw				

points 5 miles upstream.]

9 VAC 25-260-430. James River Basin (Upper).

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION		
11	III		James River and its tributaries from, but not including, the Rockfish River to, but not including, the Maury River, unless otherwise designated in this chapter.	ii	County) from its confluence with the Tye River 3.4 miles upstream <i>including all named and unnamed tributaries.</i>
	V		[Put and Take Stockable] Trout Waters in Section 11	ii	Cove Creek from its confluence with the North Fork Buffalo River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	vi		Dancing Creek from the junction of Routes 610 and 641 to its headwaters.		Coxs Creek from its confluence with the Tye River 2.8 miles upstream <i>including all named and unnamed tributaries.</i>
	vi		<i>North Fork Buffalo River from its confluence with the Buffalo River 1.8 miles upstream.</i>	ii	Crabtree Creek (Nelson County) from its confluence with the South Fork Tye River 2 miles upstream <i>including all named and unnamed tributaries.</i>
	vi		Pedlar River from the confluence of Enchanted Creek to Lynchburg's raw water intake.	ii	<i>Crawleys Creek from its confluence with the Piney River upstream including all named and unnamed tributaries.</i>
	vi		Terrapin Creek from its confluence with Otter Creek to its headwaters.	ii	Cub Creek (Nelson County) from 1.4 miles above its confluence with the Tye River (in the vicinity of Route 699), 4.6 miles upstream <i>including all named and unnamed tributaries.</i>
	***		<i>Tye River from Tyro upstream to its confluence with the South and North Fork Tye Rivers.</i>		
	VI		Natural Trout Waters in Section 11		
	ii		Big Branch from its confluence with the Pedlar River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Davis Mill Creek from its confluence with the Pedlar River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	ii		Bluff Creek from its confluence with Enchanted Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Durham Run from its confluence with the North Fork Tye River 4.6 miles upstream <i>including all named and unnamed tributaries.</i>
	ii		Browns Creek from its confluence with the Pedlar River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	<i>Elk Pond Branch from its confluence with the North Fork Piney River upstream including all named and unnamed tributaries.</i>
	ii		Campbell Creek (Nelson	ii	Enchanted Creek from its confluence with the Pedlar

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	River upstream to its headwaters upstream including all named and unnamed tributaries.		confluence with the South Fork Tye River 1.4 miles upstream including all named and unnamed tributaries.
ii	Georges Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.	ii	Meadow Creek (Nelson County) from its confluence with the South Fork Tye River 1.8 miles upstream including all named and unnamed tributaries.
ii	Greasy Spring Branch from its confluence with the South Fork Piney River upstream including all named and unnamed tributaries.	ii	Mill Creek (Nelson County) from its confluence with the North Fork Tye River 1.4 miles upstream including all named and unnamed tributaries.
ii	Harpers Creek from its confluence with the Tye River 1.9 miles upstream including all named and unnamed tributaries.	***	Mill Creek from its confluence with the Pedlar River upstream to its headwaters.
ii	King Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.	ii	Mill Creek (Nelson County) from its confluence with the South Fork Tye River 3.8 miles upstream including all named and unnamed tributaries.
ii	Lady Slipper Run from its confluence with the Pedlar River to its headwaters upstream including all named and unnamed tributaries.	ii	Nicholson Run from its confluence with Lady Slipper Run to its headwaters upstream including all named and unnamed tributaries.
ii	Little Cove Creek from its confluence with the North Fork Buffalo River to its headwaters upstream including all named and unnamed tributaries.		North Fork Buffalo River from its confluence with the Buffalo River upstream to its headwaters.
iii	Little Irish Creek from its confluence with the Pedlar River to its headwaters upstream including all named and unnamed tributaries.	vi**	North Fork Buffalo River from its confluence with the Buffalo River 1.8 miles upstream.
ii	Little Piney River from [river mile 0.80 its confluence with the Piney River] upstream including all named and unnamed tributaries.	ii	North Fork Buffalo River from 1.8 miles above its confluence with the Buffalo River 5 miles upstream including all named and unnamed tributaries.
i	Louisa Spring Branch from its confluence with the North Fork Piney River 1.6 miles upstream.	i	North Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.
ii	Maidenhead Branch from its	iii	North Fork Thrashers Creek

	from its confluence with Thrashers Creek to its headwaters upstream including all named and unnamed tributaries.					River 4.8 miles upstream including all named and unnamed tributaries.
	North Fork Tye River from its confluence with the Tye River upstream to its headwaters including all named and unnamed tributaries.					Shoe Creek (Nelson County) from its confluence with Piney River upstream including all named and unnamed tributaries.
iii	(North Fork Tye River from its confluence with the Tye River 1.6 miles upstream.)				iii	Silver Creek from its confluence with the Tye River 4.9 miles upstream including all named and unnamed tributaries.
ii	(North Fork Tye River from 1.6 miles above its confluence with the Tye River 8.3 miles upstream.)				ii	South Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.
iii	Pedlar River from 5 miles above Lynchburg's raw water intake upstream to its headwaters including all named and unnamed tributaries.				ii	South Fork Tye River from its confluence with the Tye River 10.7 miles upstream including all named and unnamed tributaries.
ii	Piney River from a point 5 miles above the former American Cyanamid's raw water intake upstream to its headwaters.				ii	Statons Creek from its confluence with the Pedlar River upstream to its headwaters including all named and unnamed tributaries.
ii	Piney River from river mile 13.3 upstream including all named and unnamed tributaries.				***	Tye River from Tye upstream to its headwaters.
ii	Pompey Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.				iii	Wheeler's Run from its confluence with the Pedlar River to its headwaters upstream including all named and unnamed tributaries.
ii	Reed Creek from the junction of Routes 764 and 638 upstream to its headwaters including all named and unnamed tributaries.				ii	White Rock Creek (Nelson County) from its confluence with the North Fork Tye River 4.7 miles upstream including all named and unnamed tributaries.
ii	Rocky Branch from its confluence with the North Fork Buffalo River to its headwaters upstream including all named and unnamed tributaries.				ii	Wiggins Branch from its confluence with Statons Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Rocky Run (Nelson County) from 1.6 miles above its confluence with the Tye	11a	III	PWS		Unnamed tributary to Williams Creek from Sweet Briar College's raw water

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			intake to its headwaters.				with Piney River 4.9 miles upstream.
11b	III	PWS	Buffalo River and its tributaries from Amherst's raw water intake to a point 5 miles upstream.		ii		South Fork Piney River from its confluence with Piney River to its headwaters. (Deleted)
11c	III	PWS	Piney River and its tributaries from the former American Cyanamid Company's auxiliary raw water intake to a point 5 miles upstream.	11d	III		James River and its tributaries from a point 1/4 0.25 mile above the confluence of the Tye River to Six Mile Bridge.
	VI		Natural Trout Waters in Section 11c	11e	III		James River and its tributaries, excluding Blackwater Creek, from Six Mile Bridge to the Business Route 29 Bridge in Lynchburg.
	ii		Crawleys Creek from its confluence with the Piney River to its headwaters.				
	ii		Elk Pond Branch from its confluence with the North Fork Piney River 1.7 miles upstream.	11f			(Deleted)
	ii		Georges Creek from its confluence with Little Piney River to its headwaters.	11g	III	PWS	James River and its tributaries from the Business Route 29 bridge in Lynchburg to Reusens Dam to include the City of Lynchburg's alternate raw water intake at the Route 29 bridge and the Madison Heights Amherst County Service Authority's intake on Harris and Graham Creeks.
	ii		Creasy Spring Branch from its confluence with the South Fork Piney River to its headwaters.				
	ii		King Creek from its confluence with the Little Piney River to its headwaters.	11h	III	PWS	James River and its tributaries, excluding the Pedlar River, from Reusens Dam to Coleman Dam, including the Eagle Eyrie raw water intake on an unnamed tributary to Judith Creek 1.0 mile from the confluence with Judith Creek, to its headwaters, and also the City of Lynchburg's raw water intake on the James River at Abert.
	ii		Little Piney River from its confluence with the Piney River to its headwaters.				
	i		Louisa Spring Branch from its confluence with the North Fork Piney River 1.6 miles upstream.				
	i		North Fork Piney River from its confluence with the Piney River 4.2 miles upstream.	11i	III	PWS	Pedlar River and its tributaries from Lynchburg's raw water intake to a point 5 miles upstream.
	***		Piney River from the former American Cyanamid's raw water intake to a point 5 miles upstream.		V		[Put and Take Stockable] Trout Waters in Section 11i
	ii		Pempey Creek from its confluence with the Little Piney River to its headwaters.		vi		Pedlar River from Lynchburg's raw water intake to a point 5 miles upstream.
	i		Shoe Creek (Nelson County) from its confluence				

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	VI	Natural Trout Waters in Section Iii				<i>including all named and unnamed tributaries.</i>
	ii	Brown Mountain Creek from its confluence with the Pedlar River to its headwaters <i>upstream including all named and unnamed tributaries.</i>		iii		Otter Creek from 4.9 miles above its confluence with the James River to its headwaters <i>upstream including all named and unnamed tributaries.</i>
	***	Pedlar River from Lynchburg's raw water intake to a point 5 miles upstream.		ii		Peters Creek from a point 0.2 mile above its confluence with the James River 3 miles <i>upstream including all named and unnamed tributaries.</i>
	iii	Roberts Creek from its confluence with the Pedlar River to its headwaters <i>upstream including all named and unnamed tributaries.</i>		vi**		Rocky Row Run from its confluence with the James River to the telegraph line above Snowden.
11j	III	James River and its tributaries from the Owens-Illinois raw water intake near Big Island to, but not including, the Maury River.	11k	III	PWS	Opossum Creek and its tributaries from the James River KOA raw water intake 0.3 mile from the confluence with the James River in Campbell County upstream to their headwaters. (Deleted)
	V	[Put and Take Stockable] Trout Waters in Section 11j	12	IV		James River and its tributaries from the Maury River to their headwaters, unless otherwise designated <i>in this chapter.</i> (The Maury River and its tributaries to their headwaters have a special pH standard of 6.5-9.5 due to natural conditions).
	vi	Battery Creek from its confluence with the James River to its headwaters.				
	vi	Cashaw Creek from its confluence with the James River to its headwaters.				
	vi	Otter Creek from its confluence with the James River to a point 4.9 miles upstream.		V		[Put and Take Stockable] Trout Waters in Section 12
	vi	<i>Rocky Row Run from its confluence with the James River to its headwaters.</i>		vi		Alum Creek from its confluence with Brattons Creek 1.7 miles upstream.
	VI	Natural Trout Waters in Section 11j		vi		Back Creek (Highland County) from 37.1 miles above its confluence with the Jackson River 3.2 miles upstream.
	iii	Falling Rock Creek from its confluence with Peters Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>		vi		Back Run from its confluence with the James River 2.1 miles upstream.
	ii	Hunting Creek from a point 3.7 miles from its confluence with the James River to its headwaters <i>upstream</i>		vi		Borden Creek from its confluence with Catawba Creek to a point 1.7 miles upstream.

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***	pH-6.5-9.5	Buffalo Creek (Rockbridge County) from the junction with Route 11, north 4.5 miles.	vi	65.4) 12.2 miles upstream.
v	pH-6.5-9.5	Buffalo Creek (Rockbridge County) from its the confluence with the Maury River <i>Colliers Creek</i> 3 miles upstream.	***	Jackson River from 77.6 miles above its confluence with the James River to its headwaters river mile 85.4, excluding river mile 85.4-89.2, which is classified as natural trout waters.
v		Bullpasture River from the junction of the Cowpasture River and Route 678 to its headwaters.	vi	<i>Jackson River from river mile 89.2 to headwaters.</i>
vi		Cowpasture River (Highland County) from 75.4 miles above its confluence with the James River 2.7 miles upstream.	viii	Jennings Creek from the Norfolk and Western Railroad to the confluence of Yellowstone Branch.
vi		Craig Creek from the confluence of Muddy Branch to its headwaters.	***	Jerrys Run from its confluence with Dunlap Creek to its junction with Routes 60 and 782.
vi		Crush Run from its confluence with Catawba Creek to a point 2.8 miles upstream.	vi	Johns Creek (Rockbridge <i>Craig</i> County) from the junction of Routes 632 and 658 to its headwaters <i>Eliber Springs Branch</i> .
***		East Dry Branch from its confluence with the Calfpasture River to its headwaters.	vi	Lees Creek from its confluence with Catawba Creek to a point 2 miles upstream.
vi		Elk Creek from its mouth to 0.6 mile upstream.	vi	McFalls Creek from its confluence with Jennings Creek to a point 2.8 miles upstream <i>its headwaters</i> .
vi		Elk Creek from 1.9 miles above its confluence with the James River 1.2 miles upstream.	vi	Mill Creek (Bath County) from 6.8 2.2 miles above its confluence with the Calfpasture River 42.2 miles upstream <i>to its headwaters</i> .
vi		Ellis Run from its confluence with Back Creek in Botetourt County to a point 1.6 miles upstream.	vi	Mill Creek (Bath County) from its confluence with the Jackson River 6 miles upstream.
v		Falling Spring Creek from its confluence with the Jackson River to its headwaters.	vi	Mill Creek from its confluence with Craig Creek to a point 2.1 miles upstream (Craig County).
		Jackson River from 1.8 miles above Route 39 to its headwaters, except from river mile 85.2-89.2 which is classified as natural trout waters.	vi	Miller Branch from its confluence with Tygers Creek to its headwaters.
v		Jackson River from its junction with 1.8 miles above Route 39 (river mile	vi	North Buffalo Creek from its confluence with Buffalo Creek 2.8 miles upstream.
			viii	Pads Creek from river mile

	2.2 - 8.2 (6 miles), unless otherwise designated in this chapter.			<i>named and unnamed tributaries.</i>
vi	Pheasanty Run (Spring Run) from its confluence with the Cowpasture River 0.7 mile upstream.	ii		Back Creek from its confluence with the James River near Buchanan to its headwaters <i>upstream including all named and unnamed tributaries.</i>
v	Potts Creek from the junction of Routes 48 and 615 to the Craig County Line <i>Route 614 upstream to Boiling Spring.</i>	ii		Barbours Creek [and all of its tributaries] from its confluence with Craig Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
***	Potts Creek from the junction of Routes 311 and 48 <i>Craig County line</i> to its headwaters.	ii		Barney Run from its confluence with Mare Run 4 mile <i>upstream including all named and unnamed tributaries.</i>
v	Rearing Run from Route 615 to its headwaters.			
v	Smith Creek (Alleghany County Clifton Forge City) from Interstate 64 2.4 miles upstream (in the vicinity of the filtration plant).	ii		Bear Hole Run from its confluence with Dry Run 4.7 miles <i>upstream including all named and unnamed tributaries.</i>
vi	South Fork Pads Creek from its confluence with Pads Creek approximately 4.4 miles <i>upstream to its headwaters.</i>	ii		Bear Loop Branch from its confluence with Wilson Creek 0.6 mile <i>upstream including all named and unnamed tributaries.</i>
vi	Spreading Spring Branch from its confluence with the James River to the intersection of Routes 635 and 630.	ii		Beaver Run (Bath County) from its confluence with Back Creek 1.2 miles <i>upstream including all named and unnamed tributaries.</i>
v	Sweet Springs Creek from its confluence with Dunlap Creek to the West Virginia state line.	ii	pH-6.5-9.5	Bennetts Run (Rockbridge County) from its confluence with the Maury River 4.9 miles <i>upstream including all named and unnamed tributaries.</i>
vi	Trout Creek and all of its tributaries (except Pickles Branch) from its confluence with Craig Creek to their headwaters (including the tributaries' headwaters).	iv		Benson Run from its confluence with the Cowpasture River 6.3 miles <i>upstream including all named and unnamed tributaries.</i>
vii	Tygers Creek from its confluence with Dunlap Creek to a point 2.7 miles <i>upstream its headwaters.</i>	iii		Biggs Run from its confluence with Craig Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
VI	Natural Trout Waters in Section 12			
iv	Als Run from its confluence with Jerrys Run 0.8 mile <i>upstream including all</i>	ii		Big Laurel Branch from its

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		confluence with Johns Creek to its headwaters upstream including all named and unnamed tributaries.	ii		Castle Run from its confluence with the Jackson River 4.8 miles upstream including all named and unnamed tributaries.
ii		Big Lick Run from its confluence with Little Back Creek 4.8 miles upstream including all named and unnamed tributaries.	ii		Cast Steel Run from its confluence with Potts Creek to its headwaters upstream including all named and unnamed tributaries.
iii		Big Run from its confluence with Little Back Creek 4.5 miles upstream including all named and unnamed tributaries.	***		Cedar Creek from its confluence with the Jackson River to its confluence with Hot Springs Run.
iv		Black Run (Augusta County) from its confluence with Smith Creek 4.4 miles upstream including all named and unnamed tributaries.	ii		Cedar Creek (Rockbridge County) from 6.4 miles above its confluence with the James River [5.2 miles] upstream including all named and unnamed tributaries.
ii		Blue Spring Run from its confluence with Potts Creek to its headwaters upstream including all named and unnamed tributaries.	ii		Chestnut Run from its confluence with Jennings Creek to its headwaters upstream including all named and unnamed tributaries.
iii		Blue Suck Branch from its confluence with Simpson Creek to its headwaters upstream including all named and unnamed tributaries.	iii		Christleys Run from its confluence with Kempers Run to its headwaters upstream including all named and unnamed tributaries.
*** ii		Brattons Run from its the confluence with the Calfpasture River of Alum Creek to its headwaters upstream including all named and unnamed tributaries.	ii	pH-6.5-9.5	Clayton Mill Creek from its confluence with the Calfpasture River upstream to its headwaters including all named and unnamed tributaries.
***		Broad Run from its junction with Routes 311 and 618 to its headwaters upstream including all named and unnamed tributaries.	ii		Cornelius Creek from its confluence with North Creek to its headwaters upstream including all named and unnamed tributaries.
***	pH-6.5-9.5	Calfpasture River from its junction with Routes 250 and 715 to its headwaters .	*** ii		Cove Creek Branch from its confluence with Craig Barbours Creek to its headwaters upstream including all named and unnamed tributaries.
ii		Cascades Creek from its confluence with Cedar Creek (Bath County) 4.6 miles upstream including all named and unnamed tributaries.	ii		Cowardin Run from its confluence with [Rover Rowan] Run upstream

	<i>including all named and unnamed tributaries.</i>		to the West Virginia state line.
ii	Crab Run from its confluence with the Bullpasture River to its headwaters upstream including all named and unnamed tributaries.	ii	Fallingwater Creek from its confluence with Jennings Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Crow Run from its confluence with Dunlap Creek to its headwaters upstream including all named and unnamed tributaries.	iv	Ferrol Creek from its confluence with the James River Little Calfpasture River [4.7 miles] upstream including all named and unnamed tributaries.
ii	Cub Run (Bath County) from its confluence with Dry Run 4.3 miles upstream including all named and unnamed tributaries.	ii	Ford Run (Bath County) from its confluence with Back Creek 4.2 miles upstream including all named and unnamed tributaries.
ii	Davis Run from Route 678 to its headwaters upstream including all named and unnamed tributaries.	***	Fridleys Branch from its confluence with the Calfpasture River to its headwaters upstream including all named and unnamed tributaries.
iii	Downey Branch from its confluence with Blue Suck Branch to its headwaters upstream including all named and unnamed tributaries.	iii	Furnace Branch from its confluence with Craig Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Dry Run (Bath County) from 1.5 miles above its confluence with the Cowpasture River 40.3 miles upstream including all named and unnamed tributaries.	ii	Gochenour Branch from its confluence with Brattons Run 3.6 miles upstream including all named and unnamed tributaries.
***	Dunlap Creek from the Town of Crows to its headwaters.	ii	Grannys Creek and all of its tributaries from its confluence with Johns Creek to their headwaters upstream including all named and unnamed tributaries.
ii	East Fork Elk Creek from 0.8 mile above its confluence with Elk Creek 4.6 miles upstream including all named and unnamed tributaries.	***	Guys Run (Bath County) from its confluence with the Cowpasture River upstream to its headwaters including all named and unnamed tributaries.
ii	Eliber Springs Branch from its confluence with Johns Creek to its headwaters upstream including all named and unnamed tributaries.	ii	Guys Run (Rockbridge County) from its confluence with the Calfpasture River (at Camp Virginia, Route 39) 4.8 miles upstream including
ii	Ewin Run from its confluence with Potts Creek		

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	<i>all named and unnamed tributaries.</i>	ii	Jordan Run (Bath County) from its confluence with Thompson Creek 4.8 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Hays Creek from its confluence with Potts Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>		
ii	Hidden Valley Spring from its confluence with the Jackson River 1.1 miles upstream.	ii	Karnes Creek from a point 1.4 miles upstream of its confluence with the Jackson River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Hipes Branch from its confluence with Craig Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Kelly Run (Bath County) from its confluence with the Jackson River 4.2 miles upstream <i>including all named and unnamed tributaries.</i>
***	Hypes Creek from Route 696 to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Kelso Spring Branch from its confluence with the Little Calfpasture River 1.3 miles upstream.
ii	Jackson River from river mile 85.4 to river mile 89.2.		
ii	Jennings Creek from the confluence of Yellowstone Branch to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Laurel Run (Bath County) from its confluence with Dry Run 4.5 miles upstream <i>including all named and unnamed tributaries.</i>
iv	Jerkemtight Branch from its confluence with the Calfpasture River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iv	Left Prong Ramseys Draft from its confluence with Ramseys Draft 4.0 miles upstream <i>including all named and unnamed tributaries.</i>
***	Jerrys Run from its junction with Routes 60 and 782 to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Left Prong Wilson Creek from its confluence with Wilson Creek 2.8 miles upstream <i>including all named and unnamed tributaries.</i>
iv	Jerrys Run (Augusta County) from its confluence with Ramseys Draft to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Lick Block Run from its confluence with the Left Prong Wilson Creek 4.2 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Johns Creek and all of its tributaries from the confluence of Eliber Springs Branch to their headwaters upstream <i>including all named and unnamed tributaries.</i>	***	Lick Branch from its confluence with Craig Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>
		ii	Lick Run (Bath County) from 3.3 miles above its

	confluence with Stuart Run 3.3 miles upstream.		to its headwaters upstream including all named and unnamed tributaries.
ii	Little Back Creek (Bath County) from Route 600 to its headwaters upstream including all named and unnamed tributaries.	iii	Middle Creek from its confluence with Jennings Creek to its headwaters upstream including all named and unnamed tributaries.
iv	Little Calfpasture River from 17.2 miles above its confluence with the Maury River 2.4 miles upstream including all named and unnamed tributaries.	ii	Mill Branch from its confluence with Potts Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Little Crow Run from its confluence with Crow Run to its headwaters upstream including all named and unnamed tributaries.	***	Mill Creek (Bath Co.) from its confluence with the Calfpasture River to Route 39.
ii	Little Mill Creek (Bath County) from its confluence with Mill Creek 4.9 miles upstream including all named and unnamed tributaries.	i	Mill Creek (Bath County) from its confluence with the Cowpasture River 3.2 miles upstream.
ii	Little Wilson Creek (from 1 mile above its confluence with Mill Creek) 3.9 miles upstream including all named and unnamed tributaries.	iii	Mill Creek from Rebecca Furnace to its headwaters upstream including all named and unnamed tributaries.
ii	Long Spring Run from its confluence with Little Back Creek 4 mile upstream including all named and unnamed tributaries.	ii	Mill Creek from its confluence with Craig Creek near Webbs Mill in Craig County to its headwaters upstream including all named and unnamed tributaries.
iii	Lowry Run from 0.2 mile above its confluence with the Maury River 2.4 miles upstream including all named and unnamed tributaries.	ii	Mill Creek (Bath County) from its confluence with the Jackson River (Lake Moomaw) upstream including all named and unnamed tributaries.
ii	Madison Creek from Route 682 to its headwaters upstream including all named and unnamed tributaries.	ii	Mill Run (Highland County) from its confluence with the Bullpasture River 0.5 mile upstream.
ii	Mare Run from its junction with Route 39 at Bath Alum to its headwaters upstream including all named and unnamed tributaries.	ii	Muddy Run (Bath County) from its confluence with the Jackson River to its headwaters upstream including all named and unnamed tributaries.
ii	Meadow Creek from its confluence with Craig Creek	ii	Nelse Branch from its confluence with Mill Branch to its headwaters upstream

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	<i>including all named and unnamed tributaries.</i>	iii	Porters Mill Creek from its confluence with Mill Creek 2.3 miles upstream <i>including all named and unnamed tributaries.</i>
ii	North Branch Simpson Creek from its confluence with Simpson Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Pounding Mill Creek from its confluence with the Jackson River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	North Creek from its confluence with Jennings Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Purgatory Creek from its confluence with the James River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Paint Bank Branch from its confluence with Potts Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iv	Ramseys Draft from its confluence with the Calfpasture River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Panther Run from its confluence with Mare Run 1.3 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Reservoir Hollow from 0.7 mile above its confluence with Indian Gap Run 1.7 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Paxton Branch from its confluence with Johns Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iv	Right Prong Ramseys Draft from its confluence with Ramseys Draft 1.9 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Pedlar Gap Run from 1 mile above its confluence with the Maury River 2.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Rocky Creek from its confluence with Ramseys Draft 1.9 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Pickles Branch (a tributary to Trout Creek) from its mouth (1 mile upstream) <i>including all named and unnamed tributaries.</i>	ii	Rocky Run (Bath County) from its confluence with the Jackson River 2.1 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Piney Branch (Rockbridge County) from its confluence with Guys Run 1.5 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Rowan Run from its confluence with the Jackson River 4.6 miles upstream <i>to the confluence with Cowardin Run.</i>
iii	Poplar Cove Run from its confluence with Lowry Run approximately 2 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Sawmill Run (Bath County) from its confluence with

	Back Creek 4.6 miles upstream including all named and unnamed tributaries.					<i>all named and unnamed tributaries.</i>
ii	Shawvers Run from its confluence with Potts Creek to its headwaters upstream including all named and unnamed tributaries.				iii	Stony Run from its confluence with Craig Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Simpson Creek from the junction of Route 776 and U. S. Route 60 to its headwaters upstream including all named and unnamed tributaries.				ii	Trout Run from its confluence with Sinking Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Sinking Creek from Route 697 to its headwaters upstream including all named and unnamed tributaries.				ii	Unnamed tributary to Brattons Run 0.7 mile above the confluence of Gochenour Branch from its mouth upstream including all named and unnamed tributaries.
iii	Smith Branch from its confluence with Mill Creek to its headwaters upstream including all named and unnamed tributaries.				#	Unnamed tributary to Cascades Creek (Bath County) from its confluence to its headwaters.
iii	Smith Creek (Alleghany-Clifton Forge City) from Interstate 64, 2.4 miles upstream.				ii	Valley Branch from its confluence with Potts Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Snake Run from its confluence with Dunlap Creek to its headwaters upstream including all named and unnamed tributaries.				iii	Wildcat Hollow from its confluence with Little Back Creek 4.1 miles upstream including all named and unnamed tributaries.
ii	South Buffalo Creek from its confluence with Buffalo Creek 42.6 miles upstream including all named and unnamed tributaries.				ii	Wilson Creek (Bath County) within Douthat State Park [(river mile 8.4) Lake] to its headwaters upstream including all named and unnamed tributaries.
ii	Spring Branch (Bath County) from its confluence with Mill Creek 0.8 mile upstream.	12a	IV	SR-4		Maury River and its tributaries, unless otherwise designated <i>in this chapter</i> , from U. S. Route 60 bridge to its confluence with the Little Calpasture River.
ii	Spring Run (Bath County) from its confluence with Back Creek 4.8 miles upstream including all named and unnamed tributaries.				V	pH-6.5-9.5 [Put and Take Stockable] Trout Waters in Section 12a
					***	Hays Creek from its confluence with the Maury River to Brownsburg (9.5 miles).
iv	Still Run from its confluence with the Calpasture River 2.7 miles upstream including				***	Irish Creek from its

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		confluence with the South River to its headwaters, except from river mile 8.9-15.9 which is classified as natural trout waters.	ii	Mine Bank Creek from its confluence with Saint Marys River 0.0 mile upstream <i>including all named and unnamed tributaries.</i>
v		Marlbrook Creek from its confluence with the South River 2.2 miles upstream.	ii	Nettle Creek from its confluence with Irish Creek 3.2 miles upstream <i>including all named and unnamed tributaries.</i>
VI	pH-6.5-9.5	Natural Trout Waters in Section 12a		
iv		Big Bend Creek from its confluence with Irish Creek 1.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Nettle Spring Branch from its confluence with Nettle Creek 1.0 miles upstream <i>including all named and unnamed tributaries.</i>
ii		Big Marys Creek from its confluence with the South River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	North Fork Spy Run from its confluence with Spy Run 1.2 miles upstream <i>including all named and unnamed tributaries.</i>
ii		Chimney Branch from its confluence with Saint Marys River 1.5 miles upstream <i>including all named and unnamed tributaries.</i>	iv	Rock Branch from its confluence with Irish Creek 1.2 miles upstream <i>including all named and unnamed tributaries.</i>
ii		Hogback Creek from its confluence with Saint Marys River 0.0 mile upstream <i>including all named and unnamed tributaries.</i>		SR-4 Saint Marys River from its confluence with the South River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iii		Irish Creek from river mile 8.9 to river mile 15.9 upstream <i>including all named and unnamed tributaries.</i>	ii	Saint Marys River from its confluence with the South River 3.6 miles upstream.
i		Laurel Run from its confluence with the Maury River to its headwaters (2 miles) upstream <i>including all named and unnamed tributaries.</i>	i	Saint Marys River from 3.6 miles above its confluence with the South River [5.6 miles upstream <i>including all named and unnamed tributaries</i>].
ii		Little Marys Creek from its confluence with the South River 2.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Spy Run from its confluence with the South River 3.2 miles upstream <i>including all named and unnamed tributaries.</i>
***		Mill Creek from its confluence with the Maury River at Lexington to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Sugartree Branch from its confluence with Saint Marys River 4.4 miles upstream <i>including all named and unnamed tributaries.</i>
			ii	Wigwam Creek from its confluence with Nettle Creek 1.0 miles upstream

			<i>including all named and unnamed tributaries.</i>	V		[Put and Take Stockable] Trout Waters in Section 12j	
12b	IV	PWS pH-6.5-9.5	Maury River and its tributaries from Lexington's raw water intake to a point 5 miles upstream.			Jackson River from the confluence of Dunlap Creek to the Gathright Dam.	
12c	IV	PWS	Black Run from Craigsville's raw water intake to its headwaters.	12k	IV	PWS Roaring Run above Clearwater Park's raw water intake to its headwaters.	
12d	IV	PWS	Moore's Creek located on Brushy Mountain.	12l	IV	PWS Catawba Creek and its tributaries from the City of Roanoke's raw water intake 0.1 mile upstream from its confluence with Buchanan Branch to a point 5 miles upstream.	
12e	IV		Cowpasture River from the Alleghany-Botetourt County line upstream to U. S. Route 60 bridge.				
12f	IV	PWS	Smith Creek and Clifton Forge Reservoir from Clifton Forge's raw water intake to their headwaters.	12m	IV	PWS Unnamed tributary to Catawba Creek from the Catawba State Hospital's raw water intake (approximately 1,000 feet north of the Hospital's main building), upstream to its headwaters.	
	VI	PWS	Natural Trout Waters in Section 12f				
	ii		Piney Branch from its confluence with Smith Creek to its headwaters upstream including all named and unnamed tributaries.				
	ii		Smith Creek (Alleghany County) from 4 miles north of Clifton Forge near Route 606 (at the stream gage upstream of the filtration plant) to its headwaters upstream including all named and unnamed tributaries.				
				9 VAC 25-260-440. Rappahannock River Basin.			
				SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
				1	II	a,NEW-15,16	Rappahannock River and the tidal portions of its tributaries from Stingray and Windmill Points to Route 1 Alternate Bridge at Fredericksburg.
				1a	II	NEW-16	Hoskins Creek from the confluence with the Rappahannock River to its tidal headwaters.
12g	IV	PWS	Mill Branch and its tributaries located on Horse Mountain.	2	III	NEW-15,16	Free flowing tributaries of the Rappahannock from Stingray and Windmill Points upstream to Blandfield Point, unless otherwise designated in this chapter.
12h	IV	PWS	Potts Creek and its tributaries from Hercules, Inc.'s raw water intake to a point 5 miles upstream.				
12i	IV	PWS	Dunlap Creek and its tributaries from the Covington Boys Home raw water intake to a point 5 miles upstream.	3	III	q	The Rappahannock River from the Route 1 Alternate Bridge at Fredericksburg upstream to its headwaters, unless otherwise designated the low dam water intake at Waterloo (Fauquier County).
12j	IV	PWS	Jackson River and its tributaries from Covington's raw water intake to a point 5 miles upstream.	3a	III	PWS,q	The main stem of the Rappahannock River from the proposed low dam water

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			intake at Waterloo, Fauquier County, to the headwaters of the Rappahannock River.		<i>upstream including all named and unnamed tributaries.</i>
4	III	q, NEW-15	Free flowing tributaries of the Rappahannock from Blandfield Point to its headwaters, unless otherwise designated in this chapter.	i	Bush Mountain Stream from its confluence with the Conway River 0.0 mile upstream <i>including all named and unnamed tributaries.</i>
	V	q	[Put and Take Stockable] Trout Waters in Section 4	i	Cedar Run (Madison County) from <i>0.8 mile</i> above its confluence with the Robinson River 0.0 mile upstream <i>including all named and unnamed tributaries.</i>
	***		<i>Hughes River (Madison County) from Route 231 upstream to the upper crossing of Route 707 near the confluence of Rocky Run.</i>	i	Conway River (Greene County) from the Town of Fletcher to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	***		Robinson River from its confluence with the Rapidan River Route 231 to its headwaters, unless otherwise designated river mile 26.7.	ii	Dark Hollow from its confluence with the Rose River 4 mile upstream <i>including all named and unnamed tributaries.</i>
	***		<i>Rose River from its confluence with the Robinson River 2.6 miles upstream.</i>	i	Devils Ditch from its confluence with the Conway River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	***		<i>South River from 5 miles above its confluence with the Rapidan River 3.9 miles upstream.</i>	iii	Entry Run from its confluence with the South River 4 miles upstream <i>including all named and unnamed tributaries.</i>
	VI	q	Natural Trout Waters in Section 4		Garth Run from its confluence with the Rapidan River to its headwaters.
	ii		Berry Hollow from its confluence with the Robinson River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	***	Garth Run from its confluence with the Rapidan River 1.0 miles upstream at the Route 665 crossing.
	ii		Bolton Branch from 1.7 miles above its confluence with Hittles Mill Stream 2.4 miles upstream <i>including all named and unnamed tributaries.</i>	vi** iii	Garth Run from 1.9 miles above its confluence with the Rapidan River at the Route 665 crossing 4.5 miles upstream <i>including all named and unnamed tributaries.</i>
	ii		Broad Hollow Run from its confluence with Hazel Run River 1.0 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Hannah Run from its
	i		Brokenback Run from its confluence with the Hughes River to its headwaters		

	confluence with the Hughes River 2 miles upstream including all named and unnamed tributaries.	ii	Negro Run (<i>Madison County</i>) from its confluence with the Robinson River 4.4 miles upstream including all named and unnamed tributaries.
ii	Hazel River (Rappahannock County) from 38.6 miles above its confluence with the Rappahannock River 6 miles upstream including all named and unnamed tributaries.		North Fork Thornton River from its confluence with the Thornton River to its headwaters.
ii	Hogcamp Branch from its confluence with the Rose River 2.5 miles upstream including all named and unnamed tributaries.	***	North Fork Thornton River from its confluence with the Thornton River 3.2 miles upstream.
i	Hughes River (<i>Madison County</i>) from the upper crossing of Route 234 707 near the confluence of Rocky Run to its headwaters upstream including all named and unnamed tributaries.	ii	North Fork Thornton River from 3.2 miles above its confluence with the Thornton River 5.5 miles upstream including all named and unnamed tributaries.
iii	Indian Run (Rappahannock County) from 3.4 miles above its confluence with the Jordan River 3.0 miles upstream including all named and unnamed tributaries.	***	Piney Branch from its confluence with the Thornton River to its headwaters.
ii	Jordan River (Rappahannock County) from 10.9 miles above its confluence with the Rappahannock River 3.9 miles upstream including all named and unnamed tributaries.	ii	Piney River (Rappahannock County) from 0.8 mile above its confluence with the North Fork Thornton River 6.4 miles upstream including all named and unnamed tributaries.
iii	Kinsey Run from its confluence with the Rapidan River 2.1 miles upstream including all named and unnamed tributaries.	ii	Pocosin Hollow from its confluence with the Conway River to its headwaters upstream including all named and unnamed tributaries.
ii	Laurel Prong from its confluence with the Rapidan River 4.1 miles upstream including all named and unnamed tributaries.	ii	Ragged Run from 0.6 mile above its confluence with Popham Run 4.9 miles upstream including all named and unnamed tributaries.
ii	Mill Prong from its confluence with the Rapidan River 4 mile upstream including all named and unnamed tributaries.	i	Rapidan River from Graves Mill (Route 615) to its headwaters upstream including all named and unnamed tributaries.
			Robinson River (<i>Madison County</i>) from its confluence with the Rose River to its headwaters.

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ii	Robinson River (Madison County) from its confluence with the Rose River at river mile 26.7 3 miles upstream to river mile 29.7.	ii			Strother Run from its confluence with the Rose River 2.3 miles upstream including all named and unnamed tributaries.
i	Robinson River (Madison County) from river mile 29.7 to river mile 32.8 3.1 miles upstream including all named and unnamed tributaries.	iii			Thornton River (Rappahannock County) from 25.7 miles above its confluence with the Hazel River 2.5 miles upstream including all named and unnamed tributaries.
i	Rose River from its confluence with the Robinson River to its headwaters river mile 2.6 upstream including all named and unnamed tributaries.	*** ii			Wilson Run from its confluence with the Staunton River to its headwaters upstream including all named and unnamed tributaries.
iv	Rush River (Rappahannock County) from the confluence of Big Devil Stairs (approximate river mile 10.2) to 2 miles upstream including all named and unnamed tributaries.	4a			(Deleted)
		4b	III	PWS,q	The Rappahannock River and its tributaries, to include the VEPCO Canal, from Fredericksburg's raw water intake to a point 5 miles upstream.
ii	Sams Run from its confluence with the Hazel River 0.8 miles upstream including all named and unnamed tributaries.	4c	III	PWS,q	Motts Run and its tributaries.
		4d	III	q	Horsepen Run and its tributaries.
	South River from its confluence with the Rapidan River to its headwaters.	4e	III	PWS,q	Hunting Run and its tributaries.
***	South River from its confluence with the Rapidan River 8.9 miles upstream.	4f	III	q	Wilderness Run and its tributaries.
		4g	III	q	Deep Run and its tributaries.
ii	South River from 8.9 miles above its confluence with the Rapidan River 4.8 miles upstream including all named and unnamed tributaries.	4h			(Deleted)
		4i	III	PWS,q	Mountain Run from Culpeper's raw water intake to its headwaters.
		4j	VI	PWS,q	White Oak Run from the Town of Madison's raw water intake upstream to its headwaters.
ii	Sprucepine Branch from its confluence with Bearwallow Creek 1.7 miles upstream including all named and unnamed tributaries.	4k	III	PWS,q	Rapidan River from Orange's raw water intake upstream 5 miles.
i	Staunton River (Madison County) from its confluence with the Rapidan River 3.5 miles upstream including all named and unnamed tributaries.	4l	III	PWS,q	Rapidan River and its tributaries from the Rapidan Service Authority's raw water intake (just upstream of the Route 29 bridge)

			upstream to a point 5 miles above the intake.				<i>below its confluence with Bearskin Creek (at latitude 36°46'15"; longitude 79°27'08") just east of Route 703, their headwaters, unless otherwise designated in this chapter.</i>
4m	III	PWS,q	Rapidan River and its tributaries from the Wilderness Shores raw water intake ([38°22'30", 77°44'50",] Orange County - Rapidan Service Authority) to a point 5 miles upstream.	2d	III	PWS	Cherrystone Creek from Chatham's raw water intake upstream to its headwaters.
9 VAC 25-260-450. Roanoke River Basin.							
Roanoke River Subbasin							
SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION				
1	III	PWS	Lake Gaston and the John Kerr Reservoir in Virginia and their tributaries in Virginia, unless otherwise designated in this chapter (not including the Roanoke or the Dan Rivers). The Baskerville Correctional Unit's water supply intake is in this section.	2f	III	PWS	<i>Banister River and its tributaries from point below its confluence with Bearskin Creek (at latitude 36°46'15"; longitude 79°27'08") just east of Route 703, upstream to their headwaters.</i>
1a	III	s	Dockery Creek and its tributaries to their headwaters.	2g	III	PWS	<i>Whitethorn Creek and its tributaries from its confluence with Georges Creek upstream to their headwaters.</i>
2	III		Dan River and its tributaries from the John Kerr Reservoir to the Virginia-North Carolina state line just east of the Pittsylvania-Halifax County line, unless otherwise designated in this chapter.	3	III		Dan River and its tributaries from the Virginia-North Carolina state line just east of the Pittsylvania-Halifax County line upstream to the state line just east of Draper, N. C., unless otherwise designated in this chapter.
2a	III	PWS	Dan River from South Boston's raw water intake upstream to Paces (below Route 658 bridge).	3a	III	PWS	Dan River from the Schoolfield Dam including the City of Danville's main water intake located just below upstream of the Schoolfield Dam, upstream to the Virginia-North Carolina state line.
2b	III	PWS	Banister River and its tributaries from Burlington Industries' raw water intake (about 2000 feet downstream of Route 360) to a point 5 miles upstream above Halifax's raw water impoundment dam the Pittsylvania/Halifax County Line.	3b	IV	PWS	Cascade Creek and its tributaries.
				3c	IV	PWS	Smith River and its tributaries from the Virginia-North Carolina state line to, but not including, Home Creek.
2c	III	PWS	Banister River and its tributaries from 5 miles above Halifax's raw water impoundment dam the Pittsylvania/Halifax County Line upstream to a point	3d	VI	PWS	Smith River from DuPont's raw water intake upstream to the Philpott Dam, unless otherwise designated in this chapter.

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	VI	PWS	Natural Trout Waters in Section 3d	3g	IV	Interstate streams in the Dan River watershed above the point where the Dan crosses the Virginia-North Carolina state line just east of Draper, N. C., (including the Mayo and the Smith watersheds), unless otherwise designated <i>in this chapter</i> .
	ii		Smith River from DuPont's raw water intake upstream to the Philpott Dam, unless otherwise designated <i>in this chapter</i> .			
3e	IV		Philpott Reservoir, Fairystone Lake and their tributaries.		V	[Put and Take Stockable] Trout Waters in Section 3g
	V		[Put and Take Stockable] Trout Waters in Section 3e		vi	Dan River from Route 773 the Virginia-North Carolina state line upstream to the Townes Dam Pinnacles Power House .
	v		Otter Creek from its confluence with Rennet Bag Creek (Philpott Reservoir) to its headwaters.			Little Dan River from its confluence with the Dan River to its headwaters.
	v		Smith River (Philpott Reservoir portion) from the Philpott Dam (river mile 46.80) to river mile 61.14, just above the confluence with Small Creek.		***	Little Dan River from its confluence with the Dan River 7.8 miles upstream.
	v		Rennet Bag Creek from its confluence with the Smith River to the confluence of Long Branch Creek.		iii**	Little Dan River from 7.8 miles above its confluence with the Dan River 6.6 miles upstream.
	VI		Natural Trout Waters in Section 3e		v	Smith River from river mile 61.14 (just below the confluence of Small Creek), to Route 704 (river mile 69.20).
	ii		Brogan Branch from its confluence with Rennet Bag Creek to its headwaters upstream including all named and unnamed tributaries.		VI	Natural Trout Waters in Section 3g
	ii		Rennet Bag Creek from the confluence of Long Branch Creek to its headwaters upstream including all named and unnamed tributaries.		iii ii	Dan River from Otter Arm Pinnacles Power House to its headwaters Townes Dam.
	ii		Roaring Run from its confluence with Rennet Bag Creek to its headwaters upstream including all named and unnamed tributaries.		ii	Dan River from headwaters of Townes Reservoir to Talbott Dam.
	ii				iii	Little Dan River from 7.8 miles above its confluence with the Dan River upstream including all named and unnamed tributaries.
3f	IV	PWS	North Mayo River and South Mayo River and their tributaries from the Virginia-North Carolina state line to a point 5 miles upstream.		i	North Prong of the North Fork Smith River from its confluence with the North Fork Smith River to its headwaters upstream including all named and

			<i>unnamed tributaries.</i>				<i>tributaries.</i>
ii			North Fork Smith River from its confluence with the Smith River to its headwaters upstream including all named and unnamed tributaries.	3i	IV	PWS	Hale Creek and its tributaries from the Fairy Stone State Park's raw water intake 1.7 miles from its confluence with Fairy Stone Lake upstream to its headwaters.
iii			Smith River from Route 704 (river mile 69.20) to Route 8 (river mile 77.55).	3j	VI	PWS	Smith River and its tributaries from the Henry County Public Service Authority's raw water intake about 0.2 mile upstream of its confluence with Town Creek [upstream to the Philpott Dam to points 5 miles upstream].
ii			Smith River [above from] Route 8 (approximate river mile 77.55) to its headwaters (river mile 86.40) upstream including all named and unnamed tributaries.				
ii			South Mayo River from river mile 38.8 to its headwaters upstream including all named and unnamed tributaries.	4	III		Intrastate tributaries to the Dan River above the Virginia-North Carolina state line just east of Draper, North Carolina, to their headwaters, unless otherwise designated in this chapter.
3h	IV	PWS	South Mayo River and its tributaries from the Town of Stuart's raw water intake 0.4 mile upstream of its confluence with the North Fork South Mayo River to a point 5 miles upstream.		V		[Put and Take Stockable] Trout Waters in Section 4
VI			Natural Trout Waters in Section 3h		vi		Browns Dan River from the intersection of Routes 647 and 646 to its headwaters.
iii			Brushy Fork from its confluence with the South Mayo River to its headwaters upstream including all named and unnamed tributaries.		***		Ivy Creek from Coleman's Mill Pond upstream to Route 58 (approximately 2.5 miles).
iii			Lily Cove Branch from its confluence with Rye Cove Creek to its headwaters upstream including all named and unnamed tributaries.		vi		Little Spencer Creek from its confluence with Spencer Creek to its headwaters.
iii			Rye Cove Creek from its confluence with the South Mayo River to its headwaters upstream including all named and unnamed tributaries.		iii**		North Fork South Mayo River from its confluence with the South Mayo River to its headwaters.
iii			South Mayo River from river mile 33.8 to 38.8 5 miles upstream including all named and unnamed		vi		Poorhouse Creek from its confluence with North Fork South Mayo River upstream to Route 817.
					***		Rock Castle Creek from its confluence with the Smith River upstream to Route 40.
					ii**		Sawpit Branch from its confluence with Round Meadow Creek to its headwaters.

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iii**	Squall Creek from its confluence with the Dan River to its headwaters.		
VI	Natural Trout Waters in Section 4		
ii	Barnard Creek from its confluence with the Dan River to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
ii	Big Cherry Creek from its confluence with Big Ivy Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
iii	Big Ivy Creek from its confluence with the Dan River to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
iii	Camp Branch from its confluence with [Big] Ivy Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
***	Cherry Creek from its confluence with Ivy Creek upstream to its headwaters.		
iii	Haunted Branch from its confluence with Barnard Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
ii	Hookers Creek from its confluence with the Little Dan River to its headwaters <i>upstream including all named and unnamed tributaries.</i>		
iii	Ivy Creek from Coleman's Mill Pond <i>upstream to Route 58 (approximately 2.5 miles).</i>		
iii	Little Ivy Creek from its confluence with [Big] Ivy Creek to its headwaters <i>upstream including all named and unnamed</i>		<i>tributaries.</i>
		iii	Little Rock Castle Creek from its confluence with Rock Castle Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
		ii	Maple Swamp Branch from its confluence with Round Meadow Creek upstream to its headwaters <i>including all named and unnamed tributaries.</i>
		iii	Mayberry Creek from its confluence with Round Meadow Creek upstream to its headwaters <i>including all named and unnamed tributaries.</i>
		ii	Mill Creek from its confluence with the Dan River to its headwaters <i>upstream including all named and unnamed tributaries.</i>
		iii	North Fork South Mayo River from its confluence with the South Mayo River <i>upstream including all named and unnamed tributaries.</i>
		vi**	Patrick Springs Branch from its confluence with Laurel Branch to its headwaters <i>upstream including all named and unnamed tributaries.</i>
		iii	Polebridge Creek from Route 692 to its headwaters <i>upstream including all named and unnamed tributaries.</i>
		ii	Poorhouse Creek from Route 817 to its headwaters <i>upstream including all named and unnamed tributaries.</i>
		ii	Rhody Creek from its confluence with the South Mayo River to its headwaters <i>upstream including all named and unnamed tributaries.</i>

iii	Rich Creek from Route 58 to its headwaters upstream including all named and unnamed tributaries.	4a	III	PWS	tributaries. Intrastate tributaries (includes Beaver Creek, Little Beaver Creek, and Jones Creek, for the City of Martinsville) to the Smith River from DuPont's raw water intake to a point 5 miles upstream from Fieldale's Fieldcrest Cannon's raw water intake.
ii	Roaring Creek from its confluence with the Dan River to its headwaters upstream including all named and unnamed tributaries.				
i	Rock Castle Creek from Route 40 to its headwaters upstream including all named and unnamed tributaries.	4b	III	PWS	Marrowbone Creek and its tributaries from the Henry [County's County Public Service Authority's] raw water intake (about 1/4 mile upstream from Route 220) to their headwaters.
iii	Round Meadow Creek from its confluence with the Dan River to its headwaters upstream including all named and unnamed tributaries.	4c	III	PWS	Leatherwood Creek and its tributaries from the Henry County Public Service Authority's raw water intake 8 miles upstream of its confluence with the Smith River to a point 5 miles upstream.
ii	Sawpit Branch from its confluence with Round Meadow Creek upstream including all named and unnamed tributaries.	5	IV	[PWS] SR-7	Roanoke [Staunton] River from the headwaters of the John Kerr Reservoir to Leesville Dam, and including Leesville Reservoir and Smith Mountain Lake unless otherwise designated in this chapter.
ii	Shooting Creek from its confluence with the Smith River to its headwaters upstream including all named and unnamed tributaries.				
vi**	Spencer Creek from Route 692 to its headwaters upstream including all named and unnamed tributaries.	5a	III	PWS	Tributaries to the Roanoke [Staunton] River from the headwaters of the John Kerr Reservoir to Leesville Dam, unless otherwise designated in this chapter.
iii	Squall Creek from its confluence with the Dan River upstream including all named and unnamed tributaries.		V		[Put and Take Stockable] Trout Waters in Section 5a
ii	Tuggle Creek from its confluence with the Dan River upstream to its headwaters including all named and unnamed tributaries.		vi		Day Creek from Route 741 to its headwaters.
			VI		Natural Trout Waters in Section 5a
			iii		Gunstock Creek from its confluence with Overstreet Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Widgeon Creek from its confluence with the Smith River to its headwaters upstream including all named and unnamed		ii		Overstreet Creek from its

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			confluence with North Otter Creek to its headwaters upstream including all named and unnamed tributaries.				intake upstream to their headwaters.
5b	III	PWS	Spring Creek from Keysville's raw water intake upstream to its headwaters.	5h	III	w	Ash Camp Creek and that portion of Little Roanoke Creek from its confluence with Ash Camp Creek to the Route 47 bridge.
5c	III	PWS	Falling River and its tributaries from a point just upstream from State Route 40 (the raw water source for Brookneal Mills/Burlington Industries the Bibb Company/Brookneal Plant) to a point 5 miles upstream and including the entire Phelps Creek watershed which contains the Brookneal Reservoir.	5i	III	PWS	The Roanoke River and its tributaries from the Town of Altavista's raw water intake, 0.1 mile upstream from the confluence of Sycamore Creek, to a point 5 miles upstream.
5d	III		Falling River and its tributaries from 5 miles above the Brookneal Mills/Burlington Industries the Bibb Company/Brookneal Plant raw water intake to its headwaters.	5j	III	PWS	Big Otter River and its tributaries from the Campbell County Utilities and Service Authority's proposed raw water intake to a point 5 miles upstream.
5e	III	PWS	Reed Creek from Altavista's raw water intake upstream to its headwaters.	6	IV	pH-6.5-9.5	Roanoke River from a point (at latitude 37°15'53"; longitude 79°54'00") 5 miles above the headwaters of Smith Mountain Lake upstream to Salem's #1 raw water intake.
5f	III	PWS	Big Otter River and its tributaries from Bedford's raw water intake to a point 5 miles upstream, and Stony Creek and Little Stony Creek upstream to their headwaters.		V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 6
	VI	PWS	Natural Trout Waters in Section 5f		***		Roanoke River from its junction from Routes 11 and 419 to Salem's #1 raw water intake.
	ii		Little Stony Creek from 1 mile above its confluence with Stony Creek to its headwaters upstream including all named and unnamed tributaries.	6a	III	NEW-1	Tributaries of the Roanoke River from Leesville Dam to Niagra Reservoir, unless otherwise designated in this chapter.
	ii		Stony Creek from the Bedford Reservoir to its headwaters upstream including all named and unnamed tributaries.		V		[Put and Take Stockable] Trout Waters in Section 6a
5g	III		Big Otter River and its tributaries from 5 miles above Bedford's raw water		vi		Gourd Creek from 1.3 miles above its confluence with Snow Creek to its headwaters.
					***		Green Creek from its confluence with the South Fork Blackwater River upstream to its headwaters.
							Green Creek from its confluence with the South Fork Blackwater River 3.1 miles upstream.

vi			Green Creek from 3.1 miles above its confluence with the South Fork Blackwater River 7.2 miles upstream.	V			intake, unless otherwise designated in this chapter.
*** vi			Maggodee Creek from Boones Mill upstream to Route 862 (approximately 3.8 miles).	vii			Tinker Creek from its confluence with the Roanoke River north to Routes 11 and 220.
vii			<i>South Fork Blackwater River from its confluence with the Blackwater River upstream to Roaring Run.</i>	VI			Natural Trout Waters in Section 6d
vi			South Prong Pigg River from its confluence with the Pigg River to its headwaters.	6e	IV	PWS	Carvin Cove Reservoir and its tributaries to their headwaters.
VI			Natural Trout Waters in Section 6a	6f	IV	PWS, NEW-1	Blackwater River and its tributaries from the Town of Rocky Mount's raw water intake (just upstream of State Route 220) to a point 5 miles upstream.
iii			Daniels Branch from its confluence with the South Fork Blackwater River to its headwaters upstream including all named and unnamed tributaries.	6g	IV	PWS	Tinker Creek from the City of Roanoke's raw water intake (about 0.4 mile downstream from Glebe Mills) upstream 5 miles.
vi**			Gourd Creek from 1.3 miles above its confluence with Snow Creek 3.6 miles upstream.	6h	IV	PWS	Roanoke River from Leesville Dam to Smith Mountain Dam (Gap of Smith Mountain), excluding all tributaries to Leesville Lake.
ii			<i>Green Creek from Roaring Run upstream including all named and unnamed tributaries.</i>	6i	IV	PWS	Roanoke River [and its tributaries] from Smith Mountain Dam (Gap of Smith Mountain) upstream to a point [() at latitude 37°15'53"; longitude 79°54'00" [] 5 miles above the headwaters of Smith Mountain Lake and 0.2 mile below the confluence of Tinker Creek and its tributaries to points 5 miles above the 795.0 foot contour (normal pool elevation) of Smith Mountain Lake] .
ii			Roaring Run from its confluence with the South Fork Blackwater River to its headwaters upstream including all named and unnamed tributaries.				
6b			(Deleted)				
6c	III	PWS	Falling Creek Reservoir and Beaverdam Reservoir.	7	IV	pH-6.5-9.5	Roanoke River and its tributaries, unless otherwise designated in this chapter, from Salem's #1 raw water intake to their headwaters.
6d	IV		Tributaries of the Roanoke River from Niagra Reservoir to Salem's #1 raw water				

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V	pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 7	iii			Purgatory Creek from Camp Alta Mons to its headwaters upstream including all named and unnamed tributaries.
vi		Elliott Creek from the confluence of Rocky Branch to its headwaters.				
vi		Goose Creek from its confluence with the South Fork Roanoke River to its headwaters.	***			Roanoke River from 5 miles above Salem's #2 raw water intake to the Montgomery County line.
vi		Mill Creek from its confluence with Bottom Creek to its headwaters.	ii			Spring Branch from its confluence with the South Fork Roanoke River to its headwaters upstream including all named and unnamed tributaries.
***		<i>Roanoke River from 5 miles above Salem's #2 raw water intake to the Montgomery County line.</i>	7a	IV	PWS pH-6.5-9.5	Roanoke River and its tributaries from Salem's #1 raw water intake to a point 5 miles upstream from Salem's #2 raw water intake.
vi		Smith Creek from its confluence with Elliott Creek to its headwaters.				
vi		South Fork Roanoke River from its confluence with the Roanoke River to the mouth of Bottom Creek (river mile 17.1).	V		PWS pH-6.5-9.5	[Put and Take Stockable] Trout Waters in Section 7a
VI	pH-6.5-9.5	Natural Trout Waters in Section 7	***			Roanoke River from Salem's #1 raw water intake to a point 5 miles upstream from Salem's #2 raw water intake.
ii		Big Laurel Creek from its confluence with Bottom Creek to its headwaters upstream including all named and unnamed tributaries.	7b	IV	PWS pH-6.5-9.5	<i>Roanoke River and its tributaries from the Spring Hollow Reservoir intake upstream to [a point just below the Elliston-LaFayette Wastewater Treatment Plant discharge on the South Fork Roanoke River and upstream to a point just below the Ironto 1-81 Rest Area Wastewater Treatment Plant discharge on the North Fork Roanoke River points 5 miles upstream] .</i>
v** ii		Bottom Creek from its confluence with the South Fork Roanoke River to its headwaters upstream including all named and unnamed tributaries.				
ii		Lick Fork (Floyd County) and its tributaries from its confluence with Goose Creek to its headwaters upstream including all named and unnamed tributaries.				
ii		Mill Creek from its confluence with the North Fork Roanoke River to its headwaters upstream including all named and unnamed tributaries.				
9 VAC 25-260-460. Roanoke River Basin.						
Yadkin River Subbasin						
	SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION	
	1	IV		PWS	Yadkin River Basin in Virginia including Ararat River, Johnson Creek, Little Fisher River, Lovills Creek, Pauls Creek and Stewarts Creek - the entire reach of these streams from the	

		Virginia-North Carolina state line to their headwaters.	iii	
V	PWS	[Put and Take Stockable] Trout Waters in Section 1		Lovills Creek from the Virginia-North Carolina state line 2.4 miles upstream the [Set Natural Resource] Conservation Service dam (1.8 miles above the Virginia-North Carolina state line) to river mile 7.8 (at the confluence of Elk Spur and Waterfall Branch).
***		Ararat River from Route 823 upstream to Route 671.		
vi		Halls Branch from its confluence with Lovills Creek 4.5 miles upstream.		
vi		Johnson Creek from the Virginia-North Carolina state line to its headwaters.	ii	North Fork Stewarts Creek from its confluence with Stewarts Creek 2.4 miles upstream including all named and unnamed tributaries.
vii		<i>Lovills Creek from the Virginia-North Carolina state line 1.8 miles upstream (to the [Set Natural Resource] Conservation Service dam).</i>		
vii		Pauls Creek (at the Carroll County line at Route 690) from 6.7 miles above its confluence with Stewarts Creek 4.2 miles upstream.	ii	Pauls Creek (Carroll County) from 10.9 miles above its confluence with Stewarts Creek 4.6 miles upstream including all named and unnamed tributaries.
VI	PWS	Natural Trout Waters in Section 1	i	South Fork Stewarts Creek from its confluence with Stewarts Creek 2.5 miles upstream including all named and unnamed tributaries.
iii		Ararat River from Route 671 upstream to its headwaters including all named and unnamed tributaries.	iii	Stewarts Creek below Lambsburg in the vicinity of Route 696 (10.4 miles above its confluence with the Ararat River) 8.8 miles upstream to the confluence of the North and South Forks of Stewarts Creek.
iii		East Fork Johnson Creek from its confluence with Johnson Creek to its headwaters upstream including all named and unnamed tributaries.		
iii		Elk Spur Branch from its confluence with Lovills Creek 5.1 miles upstream including all named and unnamed tributaries.	iii	Sun Run from its confluence with the Ararat River to its headwaters upstream including all named and unnamed tributaries.
i		Little Fisher River Creek from the Virginia-North Carolina state line 2.5 miles upstream (at Route 716) including all named and unnamed tributaries.	iii	Thompson Creek from its confluence with the Ararat River to its headwaters upstream including all named and unnamed tributaries.
ii		Little Pauls Creek in the vicinity of Route 692 (4 miles above its confluence with Pauls Creek) 4.4 miles upstream including all named and unnamed tributaries.	ii	Turkey Creek from its confluence with Stewarts Creek 2.4 miles upstream including all named and unnamed tributaries.
			ii	Waterfall Branch from its

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			confluence with Lovills Creek 0.9 mile upstream including all named and unnamed tributaries.	2g	III	PWS	Lazaretto Creek and its tributaries from Crewe's raw water intake to a point 5 miles upstream.
9 VAC 25-260-470. Chowan and Dismal Swamp.							
			Chowan River Subbasin	2h	III	PWS	Modest Creek and its tributaries from Victoria's raw water intake to their headwaters.
SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION				
1	II	NEW-21	Blackwater River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately State Route 611 at river mile 20.90; Nottoway River and its tidal tributaries from the Virginia-North Carolina state line to the end of tidal waters at approximately Route 674.	2i	III	PWS	Nottoway River and its tributaries from the Town of Victoria's raw water intake at the Falls (about 200 feet upstream from State Route 49) to a point 5 miles upstream.
				2j	III	PWS	Big Hounds Creek from the Town of Victoria's auxiliary raw water intake (on Lunenburg Lake) to its headwaters.
2	III	SR-8 NEW-21	Blackwater and Nottoway Rivers from the end of tidal waters to their headwaters and their free-flowing tributaries in Virginia, unless otherwise designated <i>in this chapter</i> .	3	III		Meherrin River and its tributaries in Virginia from the Virginia-North Carolina state line to its headwaters.
2a	III	PWS	Blackwater River and its tributaries from Norfolk's auxiliary raw water intake near Burdette, Virginia, to a point 5 miles above the raw water intake, to include Corrowaugh Swamp to a point 5 miles above the raw water intake.	3a	III	PWS	Meherrin River and its tributaries from Emporia's water supply dam to a point 5 miles upstream.
				3b	III	PWS	Great Creek from Lawrenceville's raw water intake to a point 5 7.6 miles upstream.
				3c	III	PWS	Meherrin River from Lawrenceville's raw water intake to a point 5 miles upstream.
2b			(Deleted)				
2c	III	PWS	Nottoway River and its tributaries from Norfolk's auxiliary raw water intake near Courtland, Virginia, to a point 5 miles upstream.	3d	III	PWS	Flat Rock Creek from Kenbridge's raw water intake upstream to its headwaters.
2d			(Deleted)	3e	III	PWS	Meherrin River and its tributaries from South Hill's raw water intake to a point 5 miles upstream.
2e	III	PWS	Nottoway River from the Georgia-Pacific and the Town of Jarratt's raw water intakes near Jarratt, Virginia, to a point 5 miles above the intakes.	3f	III		Couches Creek from a point 1.6 miles downstream from the Industrial Development Authority discharge to its headwaters.
2f	III	PWS	Nottoway River and its tributaries from Camp Pickett's raw water intake to a point 5 miles above the raw water intake.				

9 VAC 25-260-480. Chowan and Dismal Swamp.

Albemarle Sound Subbasin

SEC. CLASS SP. STDS. SECTION DESCRIPTION

1 II Back Bay and its tributaries in the City of Virginia Beach to the Virginia-North Carolina state line and the Northwest River and its tidal tributaries from the Virginia-North Carolina state line to the free flowing portion, *unless otherwise designated in this chapter* and North Landing River and its tidal tributaries from the Virginia-North Carolina state line to the Great Bridge Lock.

3 IV

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4 IV

1a III The free flowing portions of streams in Section 1 and tributaries of Stumpy Lake.

1b III PWS Stumpy Lake (raw water supply for the City of Norfolk) and feeder streams to a point 5 miles upstream.

1c III PWS Northwest River and its tributaries from the City of Chesapeake's raw water intake to a point 5 miles upstream and a point 5 miles downstream.

2 III Intracoastal Waterway (portions not described in Section 1).

3 III Lake Drummond, including feeder ditches, and all interstate tributaries of the Dismal Swamp between Virginia and North Carolina.

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9 VAC 25-260-490. Tennessee and Big Sandy River Basins.

Big Sandy River Subbasin

SEC. CLASS SP. STDS. SECTION DESCRIPTION

1 IV All tributaries of Tug Fork in Virginia.

2 IV All tributaries of Jacobs Fork and Dry Fork in Virginia.

2a IV PWS Crockett Cove, a tributary to Jacobs Fork, from Bishop's raw water intake to its headwaters.

VI

iii

Levisa Fork and its tributaries and Knox Creek and its tributaries, unless otherwise designated *in this chapter*, from the Virginia-Kentucky state line upstream to their headwaters.

~~[Put and Take Stockable] Trout Waters in Section 3~~

~~Slate Creek from the northern corporate limits of Grundy to the Slate post office.~~

Dismal Creek from its mouth to its headwaters.

Russell Fork and its tributaries, unless otherwise designated *in this chapter*, from the Virginia-Kentucky state line upstream to their headwaters.

~~[Put and Take Stockable] Trout Waters in Section 4~~

Caney Creek from Long Branch Creek upstream 5.5 miles.

Fryingpan Creek from 1.3 miles above its confluence with Russell Fork upstream to the junction of the stream and Routes 604 and 600 8.6 miles upstream (in vicinity of Bucu).

North Fork Pound River from the town limits of Pound upstream to the water supply dam.

Russell Fork from the confluence of Pound River to the Virginia-Kentucky state line.

Natural Trout Waters in Section 4

Pound River from its confluence with Russell Fork upstream to the John W. Flannagan Dam.

~~Russell Fork from the Virginia-Kentucky state line to the confluence with the~~

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			Pound River.			Creek in Virginia, unless otherwise designated <i>in this chapter</i> .
4a	IV	PWS	Pound River and its tributaries from the John W. Flannagan Dam, including the Cranes Nest River and its tributaries to a point 5 miles above the John W. Flannagan Water Authority's raw water intake.	V		[Put and Take Stockable] Trout Waters in Section 1
				vi		Batie Creek from its confluence with the Powell River 0.8 mile upstream.
4b	IV	PWS	North Fork Pound River and its tributaries from North Fork Pound River Dam and the Town of Pound's raw water intake upstream to their headwaters, unless otherwise designated <i>in this chapter</i> .	vi		<i>Dry Creek from its confluence with Hardy Creek to its headwaters.</i>
				vi		Hardy Creek and its tributaries to their headwaters.
				vi		Lick Branch from its confluence with Indian Creek 1.4 miles upstream.
4c			(Deleted)			
4d	IV		Phillips Creek from its mouth to its headwaters and the North Fork Pound River from Wise County's swimming area around the mouth of Phillips Creek to a point 1/2 mile upstream.	vi		Martin Creek (Lee County) from the Virginia-Tennessee state line to its headwaters.
				***		North Fork Powell River above Pennington Gap to the confluence of Straight Fork.
4e	IV	PWS	[Laurel Branch from the Breaks Interstate Park's raw water intake to the Kentucky state line, including the Laurel Lake Reservoir <i>Russell Fork River and its tributaries from the Kentucky state line 2.2 miles upstream (Elkhorn City, Kentucky raw water intake including Grassy Creek from its confluence with Russell Fork northeast to the Kentucky state line, Hunts Creek from its confluence with Grassy Creek to 1 mile upstream, Laurel Branch to its headwaters including Laurel Lake (Breaks Interstate Park raw water intake)]</i> .	vii		<i>North Fork Powell River from the confluence of Straight Creek to its headwaters.</i>
				vi		Poor Valley Branch from its confluence with Martin Creek 1.4 miles upstream.
				vi		Sims Creek from its confluence with the Powell River 1.1 miles upstream to Sims Spring.
				vi		<i>Station Creek at the boundary of the Cumberland Gap National Historical Park (river mile 2.2) 2.6 miles upstream.</i>
				vi		Wallen Creek above its confluence with the Powell River (at Rasnic Hollow) 5.9 miles upstream to its headwaters.
9 VAC 25-260-500. Tennessee and Big Sandy River Basins.						
Clinch River Subbasin						
SEC.	CLASS	SP.	STDS.	SECTION DESCRIPTION		
1	IV			Powell River and its tributaries from the Virginia-Tennessee state line to their headwaters; Indian Creek and Martin	vi	White Branch from its confluence with Poor Valley Branch 0.7 mile upstream (to the Falls at Falling Water Gap).
					vi	Natural Trout Waters in

			Section 1			confluence with Copper Creek 3.3 miles upstream.
	**		Laurel Fork (Scott County) from its confluence with Stock Creek 4 miles upstream.	***		Big Cedar Creek from its confluence with Little Cedar Creek to the mouths of Elk Garden Creek and Loop Creek.
	***		North Fork Powell River from the confluence of Straight Fork to its headwaters.	viii		Burns Creek from its confluence with the Guest River 2.3 miles upstream to its headwaters.
	vj**		Station Creek at the boundary of the Cumberland Gap National Historical Park (river mile 2.2) 2.6 miles upstream.	viii		Clear Creek (Wise County) from 1/2 mile above its confluence with the Guest River 2.6 miles upstream to its headwaters.
	viii**		Straight Fork (Scott County) from its confluence with Stony Creek 5.1 miles upstream.	vi		Copper Creek (Russell County) from Route 678 below Parsonage - river mile 52.5 - 4.3 miles upstream.
	***		Wolf Creek (Scott County) from its confluence with Laurel Fork 1.8 miles upstream.	***		Corder Branch from its confluence with Little Stony Creek to its headwaters.
1a	IV	PWS	Powell River from Pennington Gap's raw water intake to 5 miles upstream.	vi		Cove Creek from the first bridge on State Route 649 west of Kerns to Stanleytown.
1b	IV	PWS	Bens Branch from Appalachia's raw water intake to its headwaters.	vi		Cove Creek from river mile 6.5 (above Stanleytown) 5.5 miles upstream.
1c	IV	PWS	South Fork Powell River from Big Stone Gap's raw water intake to its headwaters.	vi		Cowan Creek from its confluence with Sinking Creek 2.7 miles upstream.
1d	IV	PWS	Benges Branch from Norton's raw water intake to its headwaters.	vi		Devil Fork from its confluence with Straight Fork 3.2 miles upstream.
1e	IV	PWS	Robinette Branch from Norton's raw water intake to its headwaters.	vi		Fall Creek from its confluence with the Clinch River 4.6 miles upstream.
2	IV		Clinch River and its tributaries from the Virginia-Tennessee state line to their headwaters; North Fork Clinch River and its tributaries, Blackwater Creek and its tributaries, and Little Creek in Virginia, unless otherwise designated in this chapter.	vi		Gillinswater Branch from its confluence with Obeyes Creek 2.8 miles upstream.
	V		[Put and Take Stockable] Trout Waters in Section 2	vi		Gray Branch from its confluence with Mill Creek (Scott County) 1.6 miles upstream.
	vi		Amos Branch from its	vi		Jessee Branch from its confluence with Copper Creek at Thompson Ford 2 miles upstream.
						Lark Creek from its

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	confluence with Copper Creek 3 miles upstream.					<i>Laurel Fork 1.8 miles upstream.</i>
viii	<i>Laurel Fork (Scott County) from its confluence with Stock Creek 4 miles upstream.</i>	VI				Natural Trout Waters in Section 2
					***	Big Cedar Creek from its confluence with Little Cedar Creek to its headwaters upstream to Lebanon's raw water intake.
vi	Liberty Creek from its confluence with Little River 1.6 miles upstream.					
					vi**	Cove Creek from river mile 6.5 (above Stanleytown) 5.5 miles upstream.
vi	Little Stony Creek from the intersection of the stream and Route 72 upstream to its headwaters.				vi**	Devil Fork from its confluence with Straight Fork 3.2 miles upstream.
					viii**	Laurel Fork (Scott County) from its confluence with Stock Creek 4 miles upstream.
vi	Mill Creek (Scott County) from its confluence with the Clinch River at Grays Fork 1.6 miles upstream.				***	Little Cedar Creek from its confluence with Big Cedar Creek to its headwaters.
					iii	Maiden Spring Creek from 15 miles above its confluence with Little River at Route 602 above Benbow 5.3 miles upstream.
vi	Obeys Creek from 2-1/2 2.5 miles above its confluence with Copper Creek 6 miles upstream.				iii	Mill Creek (Russell County) from its confluence with the Clinch River 2.7 miles upstream.
					vi**	Straight Fork (Scott County) from its confluence with Stony Creek 5.1 miles upstream.
vi	Palmer Branch from its confluence with the Clinch River 1.8 miles upstream.				viii**	Wolf Creek (Scott County) from its confluence with Laurel Fork 1.8 miles upstream.
					2a	IV PWS Clinch River and its tributaries to their headwaters from the proposed [Carfax and] Wise County Public Service Authority's raw water intakes to 5 miles upstream from St. Paul's raw water intake.
vi	Powers Branch from its confluence with the Clinch River 2.4 miles upstream.				2b	IV PWS Clinch River and its tributaries to their headwaters from Raven-Doran's raw water intake to a point 5 miles
vi	Stock Creek from 4/4 0.25 mile north of Sunbright to 4 1/2 1.5 miles north of Mabe.					
***	Stony Creek from Fort Blackmore upstream to its headwaters.					
	(Stony Creek from Fort Blackmore (river mile 0.56) 5.5 miles upstream.)					
vi	(Stony Creek from 5.5 miles above its confluence with the Clinch River (in the vicinity of Greens Chapel) 7.2 miles upstream.)					
vi	<i>Straight Fork (Scott County) from its confluence with Stony Creek 5.1 miles upstream.</i>					
vi	Valley Creek from 1.1 miles above its confluence with Copper Creek 6.8 miles upstream.					
viii	<i>Wolf Creek (Scott County) from its confluence with</i>					

			upstream of the Richland's raw water intake.		upstream.
2c	IV	PWS	Clinch River and its tributaries from Tazewell's raw water intake to their headwaters.		
<p>9 VAC 25-260-510. Tennessee and Big Sandy River Basins.</p> <p>Holston River Subbasin</p>					
				SEC.	CLASS
2d	IV	PWS	North Fork Clinch River and its tributaries, including Spurlock Branch, from Duffield Development Authority's raw water intake at the confluence with Spurlock Branch and the intake on Spurlock Branch to 5 miles upstream.	1	IV
					SECTION DESCRIPTION
2e	IV	PWS	Bear Creek from Wise's raw water intake to its headwaters.	V	[Put and Take Stockable] Trout Waters in Section 1
2f	IV	PWS	Toms Creek from Coeburn's raw water intake to its headwaters.	vi	Brier Cove from its confluence with Tumbling Creek 2.1 miles upstream.
2g	IV	PWS	Little River and its tributaries from the Tazewell County Water and Sewer Authority's (Claypool Hill Water Treatment Plant) raw water intake to a point 5 miles upstream.	vi	Greendale Creek from its confluence with the North Fork Holston River 4.1 miles upstream.
				v	Laurel Bed Creek from its confluence with Tumbling Creek 1.8 miles upstream.
2h	IV	PWS	Unnamed tributary to the North Fork Clinch River from the Divides raw water intake upstream to its headwaters.	vi	Laurel Creek within the Thomas Jefferson National Forest boundaries.
				***	<i>Laurel Creek from Route 16 to its confluence with Roaring Fork.</i>
2i	IV	PWS	Big Cedar Creek and its tributaries from Lebanon's raw water intake to a point 5 miles upstream.	vi	<i>Lick Creek (Bland County) from 5.5 miles above its confluence with the North Fork Holston River 10.9 miles upstream.</i>
2j	IV	PWS	Cavitts Creek from the proposed Bishops Baptist Valley raw water intake to its headwaters.	vi	Little Tumbling Creek from Tannersville upstream to where the powerline crosses the stream.
2k	IV	PWS	Unnamed tributary to Big Creek (Tazewell County) from the Tazewell County Water and Sewer Authority's Jewell Ridge raw water intake upstream to its headwaters.	vi	Lynn Camp Creek from its confluence with Lick Creek 3.9 miles upstream.
2l	IV	PWS	Fleenortown Creek and its tributaries from the Winn #1 and Barker Springs intakes (which provide raw water to the Town of Jonesville WTP) to points 5 miles	vi	Punch and Judy Creek from its confluence with Laurel Creek 3.2 miles upstream.
				v	Tumbling Creek from its confluence with the North Fork Holston River 7.1 miles

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	upstream.		upstream <i>including all named and unnamed tributaries.</i>
VI	Natural Trout Waters in Section 1		
ii	Bark Camp <i>Barkcamp</i> Branch from its confluence with Roaring Fork 2 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Cove Branch from its confluence with Roaring Fork 2.1 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Beartown Branch from its confluence with Sprouts Creek 2.2 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Henshaw Branch from its confluence with Lick Creek 4 mile upstream <i>including all named and unnamed tributaries.</i>
ii	Beaver Creek (Smyth County) from its confluence with the North Fork Holston River 2.8 miles upstream.	***	Laurel Creek from Route 16 to its confluence with Roaring Fork.
***	Big Tumbling Creek from its confluence with the North Fork Holston River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	***	Lick Creek (Bland County) from its confluence with the North Fork Holston River to its headwaters.
ii	Brier Cove from its confluence with Tumbling Creek upstream including all named and unnamed tributaries.	vi**	Lick Creek (Bland County) from 5.5 miles above its confluence with the North Fork Holston River 10.9 miles upstream.
	Brumley Creek from its confluence with the North Fork Holston River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Little Sprouts Creek from its confluence with Sprouts Creek 3 miles upstream <i>including all named and unnamed tributaries.</i>
***	Brumley Creek from its confluence with the North Fork Holston River (at Duncanville) 4 miles upstream.	*** ii	Little Tumbling Creek from the powerline crossing to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iii	Brumley Creek from 4 miles above its confluence with the North Fork Holston River (at Duncanville) 6.9 miles upstream.	v**	Red Creek from its confluence with Tumbling Creek 4.7 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Campbell Creek (Smyth County) from its confluence with the North Fork Holston River at Ellendale Ford 1 mile upstream.	ii	Roaring Fork (Tazewell County) from its confluence with Laurel Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Coon Branch from its confluence with Bark Camp <i>Barkcamp</i> 4.4 miles	ii	Sprouts Creek from its confluence with the North Fork Holston River 3.8 miles

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			upstream including all named and unnamed tributaries.			Holston Lake to its headwaters.
	ii		Toole Creek from its confluence with the North Fork Holston River 5.9 miles upstream.			Natural Trout Waters in Section 3
1a	IV		North Fork Holston River from the Olin Corporation downstream to the Virginia-Tennessee state line.		ii	Cox Mill Creek from its confluence with the South Fork Holston River 4.8 miles upstream including all named and unnamed tributaries.
					***	Fifteenmile Creek from its confluence with the South Holston Lake to its headwaters.
1b	IV	PWS	Big Moccasin Creek and its tributaries from Weber City's raw water intake to a point 5 miles upstream from Gate City's raw water intake.		vi**	Spring Creek from its confluence with the South Holston Lake to its headwaters.
1c	IV	PWS	Unnamed tributary to Hilton Creek from Hilton's Community #1 raw water intake to its headwaters. (Latitude 36°39'30" and Longitude 82°27'20"). (Deleted)	3a	IV	Wolf Creek and its tributaries from the northern corporate limits of Abingdon to their headwaters.
1d	IV	PWS	Unnamed tributary to the North Fork Holston River from Hilton's Community No. 2 public water supply raw water intake to its headwaters. (Latitude 36°39'32" and Longitude 82°27'30").	4	IV	Steel Creek and Beaver Creek and their tributaries in Virginia.
					V	[Put and Take Stockable] Trout Waters in Section 4
2	IV	PWS	[All waters of the South Holston Lake in Virginia and South Holston Lake and its tributaries from the Bristol Virginia Utilities Board's raw water intake at 36°38'06" 81°57'36" to a point 5 miles upstream].		vi	Beaver Creek (Washington County) and its tributaries from the flood control dam (near Route 11) to their headwaters.
					vi	Sinking Creek (tributary to Paperville Creek-Washington County) from the Virginia-Tennessee state line at Bristol 3.4 miles upstream.
3	IV		Tributaries of the South Holston Lake, and Sinking Creek and Nicely Branch in Virginia, unless otherwise designated in this chapter.	5	IV	Middle Fork Holston River and its tributaries, unless otherwise designated in this chapter.
	V		[Put and Take Stockable] Trout Waters in Section 3		V	[Put and Take Stockable] Trout Waters in Section 5
	vi		Berry Creek from its confluence with Fifteenmile Creek (Washington County) 2 miles upstream.		vi	Dry Run from its confluence with the Middle Fork Holston River 1.6 miles upstream.
	vi		Spring Creek from its confluence with the South		vi	Dutton Branch from its confluence with the Middle Fork Holston River 2 miles upstream.

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	vi		Laurel Springs Creek from its confluence with the Middle Fork Holston River 2 miles upstream.		V		<i>unless otherwise designated in this chapter.</i>
	v		Middle Fork Holston River from the eastern town limits of Marion to its headwaters.		vi		Middle Fork Holston River from Marion's raw water intake at Mt. Carmel from 46.1 miles above its confluence with the South Fork Holston River 12.6 miles upstream at river mile 45.83 to a point 5 miles upstream (river mile 50.83).
	vi		<i>Middle Fork Holston River from 5 miles above Marion's raw water intake (river mile 45.83) to the headwaters.</i>				
	vi		Preston Hollow from 4 0.5 mile above its confluence with the Middle Fork Holston River 1.5 miles upstream.		VI		Natural Trout Waters in Section 5c
	vi		Staley Creek from its confluence with the Middle Fork Holston River 1 mile upstream.		***		Bear Creek from its confluence with the Middle Fork Holston River to its headwaters.
	VI		Natural Trout Waters in Section 5	5d	IV	PWS	Middle Fork Holston River and its tributaries from Washington County Service Authority's raw water intake to a point 5 miles upstream.
	iii		East Fork Nicks Creek from its confluence with Nicks Creek 2.8 miles upstream including all named and unnamed tributaries.	6	IV		South Fork Holston River and its tributaries in Virginia [, unless otherwise designated in this chapter] .
	iii		Nicks Creek within the National Forest boundary (river mile 1.6) to its headwaters upstream including all named and unnamed tributaries.		V		[Put and Take Stockable] Trout Waters in Section 6
	iii		Staley Creek from 1 mile above its confluence with the Middle Fork Holston River to its headwaters upstream including all named and unnamed tributaries.		***		Cressy Creek from the Forest Service boundary to its headwaters (unless otherwise designated).
	iii		Staley Creek from 1 mile above its confluence with the Middle Fork Holston River to its headwaters upstream including all named and unnamed tributaries.		***		Dickey Creek from the Forest Service boundary to its headwaters (unless otherwise designated).
5a	IV		Middle Fork Holston River and its tributaries from Edmondson Dam upstream to the Route 91 bridge.		vi		Grosses Creek from its confluence with the South Fork Holston River 3.4 miles upstream.
5b	IV		Hungry Mother Creek from the dam to its headwaters upstream including all named and unnamed tributaries.		***		Rowland Creek from the Forest Service boundary to its headwaters (unless otherwise designated).
5c	IV	PWS	Middle Fork Holston River and its tributaries from Marion's raw water intake to a point 5 miles upstream.		vi		Rush Creek (Washington County) from its confluence with the South Fork Holston River 2.2 miles upstream.
					vi		<i>Straight Branch from its</i>

	<i>confluence with Whitetop Laurel Creek 2.5 miles upstream.</i>	ii	<i>unnamed tributaries.</i>
VI	Natural Trout Waters in Section 6		Charlies Branch from its confluence with Big Laurel Creek 4.6 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Barkcamp Branch from its confluence with Rowland Creek 4.3 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Cold Branch from its confluence with Jerrys Creek 0.8 mile upstream <i>including all named and unnamed tributaries.</i>
iii	Beaverdam Creek (Washington County) from its confluence with Laurel Creek to the Virginia-Tennessee state line 2 miles upstream.	vi** iv	Comers Creek from its confluence with the South Fork Holston River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iii	Bell Hollow from its confluence with Dickey Creek 0.9 mile upstream <i>including all named and unnamed tributaries.</i>	ii	Cressy Creek from 1.7 miles above its confluence with the South Fork Holston River at Route 60 16 4.6 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Big Branch from its confluence with Big Laurel Creek 4.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Daves Branch from its confluence with Big Laurel Creek 1.8 miles upstream <i>including all named and unnamed tributaries.</i>
	Big Laurel Creek (Smyth County) from its confluence with Whitetop Laurel Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Dickey Creek from 0.6 mile above its confluence with the South Fork Holston River 4.7 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Big Laurel Creek (Smyth County) from its confluence with Whitetop Laurel Creek 2.6 miles upstream.	ii	Dry Fork from 1.2 miles above its confluence with St. Clair Creek 2.3 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Big Laurel Creek (Smyth County) from 2.6 miles above its confluence with Whitetop Laurel Creek (at Laurel Valley Church) [2.7 miles upstream <i>including all named and unnamed tributaries</i>].	vi** ii	Feathercamp Branch from its confluence with Straight Branch 1.8 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Brush Creek from its confluence with Rush Creek 1.5 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Grassy Branch from its confluence with Big Laurel Creek 4.4 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Buckeye Branch from its confluence with Green Cove Creek 2.2 miles upstream <i>including all named and</i>	ii	Green Cove Creek from its confluence with Whitetop

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	Laurel Creek 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	ii	London Bridge Branch from its confluence with Beaverdam Creek (Washington County) 0.6 mile upstream.
ii	Grindstone Branch from its confluence with Big Laurel Creek 1.1 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Long Branch from its confluence with Jerrys Creek 1 mile upstream <i>including all named and unnamed tributaries.</i>
iii	High Trestle Branch from its confluence with Buckeye Branch 1.6 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Mill Creek (Washington County) from its confluence with the South Fork Holston River 3.6 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Hopkins Branch from its confluence with the South Fork Holston River 1.4 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Parks Creek from its confluence with Cressy Creek 2.4 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Houndshell Branch from its confluence with Cressy Creek 3.8 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Pennington Branch from its confluence with Big Whitetop Laurel Creek 2.7 miles upstream <i>including all named and unnamed tributaries.</i>
vi** ii	Hurricane Creek (Smyth County) from its confluence with Comers Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Quarter Branch from 1.1 miles above its confluence with Cressy Creek 1.9 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Hutton Branch from its confluence with Dickey Creek 1.1 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Raccoon Branch from its confluence with Dickey Creek 2.9 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Jerrys Creek (Smyth County) from 4-1/2 1.5 miles above its confluence with Rowland Creek 3.5 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Rowland Creek from 2-1/2 2.5 miles above its confluence with the South Fork Holston River 4 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Little Laurel Creek (Smyth County) from its confluence with Big Whitetop Laurel Creek 4.2 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Rush Creek (Washington County) from 2.2 miles above its confluence with the South Fork Holston River 5 miles upstream <i>including all named and unnamed tributaries.</i>
***	Little Laurel Creek from its confluence with Beaverdam Creek (Washington County) 0.6 mile upstream <i>to the state line.</i>	iii	Scott Branch from its

					<p>8.1 miles above its confluence with Laurel Creek 4.4 miles upstream.</p>	
iii	<p>confluence with Dickey Creek 4.3 miles upstream including all named and unnamed tributaries.</p> <p>Slemp Creek from 2 miles above its confluence with Cressy Creek 2.6 miles upstream including all named and unnamed tributaries.</p>	iii	[6a	IV	PWS	<p>Whitetop Laurel Creek from 12.5 miles above its confluence with Laurel Creek 3.8 miles upstream.</p> <p>South Fork Holston River and its tributaries from Thoman Bridge Water Corporation's raw water intake to a point 5 miles upstream.]</p>
ii	<p>South Fork Holston River from 101.8 miles above its confluence with the Holston River 12.9 miles upstream.</p>					
9 VAC 25-260-520. Chesapeake Bay, Atlantic Ocean and small coastal basins.						
			SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
ii	<p>Star Hill Branch from its confluence with Green Cove Creek 2.5 miles upstream including all named and unnamed tributaries.</p>		1	I	a	<p>The Atlantic Ocean from Cape Henry Light (Latitude 36°55'06" North; Longitude 76°00'04" West) east to the three mile limit and south to the North Carolina state line. The Atlantic Ocean from Cape Henry Light to Thimble Shoal Channel (Latitude 36°57'30" North; Longitude 76°02'30" West) from Thimble Shoal Channel to Smith Island (Latitude 37°07'04" North; Longitude 75°54'04" West) and north to the Virginia-Maryland state line.</p>
ii	<p>St. Clair Creek from 3.3 miles above its confluence with the South Fork Holston River (at Route 600) above Horseshoe Bend 2.4 miles upstream including all named and unnamed tributaries.</p>					
vi**	<p>Straight Branch from its confluence with Whitetop Laurel Creek to its headwaters.</p>					
ii	<p>Sturgill Branch from its confluence with Whitetop Laurel Creek 2.5 miles upstream including all named and unnamed tributaries.</p>		1a	III		<p>All free flowing portions of the streams, creeks and coves in Section 1 east of the east-west divide boundary on the Eastern Shore of Virginia.</p>
iii	<p>Valley Creek (Washington County) from its confluence with Whitetop Laurel Creek [to its headwaters upstream including all named and unnamed tributaries].</p> <p>Whitetop Laurel Creek from its confluence with Laurel Creek to its headwaters upstream including all named and unnamed tributaries.</p>		1b	II	a	<p>Tidal portions of streams, creeks and coves in Section 1 east of the east-west divide boundary on the Eastern Shore of Virginia.</p> <p>Chesapeake Bay and its tidal tributaries from Old Point Comfort Tower (Latitude 37°00'00" North; Longitude 76°18'08" West) to Thimble Shoal Light (Latitude 37°00'09" North; Longitude 76°14'04" West) to and along the south side of Thimble Shoal Channel to</p>
*** ii	<p>Whitetop Laurel Creek from its confluence with Laurel Creek 8.1 miles upstream.</p>					
i	<p>Whitetop Laurel Creek from</p>					

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			its eastern end (Latitude 36°57'03" North; Longitude 76°02'03" West) to Smith Island (Latitude 37°07'04" North; Longitude 75°54'04" West) north to the Virginia-Maryland border following the east-west divide boundary on the Eastern Shore of Virginia, west along the Virginia-Maryland border, to the Virginia Coast, (Latitude 37°53'23" North; Longitude 76°14'25" West) and south following the Virginia Coast to Old Point Comfort Tower (previously described), unless otherwise designated in this chapter.	3	II	a,NEW-20	76°32'47") to its headwaters. Chesapeake Bay from Old Point Comfort Tower (Latitude 37°00'00" North; Longitude 76°18'08" West) to Thimble Shoal Light (Latitude 37°00'09" North; Longitude 76°14'04" West) along the south side of Thimble Shoal Channel to Cape Henry Light (Latitude 36°55'06" North; Longitude 76°00'04" West).
				3a	II	a,NEW-20	Little Creek from its confluence with Chesapeake Bay (Lynnhaven Roads) to end of navigable waters.
2a	III		Free flowing portions of streams lying on the Eastern Shore of Virginia west of the east-west divide boundary unless otherwise designated in this chapter.	3b	II	a,NEW-20	Tidal portions of Lynnhaven watershed from its confluence with the Chesapeake Bay (Lynnhaven Roads) to and including Lynnhaven Bay, Western Branch Lynnhaven River, Eastern Branch Lynnhaven River, Long Creek, Broad Bay and Linkhorn Bay, Thalia Creek and its tributaries to the end of tidal waters. Great Neck Creek and Little Neck Creek from their confluence with Linkhorn Bay and their tidal tributaries. Rainey Gut and Crystal Lake from their confluence with Linkhorn Bay.
2b	III		Drummonds Millpond including Coards Branch.				
2c	III		The Virginia Department of Agriculture experimental station pond and its tributaries.				
2d	III		The free flowing streams tributary to the western portion of the Chesapeake Bay lying between the Virginia-Maryland state line and Old Point Comfort.				
2e	III	PWS	Harwood's Mill Reservoir (in Poquoson River's headwaters - a source of water for the City of Newport News) and its tributaries.	3c	III		Free flowing portions of streams in Section 3b, unless otherwise designated in this chapter.
2f	III	PWS	Brick Kiln Creek and its tributaries from Fort Monroe's raw water intake (at the Big Bethel Reservoir) to a point 5 miles upstream.	3d	III	PWS	The impoundments on the Little Creek watershed including Little Creek Reservoir, Lake Smith, Lake Whitehurst, Lake Lawson, and Lake Wright.
2g	III	PWS	Beaverdam Swamp and its tributaries (including Beaverdam Swamp Reservoir) from the Gloucester County Water System raw water intake (at latitude 37°26'23"; longitude	3e	II	NEW-20	London Bridge Creek from its confluence with the Eastern Branch of Lynnhaven River to the end of tidal waters. Wolfsnare Creek from its confluence

			with the Eastern Branch Lynnhaven River to the fall line.				Mattaponi and Pamunkey Rivers, free flowing tributaries of the Mattaponi above Clifton, and free flowing tributaries of the Pamunkey above Romancoke, unless otherwise designated <i>in this chapter</i> .
3f	III		Free flowing portions of London Bridge Creek and Wolfsnare Creek and their free flowing tributaries.				
3g	III		Lake Joyce and Lake Bradford.	3a	III	PWS	South Anna River from Ashland's raw water intake to a point 5 miles upstream.
9 VAC 25-260-530. York River Basin.							
SEC.	CLASS	SP. STDS	SECTION DESCRIPTION				
1	II	a,NEW-17	York River and the tidal portions of its tributaries from Goodwin Neck and Sandy Point upstream to Thorofare Creek and Little Salem Creek near West Point; Mattaponi River and the tidal portions of its tributaries from Little Salem Creek to the end of tidal waters; Pamunkey River and the tidal portions of its tributaries from Thorofare Creek near West Point to the end of tidal waters.	3b	III	PWS	Northeast Creek from the Louisa County Water Authority's impoundment dam (approximately 1/8 mile upstream of Route 33) to its headwaters.
				3c	III		South Anna River from Route 15 upstream to a point 1.5 miles below the effluent from the Gordonsville Sewage Treatment Plant.
				3d	III	PWS	Ni River and its tributaries from Spotsylvania's raw water intake near 208 Route 627 to their headwaters.
2	III	NEW-17	Free flowing tributaries of the York River, free flowing tributaries of the Mattaponi River to Clifton and the Pamunkey River to Romancoke, unless otherwise designated <i>in this chapter</i> .	3e	III	PWS	The North Anna River and its tributaries from Hanover County's raw water intake near Doswell (approximately 1/2 mile upstream from State Route 30) to a point 5 miles upstream.
2a	III	PWS,NEW-17	Queen Creek and Waller Mill Pond Reservoir [a tributary of Queen Creek which serves as a raw water supply for the City of Williamsburg] to the headwaters of the [reservoir and its drainage area above Waller Mill dam which serves as a raw water supply for the City of Williamsburg].	3f	III	PWS	Stevens Mill Run from the Lake Caroline water impoundment, and other tributaries into the impoundment upstream to their headwaters.
				9 VAC 25-260-540. New River Basin.			
				SEC.	CLASS	SP. STDS	SECTION DESCRIPTION
				1	IV	u	New River and its tributaries, unless otherwise designated <i>in this chapter</i> , from the Virginia-West Virginia state line to the Montgomery-Giles County line.
					V		[Put and Take Stockable] Trout Waters in Section 1
					v		Clear Fork (Bland County)

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	from 8.5 miles above its confluence with Wolf Creek 10.4 miles upstream.	ii	Cove Creek (Tazewell County) from its confluence with Clear Fork to its headwaters <i>upstream including all named and unnamed tributaries.</i>
***	Laurel Creek (a tributary to Wolf Creek in Bland County) from Rocky Gap to the Route 613 bridge one mile west of the junction of Routes 613 and 21.	ii	Cox Branch from its confluence with Clear Fork to Tazewell's raw water intake (river mile 1.6).
viii	Laurel Creek (Bland County) from its confluence with Hunting Camp Creek 3.2 miles upstream.	iii	Ding Branch from its confluence with Nobusiness Creek 4.9 miles upstream including all named and unnamed tributaries.
viii	Little Wolf Creek (Bland County) from its confluence with Laurel Creek 2.6 miles upstream.	[iii	Dismal Creek from its confluence with Kimberling Creek] to its headwaters [<i>upstream including all named and unnamed tributaries.</i>]
v	Sinking Creek from 5.1 miles above its confluence with the New River 10.8 miles upstream (near the Route 778 crossing).	ii	Dry Fork (Bland County) from 4.8 miles above its confluence with Laurel Creek 3.7 miles upstream including all named and unnamed tributaries.
vi	Sinking Creek from the Route 778 crossing to the Route 628 crossing.		
vi	<i>Spur Branch from its confluence with Little Walker Creek to its headwaters.</i>	***	East Fork Clear Fork from its confluence with Clear Fork to its headwaters.
v	Walker Creek from the Route 52 bridge to its headwaters.	ii	East Fork Cove Creek (Tazewell County) from its confluence with Cove Creek 3.2 miles upstream including all named and unnamed tributaries.
***	<i>Wolf Creek (Bland County) from Grapefield to its headwaters.</i>		
***	Wolf Creek (Bland County) from Rocky Gap to its confluence with Wilderness Creek.		Hunting Camp Creek from its confluence with Wolf Creek to its headwaters upstream including all named and unnamed tributaries.
VI	Natural Trout Waters in Section 1		
ii	Bear Spring Branch from its confluence with the New River to its headwaters upstream including all named and unnamed tributaries.	***	Hunting Camp Creek from its confluence with Wolf Creek 8.9 miles upstream.
		iii	Hunting Camp Creek from 8.9 miles above its confluence with Wolf Creek 3 miles upstream.
*** iii	Clear Fork (Bland County) from its confluence with Wolf Creek river mile 8.5 miles upstream including all named and unnamed tributaries.	ii	Laurel Creek (tributary to Wolf Creek in Bland County) from Camp Laurel in the vicinity of Laurel Fork

	Church, 4.5 miles upstream including all named and unnamed tributaries.				<i>all named and unnamed tributaries</i>] .)
ii	Laurel Creek from a point 0.7 mile from its confluence with Sinking Creek to its headwaters upstream including all named and unnamed tributaries.		ii		Oneida Branch from its confluence with the West Fork Cove Creek 4 mile upstream including all named and unnamed tributaries.
ii	Little Creek (Tazewell County) from 4 1/2 1.5 miles above its confluence with Wolf Creek above the Tazewell County Sportsmen's Club Lake 4 miles upstream including all named and unnamed tributaries.		iii		Panther Den Branch from its confluence with Nobusiness Creek to its headwaters upstream including all named and unnamed tributaries.
***	Little Walker Creek from the Pulaski-Bland County line to its headwaters.		ii		Piney Creek from its confluence with the New River to its headwaters upstream including all named and unnamed tributaries.
ii	Mercy Branch from its confluence with Mill Creek to its headwaters upstream including all named and unnamed tributaries.		vi**		Spur Branch from its confluence with Little Walker Creek to its headwaters.
ii	Mill Creek from the Narrows Town line to the Narrows Reservoir dam upstream including all named and unnamed tributaries.		ii		Wabash Creek from its confluence with Walker Creek to its headwaters upstream including all named and unnamed tributaries.
ii	Mill Creek from the Narrows Reservoir dam to its headwaters.		ii		West Fork Cove Creek from its confluence with Cove Creek 5.4 miles upstream including all named and unnamed tributaries.
ii	Mudley Branch from its confluence with the West Fork Cove Creek 0.7 mile upstream including all named and unnamed tributaries.		***		Wolf Creek (Bland County) from Grapefield to its headwaters.
		1a			(Deleted)
	Nobusiness Creek from its confluence with Kimberling Creek to its headwaters upstream including all named and unnamed tributaries.	1b	IV	u	Wolf Creek and its tributaries in Virginia from its confluence with Mill Creek upstream to the Giles-Bland County line.
		1c			(Deleted)
***	(Nobusiness Creek from its confluence with Kimberling Creek 4.7 miles upstream.)	1d	IV	u	Stony Creek and its tributaries, unless otherwise designated in this chapter, from its confluence with the New River upstream to its headwaters, and Little Stony Creek and its tributaries from its confluence with the New River to its headwaters.
iii	(Nobusiness Creek from 4.7 miles above its confluence with Kimberling Creek [8-2 miles] upstream [including				

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V	[Put and Take Stockable] Trout Waters in Section 1d				<i>upstream including all named and unnamed tributaries.</i>
vi	Stony Creek from its confluence with the New River to its headwaters.	ii			Meredith Branch from its confluence with Little Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
***	Stony Creek from its confluence with the New River 1.0 miles upstream (in the vicinity of Route 641).				
vi**	Stony Creek from 1.0 miles above its confluence with the New River 12.7 miles upstream.	iii			Nettle Hollow from its confluence with Little Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
VI	Natural Trout Waters in Section 1d	ii			North Fork Stony Creek from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
iii	Dismal Branch from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>				
ii	Dixon Branch from its confluence with North Fork Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>	iii			Pine Swamp Branch from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
ii	Hemlock Branch from its confluence with Little Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>	ii			Pond Drain from its confluence with Little Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
ii	Laurel Branch from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>	ii			White Rock Branch from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>
ii	Laurel Creek from its confluence with Little Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i>	1e	IV	PWS,u	Wildcat Hollow from its confluence with Stony Creek to its headwaters <i>upstream including all named and unnamed tributaries.</i> Kimberling Creek and its tributaries from Bland Correctional Farm's raw water intake to a point 5 miles upstream.
ii	Little Stony Creek from its confluence with the New River to its headwaters <i>upstream including all named and unnamed tributaries.</i>	VI		PWS	Natural Trout Waters in Section 1e
ii	Maple Flats Branch from its confluence with Little Stony Creek to its headwaters <i>upstream including all</i>	iii			Dismal Creek from its confluence with Kimberling Creek to its headwaters <i>upstream including all</i>

			<i>named and unnamed tributaries.</i>				Wythe-Bland Water and Sewer Authority's raw water intake (for Bland) to a point five miles upstream.
iii			Pearis Thompson Branch from its confluence with Dismal Creek to its headwaters upstream including all named and unnamed tributaries.	1i	VI ii	PWS	Cox Branch and its tributaries from Tazewell's raw water intake at the Tazewell Reservoir (river mile 1.6) to headwaters.
iii			Standrock Branch from its confluence with Dismal Creek to its headwaters upstream including all named and unnamed tributaries.	2	IV	v, NEW-5	New River and its tributaries, unless otherwise designated in this chapter, from the Montgomery-Giles County line upstream to the Virginia-North Carolina state line. (to include Peach Bottom Creek from its confluence with the New River to the mouth of Little Peach Bottom Creek).
1f	IV	PWS,u	Laurel Fork and its tributaries from the Pocahontas raw water intake at the West Virginia state line to their headwaters. (Deleted)				
1g	IV	u	Bluestone River and its tributaries, unless otherwise designated in this chapter, from the Virginia-West Virginia state line upstream to their headwaters.		V		[Put and Take Stockable] Trout Waters in Section 2
					v		Beaverdam Creek from its confluence with the Little River to its headwaters.
1h	IV	PWS,u	Bluestone River and its tributaries from Bluefield's raw water intake upstream to its headwaters.		v		Big Indian Creek from its confluence with the Little River to a point 7.4 miles upstream.
	VI	PWS	Natural Trout Waters in Section 1h		vi		Boyd Spring Run from its confluence with the New River to its headwaters.
	iii		Bluestone River (at Route 650 in the vicinity of Dills Spring) 5.7 miles upstream.		***		Brush Creek from the first bridge on Route 617 south of the junction of Routes 617 and 601 to the Floyd County line.
1i	IV	PWS	Big Spring Branch in Virginia, from the Town of Pocahontas' intake, from the Virginia-West Virginia state line, including the entire watershed in Abbs Valley (the Town of Pocahontas' intake is located in West Virginia (at latitude 37°18'23" and longitude 81°18'54").		vi		Camp Creek from its confluence with the Little River to its headwaters.
					vi		Cove Creek (Wythe County) from Route 77, 8.1 miles above its confluence with Reed Creek, 10.5 miles upstream.
1j	IV	PWS	Glendennin Creek from the Celce Heights raw water intake to its headwaters including the impoundment. (Deleted)		***		Dodd Creek from its confluence with the West Fork Little River to its headwaters.
1k	IV	PWS	Walker Creek and its tributaries from the				Dodd Creek from its confluence with the West Fork Little River 4 miles upstream.

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vi	Dodd Creek from 4 miles above its confluence with the West Fork Little River to its headwaters.		Creek 2.4 miles upstream to its headwaters.
		vi	Poor Branch from its confluence with the New River 4.4 miles upstream to its headwaters.
vi	East Fork Stony Fork from its confluence with Stony Fork 4 miles upstream.	vi	Poverty Creek (Montgomery County) from its confluence with Toms Creek to its headwaters.
***	Elk Creek from its confluence with Knob Fork Creek to the junction of State Routes 611 and 662.	vi	Reed Creek (Wythe County) within the Jefferson National Forest from 57 miles above its confluence with the New River 6.8 miles upstream, unless otherwise designated in this chapter.
vi	Gullion Fork from its confluence with Reed Creek 3.3 miles upstream.		
vi	<i>Little Brush Creek from its confluence with Brush Creek 1.9 miles upstream.</i>	vi	Shady Branch from its confluence with Greasy Creek to its headwaters.
vi	Lost Bent Creek from its confluence with the Little River to its headwaters.	vi	Shorts Creek from 6.2 miles above its confluence with the New River in the vicinity of Route 747, 3 miles upstream.
vi	Middle Creek from its confluence with Little River to its headwaters.		
vi	<i>Middle Fox Creek from its confluence with Fox Creek 4.1 miles upstream.</i>	vi	South Fork Reed Creek from river mile 6.8 (at Route 666 below Groseclose) 11.9 miles upstream.
vi	Mill Creek (Wythe County) from its confluence with the New River 3.7 miles upstream.	vi	St. Lukes Fork from its confluence with Cove Creek 1.4 miles upstream.
v	North Fork Greasy Creek from its confluence with Greasy Creek to its headwaters.	vi	Stony Fork (Wythe County) from 1.9 miles above its confluence with Reed Creek at the intersection of Routes 600, 682, and 21/52 at Favonia 5.7 miles upstream.
vi	Oldfield Creek from its confluence with the Little River to its headwaters.		
vi	<i>Peach Bottom Creek from the mouth of Little Peach Bottom Creek to its headwaters.</i>	***	Toms Creek <i>from its confluence with the New River to its headwaters.</i>
vi	Pine Branch from its confluence with the Little River to its headwaters.	***	Tract Fork from the Forest Service boundary to its headwaters.
vi	Pine Creek (Carroll County) from its confluence with Big Reed Island Creek 3.4 miles upstream to its headwaters.	vi	West Fork Big Indian Creek from its confluence with Big Indian Creek to its headwaters.
vi	Piney Fork from its confluence with Greasy	***	West Fork Peak Creek from the Forest Service Boundary to its headwaters.

vi	Wolf Branch from its confluence with Poor Branch 1.2 miles upstream.		River to its headwaters upstream including all named and unnamed tributaries.
VI	Natural Trout Waters in Section 2	ii	Big Laurel Creek from its confluence with the Little River to its headwaters upstream including all named and unnamed tributaries.
ii	Baker Branch from its confluence with Cabin Creek 0.9 mile upstream to its headwaters including all named and unnamed tributaries.	iii	Big Laurel Creek from its confluence with Pine Creek 1.5 miles upstream including all named and unnamed tributaries.
ii	Baldwin Branch from 0.2 mile above its confluence with Big Horse Creek at the Grayson County - Ashe County state line 2.4 miles upstream including all named and unnamed tributaries.	iii	Big Reed Island Creek from Route 221 to its headwaters upstream including all named and unnamed tributaries.
ii	Bear Creek (Carroll County) from its confluence with Laurel Fork 2.4 miles upstream including all named and unnamed tributaries.	iii	Big Run from its confluence with the Little River to its headwaters upstream including all named and unnamed tributaries.
iii	Beaver Creek from its confluence with the Little River to its headwaters upstream including all named and unnamed tributaries.		Big Wilson Creek from its confluence with the New River to its headwaters upstream including all named and unnamed tributaries.
iii	Beaverdam Creek (Carroll County) from its confluence with Crooked Creek 4.8 miles upstream including all named and unnamed tributaries.	***	Big Wilson Creek from its confluence with the New River 8.8 miles upstream.
ii	Big Branch from its confluence with Greasy Creek 1.7 miles upstream including all named and unnamed tributaries.	ii	Big Wilson Creek from 8.8 miles above its confluence with the New River 6.6 miles upstream.
iii	Big Horse Creek from 12.8 miles above its confluence with the North Fork New River (above the state line below Whitetop) 5.5 miles upstream including all named and unnamed tributaries.	iii	Blue Spring Creek from its confluence with Cripple Creek 4.4 miles upstream including all named and unnamed tributaries.
ii	Big Indian Creek from a point 7.4 miles upstream of its confluence with the Little	ii	Boothe Creek from its confluence with the Little River to its headwaters upstream including all named and unnamed tributaries.
			Bournes Branch from its confluence with Brush Creek 3.4 miles upstream including all named and

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	<i>unnamed tributaries.</i>		confluence with Laurel Fork 2.7 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Brannon Branch from its confluence with Burks Fork 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	iv	Crigger Creek from its confluence with Cripple Creek 5.9 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Brier Run from its confluence with Big Wilson Creek 4.3 miles upstream <i>including all named and unnamed tributaries.</i>	***	Cripple Creek from the junction of the stream and U. S. Route 21 in Wythe County to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Buffalo Branch from its confluence with Laurel Fork to its headwaters upstream <i>including all named and unnamed tributaries.</i>		
iii	Burgess Creek from its confluence with Big Horse Creek 1.8 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Crooked Creek (Carroll County) from Route 707 to Route 620.
		ii	Crooked Creek from Route 620 to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iii	Burks Fork from the Floyd-Carroll County line to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Daniel Branch from its confluence with Crooked Creek 3.4 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Byars Creek from its confluence with Whitetop Creek 2.8 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Dobbins Creek from its confluence with the West Fork Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	Cabin Creek from its confluence with Helton Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iv	Dry Creek from 1.9 miles above its confluence with Blue Spring Creek 4.6 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Cabin Creek from its confluence with Helton Creek 3.2 miles upstream.		
i	Cabin Creek from 3.2 miles above its confluence with Helton Creek 2.5 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Dry Run (Wythe County) from its confluence with Cripple Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Cherry Creek from its confluence with Big Reed Island Creek 4.4 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Earls Branch from its confluence with Beaver Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Chisholm Creek from its		

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|------|--|-------|---|
| iii | East Fork Crooked Creek from its confluence with Crooked Creek to its headwaters upstream including all named and unnamed tributaries. | | County) from its confluence with Little Reed Island Creek at Route 769, 2.5 miles upstream including all named and unnamed tributaries. |
| ii | East Fork Dry Run from its confluence with Dry Run 2.8 miles upstream including all named and unnamed tributaries. | iii | Greasy Creek from the Floyd-Carroll County line to its headwaters upstream including all named and unnamed tributaries. |
| ii | East Prong Furnace Creek from its confluence with Furnace Creek to its headwaters upstream including all named and unnamed tributaries. | iii | Greens Creek from its confluence with Stone Mountain Creek 1.9 miles upstream including all named and unnamed tributaries. |
| ii | Elkhorn Creek from its confluence with Crooked Creek 4.5 miles upstream including all named and unnamed tributaries. | iii | Guffey Creek from its confluence with Fox Creek 4.9 miles upstream including all named and unnamed tributaries. |
| ii | Fox Creek from junction of the Creek and Route 734 to its headwaters upstream including all named and unnamed tributaries. | ii | Helton Creek from the Virginia-North Carolina state line to its headwaters upstream including all named and unnamed tributaries. |
| iii | Francis Mill Creek from its confluence with Cripple Creek to its headwaters upstream including all named and unnamed tributaries. | ii | Howell Creek from its confluence with the West Fork Little River to its headwaters upstream including all named and unnamed tributaries. |
| ii | Furnace Creek from its confluence with the West Fork Little River to its headwaters upstream including all named and unnamed tributaries. | ii | Jerry Creek (Grayson County) from its confluence with Middle Fox Creek 6.4 miles upstream including all named and unnamed tributaries. |
| *** | Glade Creek (Carroll County) from its confluence with Crooked Creek to its headwaters upstream including all named and unnamed tributaries. | [*** | Jones Creek from its confluence with Harris Branch] to its headwaters [upstream including all named and unnamed tributaries.] |
| iii | Grassy Creek (Carroll County) from its confluence with Big Reed Island Creek at Route 641, 6.3 miles upstream including all named and unnamed tributaries. | iii | Jones Creek (Wythe County) from its confluence with Kinser Creek 1.9 miles upstream including all named and unnamed tributaries. |
| vi** | Grassy Creek (Carroll | ii | Killingier Creek from its confluence with Cripple |

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	Creek and White Rock Creek to its headwaters upstream including all named and unnamed tributaries.		Little Reed Island Creek from the junction of the stream and State Route 782 and 772 to its headwaters, including the West Fork Little Reed Island Creek (unless otherwise designated).
iii	Kinser Creek from 0.4 mile above its confluence with Crigger Creek above the National Forest Boundary at Groseclose Chapel 3.4 miles upstream including all named and unnamed tributaries.	***	Little Reed Island Creek from the junction of the stream and State Routes 782 and 772 to its headwaters upstream including all named and unnamed tributaries, unless otherwise designated in this chapter.
iii	Laurel Branch (Carroll County) from its confluence with Staunton Branch 4.2 miles upstream including all named and unnamed tributaries.	iii	West Fork Little Reed Island Creek from its confluence with Little Reed Island Creek 7.1 miles upstream.
iii	Laurel Creek (Grayson County) from its confluence with Fox Creek 6.1 miles upstream including all named and unnamed tributaries.	***	Little River from its junction with Route 706 to its headwaters upstream including all named and unnamed tributaries.
ii	Laurel Fork from the Floyd-Carroll County line to its headwaters upstream including all named and unnamed tributaries.	ii	Little Snake Creek from its confluence with Big Reed Island Creek 5.1 miles upstream including all named and unnamed tributaries.
iii	Laurel Fork (Carroll County) from its confluence with Big Reed Island Creek 14.8 miles upstream to the Floyd-Carroll County line.	ii	Little Wilson Creek from its confluence with Wilson Creek (at Route 16 at Volney) 6.4 miles upstream including all named and unnamed tributaries.
i	Lewis Fork from its confluence with Fox Creek 2.6 miles upstream including all named and unnamed tributaries.	ii	Long Mountain Creek from its confluence with Laurel Fork to its headwaters upstream including all named and unnamed tributaries.
vi**	Little Brush Creek from its confluence with Brush Creek 1.9 miles upstream.		
iii	Little Cranberry Creek from its confluence with Crooked Creek 2.8 miles upstream including all named and unnamed tributaries.	iii	Meadow Creek from its confluence with the Little River to its headwaters upstream including all named and unnamed tributaries.
ii	Little Helton Creek from the Grayson County-Ashe County state line 3.7 miles upstream including all named and unnamed tributaries.	iii	Meadow View Run from its confluence with Burks Fork 4.6 miles upstream including all named and unnamed

	<i>tributaries.</i>		miles upstream <i>including all named and unnamed tributaries.</i>
iii	Middle Creek from its confluence with Crigger Creek 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Oldfield Creek from its confluence with Laurel Fork to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Middle Fork Helton Creek from its confluence with Helton Creek 2.2 miles upstream.	ii	Opossum Creek from its confluence with Fox Creek 4.0 miles upstream <i>including all named and unnamed tributaries.</i>
i	Middle Fork Helton Creek from 2.2 miles above its confluence with Helton Creek 4.8 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Payne Creek from its confluence with the Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
	Middle Fox Creek from its confluence with Fox Creek to its headwaters.		
***	Middle Fox Creek from its confluence with Fox Creek 4.1 miles upstream.	***	Peach Bottom Creek from its confluence with the New River to its headwaters.
iii	Middle Fox Creek from 4.1 miles above its confluence with Fox Creek 8 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Peak Creek from 19 miles above its confluence with the New River above the Gatewood Reservoir 5.5 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Mill Creek (Carroll County) from its confluence with Little Reed Island Creek 7 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Pine Creek (Carroll County) from its confluence with Big Reed Island Creek 6.6 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Mill Creek (Grayson County) from its confluence with Fox Creek 6.2 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Pine Creek (Floyd County) from its confluence with Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
iii	Mira Fork from its confluence with Greasy Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Pipestem Branch from its confluence with Big Reed Island Creek 4 mile upstream <i>including all named and unnamed tributaries.</i>
ii	North Branch Elk Creek from its confluence with Elk Creek 3.7 miles upstream <i>including all named and unnamed tributaries.</i>	i	Quebec Branch from its confluence with Big Wilson Creek 4.4 miles upstream <i>including all named and unnamed tributaries.</i>
iii	North Prong Buckhorn Creek from its confluence with Buckhorn Creek 4.3	iv	Raccoon Branch from its

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	confluence with White Rock Creek 4.3 miles upstream <i>including all named and unnamed tributaries.</i>		Creek 2.0 miles upstream <i>including all named and unnamed tributaries.</i>
***	Reed Creek (Wythe County) from 5 miles above Wytheville's raw water intake to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Spurlock Creek from its confluence with the West Fork Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>
ii	Ripshin Creek from its confluence with Laurel Creek 5 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Staunton Branch from its confluence with Crooked Creek 4.5 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Road Creek (Carroll County) from its confluence with Big Reed Island Creek 7.7 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Stone Mountain Creek from its confluence with Big Reed Island Creek 5.5 miles upstream <i>including all named and unnamed tributaries.</i>
ii	Roads Creek (Carroll County) from its confluence with Laurel Fork 3.3 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Straight Branch (Carroll County) from its confluence with Greens Creek 4.4 miles upstream <i>including all named and unnamed tributaries.</i>
iv	Rock Creek from its confluence with Big Reed Island Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	ii	Sulphur Spring Branch from its confluence with Big Reed Island Creek 4.5 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Silverleaf Branch from its confluence with the Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>	iii	Tory Creek from its confluence with Laurel Fork 3.6 miles upstream <i>including all named and unnamed tributaries.</i>
iii	Snake Creek from Route 670 (3.2 miles above its confluence with Big Reed Island Creek) 6.3 miles upstream <i>including all named and unnamed tributaries.</i>	iii	Tract Fork from the confluence of Big Shuffle Branch to its headwaters Fortnerfield Branch upstream <i>including all named and unnamed tributaries.</i>
ii	Solomon Branch from its confluence with Fox Creek 2.7 miles upstream <i>including all named and unnamed tributaries.</i>	ii	Trout Branch from its confluence with Little Reed Island creek 2 miles upstream <i>including all named and unnamed tributaries.</i>
vi**	South Branch Elk Creek from its confluence with Elk	iii	Turkey Fork from 2.6 miles above its confluence with Elk Creek 3.1 miles upstream <i>including all</i>

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	<i>named and unnamed tributaries.</i>				<i>all named and unnamed tributaries]</i> .
ii	Venrick Run from its confluence with Reed Creek 3.2 miles upstream <i>including all named and unnamed tributaries.</i>		ii		Whitetop Creek from its confluence with Big Horse Creek 4.1 miles upstream <i>including all named and unnamed tributaries.</i>
iii	West Fork Comers Rock Branch from its confluence with Comers Rock Branch to its headwaters upstream <i>including all named and unnamed tributaries.</i>		i		Wilburn Branch from its confluence with Big Wilson Creek 4.5 miles upstream <i>including all named and unnamed tributaries.</i>
iii	West Fork Dodd Creek from its confluence with Dodd Creek 7.6 miles upstream <i>including all named and unnamed tributaries.</i>	2a	IV	PWS,v	New River from Radford Army Ammunition Plant's raw water intake (that intake which is the further downstream), upstream to a point 5 miles above the Blacksburg- Christiansburg, V.P.I. Water Authority's raw water intake and including tributaries in this area to a point 5 miles above the respective raw water intakes.
iii	West Fork Dry Run from its confluence with Dry Run 2 miles upstream.				
iii	West Fork Little Reed Island Creek (Carroll County) from its confluence with Little Reed Island Creek 7.4 miles upstream <i>including all named and unnamed tributaries.</i>	2b	IV	PWS,v	New River [and its tributaries] from Radford's raw water intake upstream to Claytor Dam [and Little River and its tributaries from its confluence with the New River to the mouth of Burks Run and including tributaries to points 5 miles above the intake] .
***	West Fork Little River from its confluence with Little River to its headwaters upstream <i>including all named and unnamed tributaries.</i>				
iii	West Prong Furnace Creek from its confluence with Furnace Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>	2c	IV	v, NEW-4	New River and its tributaries, except Peak Creek above Interstate Route 81, from Claytor Dam to Big Reed Island Creek (Claytor Lake).
	White Rock Creek from its confluence with Cripple Creek to its headwaters upstream <i>including all named and unnamed tributaries.</i>		V		[Put and Take Stockable] Trout Waters in Section 2c
***	White Rock Creek from its confluence with Cripple Creek 1.9 miles upstream.		vi		Chimney Branch from its confluence with Big Macks Creek to its headwaters.
			vi		White Oak Camp Branch from its confluence with Chimney Branch to its headwaters.
iv	White Rock Creek from 1.9 miles above its confluence with Cripple Creek [3.5 miles] upstream [<i>including</i>		VI		Natural Trout Waters in Section 2c
			iii ii		Bark Camp Branch from its

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			confluence with Big Macks Creek to its headwaters upstream including all named and unnamed tributaries.	2g	IV	PWS,v	Fork Little Reed Island Creek 2 miles upstream.
	iii ii		Big Macks Creek from Powhatan Camp to its headwaters upstream including all named and unnamed tributaries.		VI	PWS,v	Reed Creek and its tributaries from Wytheville's raw water intake to 5 miles upstream.
	iii		Little Macks Creek from its confluence with Big Macks Creek to its headwaters upstream including all named and unnamed tributaries.	2h	IV	PWS,v	Natural Trout Waters in Section 2g
	iii ii		Puncheoncamp Branch from its confluence with Big Macks Creek to its headwaters upstream including all named and unnamed tributaries.		VI	PWS	Reed Creek from the western town limits of Wytheville to 5 miles upstream.
2d	IV	PWS,v,NE W-5	Peak Creek and its tributaries from Pulaski's raw water intake upstream, including Hogan Branch to its headwaters and Gatewood Reservoir.		VI	PWS	Chestnut Creek and its tributaries from Galax's raw water intake upstream to their headwaters or to the Virginia-North Carolina state line.
2e			(Deleted)		***		Natural Trout Waters in Section 2h
2f	IV	PWS,v	Little Reed Island Creek and its tributaries from Hillsville's upstream raw water intake near Cranberry Creek to a point 5 miles above Hillsville's upstream raw water intake, including the entire watershed of the East Fork Little Reed Island Creek.		ii		Coal Creek from its confluence with Chestnut Creek to its headwaters upstream including all named and unnamed tributaries.
	VI	PWS	Natural Trout Waters in Section 2f		iii		East Fork Chestnut Creek (Grayson County) from its confluence with Chestnut Creek 6.2 miles upstream including all named and unnamed tributaries.
	iii		East Fork Little Reed Island Creek [from its confluence with West Fork Little Reed Island Creek upstream including all named and unnamed tributaries] .	2i	IV		Hanks Branch from its confluence with the East Fork Chestnut Creek 2.9 miles upstream including all named and unnamed tributaries.
	***		Little Reed Island Creek from Hillsville's upstream raw water intake to a point 5 miles upstream.	2j	IV	PWS	Linard Creek from its confluence with Hanks Branch 4.2 miles upstream including all named and unnamed tributaries.
	iii		Mine Branch from its confluence with the East	2k	IV		Fries Reservoir section of the New River.
				2l	IV	PWS	Eagle Bottom Creek from Fries' raw water intake upstream to its headwaters.
							Stuart Reservoir section of the New River.
							New River and its tributaries

inclusive of the [~~Austinville Water and Sewer Authority's intake, New Jersey Zinc Company's raw water intake, and the Wythe-Bland Water Authority's Ivanhoe intake~~ Wythe County Water Department's *Austinville intake, and the Wythe County Water Department's Ivanhoe intake on Powder Mill Branch*] to points 5 miles above the intakes.

V PWS [~~Put and Take Stockable~~] Trout Waters in Section 2!

vi Powder Mill Branch (from 0.6 mile above its confluence with the New River) 2.1 miles upstream.

2m IV PWS, NEW-4,5 New River (Claytor Lake) and its tributaries from the Klopman Mills raw water intake to a point 5 miles upstream of the Pulaski County Public Service Authority's raw water intake.

2n IV PWS ~~Cool Spring Lake, a tributary to Peak Creek, from the Cool Spring raw water intake to its headwaters, including the impoundment.~~ (Deleted)

[PART X.
DESIGNATIONS OF AUTHORITY.

9 VAC 25-260-550. Designations of authority.

The director or his designee may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.]

VA.R. Doc. No. R96-235; Filed October 22, 1997, 11:35 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

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

Title of Regulation: 12 VAC 5-210-10 et seq. Charges and Payment Requirements by Income Levels.

Statutory Authority: §§ 32.1-11, 32.1-12 and 32.1-77 of the Code of Virginia.

Effective Date: December 15, 1997.

Summary:

As outlined in Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals (12 VAC 5-200-10 et seq.), the Department of Health's (VDH) schedule of charges will be based on the Department of Medical Assistance Services' (DMAS) payment levels. On July 1, 1997, DMAS modified its payment levels for certain services. Accordingly, the charges included in VDH's regulation Charges and Payment Requirements by Income Levels (12 VAC 5-210-10 et seq.) are being modified to reflect the recently revised DMAS payment levels.

Agency Contact: Copies of the regulation may be obtained from Dave Burkett, Department of Health, P.O. Box 2448, Room 218, Richmond, VA 23218, telephone (804) 786-3571.

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12 VAC 5-210-10. Charges and payment requirements except for Northern Virginia.

CHART I.

By the provisions of the "Regulations Governing Eligibility Standards and Charges for ~~Medical~~ Health Care Services to Individuals" (12 VAC 5-200-10 et seq.) promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, ~~starting~~ stating the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	Maternity	\$33.30	\$0.00	\$3.30	\$8.33	\$16.65	\$24.98	\$33.30
59430	Post-Partum Visit	\$65.00 \$80.00	\$0.00 \$0.00	\$6.50 \$8.00	\$16.25 \$20.00	\$32.50 \$40.00	\$48.75 \$60.00	\$65.00 \$80.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
Z9104	Maternity Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
Z9105	Maternity Follow-up	\$1.35/day x 11 mo.	\$0.00	\$0.14	\$0.34	\$0.68	\$1.02	\$1.35
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00	\$20.00
Z9311	Follow-up	\$10/Encounter	\$0.00	\$0.00	\$0.00	\$0.00	\$7.50	\$10.00
Z9300, Z9301 OR Z9302	Group Education	\$6.00/Class Session OR \$36.00 Maximum	\$0.00	\$0.60	\$1.50	\$3.00	\$4.50	\$6.00
Z9312	Homemaker Services	\$33.00 OR \$8.25/hr. not to exceed 4 hrs.	\$0.00 \$0.00	\$3.30 \$0.83	\$8.25 \$2.07	\$16.50 \$4.13	\$24.75 \$6.19	\$33.00 \$8.25
CLINICAL VISITS INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.40	\$6.00	\$12.00	\$18.00	\$24.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$3.50	\$8.75	\$17.50	\$26.25	\$35.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity		\$0.00 \$0.00	\$4.60 \$5.20	\$11.50 \$13.00	\$23.00 \$26.00	\$34.50 \$39.00	\$46.00 \$52.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of moderate complexity		\$0.00 \$0.00	\$6.70 \$7.70	\$16.75 \$19.25	\$33.50 \$38.50	\$50.25 \$57.75	\$67.00 \$77.00
99205	Visit Included All Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity		\$0.00 \$0.00	\$8.20 \$9.70	\$20.50 \$24.25	\$41.00 \$48.50	\$61.50 \$72.75	\$82.00 \$97.00
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS								

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99211	Visit May or May Not Require Physician Presenting Problems Are Minimal	\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00
99212	Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making	\$0.00 \$0.00	\$2.00 \$2.10	\$5.00 \$5.25	\$10.00 \$10.50	\$15.00 \$15.75	\$20.00 \$21.00
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused examination *medical decision making of low complexity	\$0.00	\$2.90	\$7.25	\$14.50	\$21.75	\$29.00
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity	\$0.00 \$0.00	\$4.40 \$4.40	\$10.25 \$11.00	\$20.50 \$22.00	\$30.75 \$33.00	\$41.00 \$44.00
99215	Visit Included Two of Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity	\$0.00 \$0.00	\$6.20 \$7.00	\$16.50 \$17.50	\$31.00 \$35.00	\$46.50 \$52.50	\$62.00 \$70.00
PREVENTIVE MEDICINE SERVICES THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING.							
NEW PATIENT							
99381	Age under one year	\$0.00 \$0.00	\$5.70 \$6.80	\$14.25 \$17.00	\$28.50 \$34.00	\$42.75 \$51.00	\$57.00 \$68.00
99382	Age 1 through 4 years	\$0.00 \$0.00	\$6.50 \$7.70	\$16.25 \$19.25	\$32.50 \$38.50	\$48.75 \$57.75	\$65.00 \$77.00
99383	Age 5 through 11 years	\$0.00 \$0.00	\$6.50 \$7.70	\$16.25 \$19.25	\$32.50 \$38.50	\$48.75 \$57.75	\$65.00 \$77.00
99384	Age 12 through 17 years	\$0.00 \$0.00	\$7.00 \$8.70	\$17.50 \$21.75	\$35.00 \$43.50	\$52.50 \$65.25	\$70.00 \$87.00
99385	Age 18 through 39 years	\$0.00 \$0.00	\$6.70 \$8.10	\$16.75 \$20.25	\$33.50 \$40.50	\$50.25 \$60.75	\$67.00 \$81.00
99386	Age 40 through 64	\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
99387	Age 65 and over	\$0.00	\$7.50	\$18.75	\$37.50	\$56.25	\$75.00
ESTABLISHED PATIENT							
99391	Age under one year	\$0.00 \$0.00	\$5.40 \$5.80	\$12.75 \$14.50	\$25.50 \$29.00	\$38.25 \$43.50	\$51.00 \$58.00
99392	Age 1 through 4 years	\$0.00 \$0.00	\$5.70 \$6.80	\$14.25 \$17.00	\$28.50 \$34.00	\$42.75 \$51.00	\$57.00 \$68.00
99393	Age 5 through 11 years	\$0.00 \$0.00	\$5.70 \$6.80	\$14.25 \$17.00	\$28.50 \$34.00	\$42.75 \$51.00	\$57.00 \$68.00
99394	Age 12 through 17 years	\$0.00 \$0.00	\$6.20 \$7.70	\$15.50 \$19.25	\$31.00 \$38.50	\$46.50 \$57.75	\$62.00 \$77.00
99395	Age 18 through 39 years	\$0.00 \$0.00	\$6.40 \$7.30	\$15.25 \$18.25	\$30.50 \$36.50	\$45.75 \$54.75	\$61.00 \$73.00
99396	Age 40 through 64	\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
99397	Age 65 and over	\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
INFANT CARE COORDINATION							
Z9010	Risk Screening	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$10.00
Z9104	Infant Assessment	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$25.00
Z9106	Follow-up	\$1.35/Day for up to 24 months	\$0.00	\$0.14	\$0.34	\$0.68	\$1.35
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS							

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99361	Medical conference, 30 min.	\$20.20	\$0.00	\$2.02	\$5.05	\$10.10	\$15.15	\$20.20
99362	Medical conference, 60 min.	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
99371	Phone call, brief	\$10.00	\$0.00	\$1.00	\$2.50	\$5.00	\$7.50	\$10.00
99372	Phone call, intermediate	\$45.50	\$0.00	\$4.55	\$11.38	\$22.75	\$34.13	\$45.50
99373	Phone call, complex	\$70.80	\$0.00	\$7.08	\$17.70	\$35.40	\$53.10	\$70.80
FAMILY PLANNING								
09007	Initial/Yearly	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
09009	Follow-up/Problem	\$20.00	\$0.00	\$2.00	\$5.00	\$10.00	\$15.00	\$20.00
COLPOSCOPY SERVICES								
57452	Colposcopy	\$74.00 \$55.00	\$0.00 \$0.00	\$7.40 \$5.50	\$18.50 \$13.75	\$37.00 \$27.50	\$55.50 \$41.25	\$74.00 \$55.00
57454	Colposcopy with Biopsy	\$115.00 \$85.00	\$0.00 \$0.00	\$11.50 \$8.50	\$28.75 \$21.25	\$57.50 \$42.50	\$86.25 \$63.75	\$115.00 \$85.00
57511	Cryosurgery, Initial or Repeat	\$101.00 \$89.00	\$0.00 \$0.00	\$10.10 \$8.90	\$25.25 \$22.25	\$50.50 \$44.50	\$75.75 \$66.75	\$101.00 \$89.00
DENTAL SERVICES BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES								
Adult Dental \$40.00 Flat Fee Plus Sliding Fee Amount								
90782	Therapeutic Injection	\$6.00 \$3.00	\$0.00 \$0.00	\$0.60 \$0.30	\$1.50 \$0.75	\$3.00 \$1.50	\$4.50 \$2.25	\$6.00 \$3.00
90788	Intramuscular Injection of Antibiotic	\$6.00 \$4.00	\$0.00 \$0.00	\$0.60 \$0.40	\$1.50 \$1.00	\$3.00 \$2.00	\$4.50 \$3.00	\$6.00 \$4.00
36415	Venipuncture	\$7.00 Flat Rate When Provided to Walk-ins and Nonroutine Patients						
	Blood Pressure Check	No Charge Services Provided Free Statewide						
86580	PPD/Tuberculin Testing	\$6.00 \$7.00 Flat Rate Only When Provided Alone as a Screening Test						
71010	Radiological Exam: Chest	\$21.00 Flat Rate Charge						
	Activities of Daily Living	\$9.50 Flat Rate Charge						
	Cholesterol Screening and Counseling	\$7.00 Flat Rate Only When Provided as a Screening Test						
	Medical Record Copying	\$0.50/Page -- Flat Rate Charge						
	Pharmacy Professional Fee (only for districts with pharmacies)	\$4.25	\$0.00	\$0.43	\$1.06	\$2.12	\$3.18	\$4.25
Drugs and Medications BASED ON COST: District Choice on Using Sliding Fee								
	Other X-Ray Services	--- Based on DMAS Maximum Payment Levels ---						
	Other Lab. Services	--- Based on DMAS Maximum Payment Levels ---						
OTHER SERVICES								
	Child Specialty Services Annual Fee	\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
HOME HEALTH SERVICES								
	Skilled Nursing	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Comprehensive	\$180.00	\$0.00	\$18.00	\$45.00	\$90.00	\$135.00	\$180.00
	Physical Therapy	\$140.00 \$120.00	\$0.00 \$0.00	\$11.00 \$12.00	\$27.50 \$30.00	\$55.00 \$60.00	\$82.50 \$90.00	\$110.00 \$120.00
	Occupational Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00

	Speech Therapy	\$110.00 \$120.00	\$0.00 \$0.00	\$11.00 \$12.00	\$27.50 \$30.00	\$55.00 \$60.00	\$82.50 \$90.00	\$110.00 \$120.00
	Home Health Aide	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
	Medical Social Worker	\$130.00 \$150.00	\$0.00 \$0.00	\$13.00 \$15.00	\$32.50 \$37.50	\$65.00 \$75.00	\$97.50 \$112.50	\$130.00 \$150.00
	DENTAL SERVICES		BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES					
	<i>Adult Dental</i>	<i>\$10.00 Flat Fee Plus Sliding Fee Amount</i>						
	CHILD DEVELOPMENT SERVICES PROGRAM							
	MEDICAL SERVICES							
99241	Problem Focused Consultation	\$39.00 \$35.00	\$0.00 \$0.00	\$3.90 \$3.50	\$9.75 \$8.75	\$19.50 \$17.50	\$29.25 \$26.25	\$39.00 \$35.00
99242	Expanded Consultation	\$57.00 \$55.00	\$0.00 \$0.00	\$5.70 \$5.50	\$14.25 \$13.75	\$28.50 \$27.50	\$42.75 \$41.25	\$57.00 \$55.00
99243	Detailed Consultation	\$73.00 \$71.00	\$0.00 \$0.00	\$7.30 \$7.10	\$18.25 \$17.75	\$36.50 \$35.50	\$54.75 \$53.25	\$73.00 \$71.00
99244	Comprehensive Consultation	\$100.00	\$0.00	\$10.00	\$25.00	\$50.00	\$75.00	\$100.00
90862	Pharmacological Management	\$34.00 \$35.00	\$0.00 \$0.00	\$3.40 \$3.50	\$8.50 \$8.75	\$17.00 \$17.50	\$25.50 \$26.25	\$34.00 \$35.00
	Training in Activities of Daily Living	\$25.00	\$0.00	\$2.50	\$6.25	\$12.50	\$18.75	\$25.00
96100	Psychological Testing	\$61.00 \$48.00	\$0.00 \$0.00	\$6.10 \$4.80	\$15.25 \$12.00	\$30.50 \$24.00	\$45.75 \$36.00	\$61.00 \$48.00
	MENTAL HEALTH SERVICES							
90855	Interactive Psych. Exam	\$69.00	\$0.00	\$6.90	\$17.25	\$34.50	\$51.75	\$69.00
	INDIVIDUAL PSYCHOTHERAPY							
90843	20-30 Minute Session	\$41.00 \$46.00	\$0.00 \$0.00	\$4.10 \$4.60	\$10.25 \$11.50	\$20.50 \$23.00	\$30.75 \$34.50	\$41.00 \$46.00
90844	45-60 Minute Session	\$67.00	\$0.00	\$6.70	\$16.75	\$33.50	\$50.25	\$67.00
90846	<i>Family Counseling, without Patient</i>	\$65.00	\$0.00	\$6.50	\$16.25	\$32.50	\$48.75	\$65.00
90847	Family Psychotherapy	\$71.00 \$73.00	\$0.00 \$0.00	\$7.10 \$7.30	\$17.75 \$18.25	\$35.50 \$36.50	\$53.25 \$54.75	\$71.00 \$73.00
90853	Group Psychotherapy	\$26.00 \$23.00	\$0.00 \$0.00	\$2.60 \$2.30	\$6.50 \$5.75	\$13.00 \$11.50	\$19.50 \$17.25	\$26.00 \$23.00
90849	Multifamily Psychotherapy	\$20.00 \$23.00	\$0.00 \$0.00	\$2.00 \$2.30	\$5.00 \$5.75	\$10.00 \$11.50	\$15.00 \$17.25	\$20.00 \$23.00
	EDUCATIONAL SERVICES							
	Educational Diagnostic Evaluation	NO COST.....Service Provided Free Statewide						
	School Visit/Consultation	NO COST.....Service Provided Free Statewide						
	Classroom Observation	NO COST.....Service Provided Free Statewide						
	CASE MANAGEMENT SERVICES							
99362	Interdisciplinary Medical Conference	\$40.45	\$0.00	\$4.05	\$10.11	\$20.23	\$30.34	\$40.45
	Other Case Mgt. Activity	NO COST.....Service Provided Free Statewide						
	Progress Review	NO COST.....Service Provided Free Statewide						

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12 VAC 5-210-20. Charges and payment requirements for Northern Virginia.

CHART 2.

By the provisions of the "Regulations Governing Eligibility Standards and Charges for Medical Health Care Services to Individuals" (12 VAC 5-200-10 et seq.) promulgated by the authority of the Board of Health in accordance with §§ 32.1-11 and 32.1-12 of the Code of Virginia, listed below are the charges for medical care services, stating the minimum required payments to be made by patients toward their charges, according to income levels.

CPT CODE	MEDICAL CARE SERVICES	MAXIMUM CHARGE PER VISIT/SERVICE	INCOME LEVEL A (0%)	INCOME LEVEL B (10%)	INCOME LEVEL C (25%)	INCOME LEVEL D (50%)	INCOME LEVEL E (75%)	INCOME LEVEL F (100%)
Z9900	MATERNITY	\$37.00	\$0.00	\$3.70	\$9.25	\$18.50	\$27.75	\$37.00
59430	Post-Partum Visit	\$72.00 \$88.00	\$0.00 \$0.00	\$7.20 \$8.80	\$18.00 \$22.00	\$36.00 \$44.00	\$54.00 \$66.00	\$72.00 \$88.00
MATERNITY CARE COORDINATION								
Z9001	Risk Screening	\$11.50	\$0.00	\$1.15	\$3.00	\$5.75	\$8.75	\$11.50
Z9104	Maternity Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.25	\$28.50
Z9105	Maternity Follow-up	\$1.52/day x 11 mo.	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
NUTRITIONAL SERVICES								
Z9310	Original Assessment	\$22.75	\$0.00	\$0.00	\$0.00	\$11.50	\$17.50	\$22.75
Z9311	Follow-up	\$11.50/Encounter	\$0.00	\$0.00	\$0.00	\$5.75	\$8.75	\$11.50
Z9300, Z9301 OR Z9302	Group Education	\$7.00/class session OR \$41.00 maximum	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00
Z9312	Homemaker Services	\$37.50 OR \$9.00/hr not to exceed 4 hours	\$0.00 \$0.00	\$3.75 \$0.90	\$9.40 \$2.25	\$18.75 \$4.50	\$28.00 \$6.75	\$37.50 \$9.00
CLINICAL VISITS - INCLUDES BOTH PEDIATRIC AND ADULT SERVICES								
NEW PATIENTS: TO QUALIFY AS A NEW PATIENT, PATIENT MUST NOT HAVE BEEN SEEN BY ANY PROVIDER IN THAT HEALTH DEPARTMENT FOR AT LEAST THREE YEARS								
99201	Visit Included All Three Components: *problem focused history *problem focused examination *straightforward medical decision making		\$0.00	\$2.70	\$6.75	\$13.50	\$20.25	\$27.00
99202	Visit Included All Three Components: *expanded problem focused history *expanded problem focused examination *straightforward medical decision making		\$0.00	\$3.90	\$9.75	\$19.50	\$29.25	\$39.00
99203	Visit Included All Three Components: *detailed history *detailed examination *medical decision making of low intensity		\$0.00 \$0.00	\$5.40 \$5.80	\$12.75 \$14.50	\$25.50 \$29.00	\$38.25 \$43.50	\$51.00 \$58.00
99204	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of moderate complexity		\$0.00 \$0.00	\$7.40 \$8.50	\$18.50 \$21.25	\$37.00 \$42.50	\$55.50 \$63.75	\$74.00 \$85.00
99205	Visit Included All Three Components: *comprehensive history *comprehensive exam *medical decision making of high complexity		\$0.00 \$0.00	\$9.10 \$10.70	\$22.75 \$26.75	\$45.50 \$53.50	\$68.25 \$80.25	\$91.00 \$107.00
ESTABLISHED PATIENT VISITS: ANY PATIENT THAT HAS BEEN SEEN BY A PROVIDER IN THAT HEALTH DEPARTMENT WITHIN THE LAST THREE YEARS								
99211	Visit May or May Not Require Physician Presenting Problems are Minimal		\$0.00	\$1.30	\$3.25	\$6.50	\$9.75	\$13.00

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99212	Visit Included Two of Three Components: *problem focused history *problem focused examination *straightforward medical decision making	\$0.00 \$0.00	\$2.20 \$2.40	\$5.50 \$6.00	\$11.00 \$12.00	\$16.50 \$18.00	\$22.00 \$24.00	
99213	Visit Included Two of Three Components: *expanded problem focused history *expanded problem focused examination *medical decision making of low complexity	\$0.00	\$3.20	\$8.00	\$16.00	\$24.00	\$32.00	
99214	Visit Included Two of Three Components: *detailed history *detailed examination *medical decision making of moderate complexity	\$0.00 \$0.00	\$4.60 \$4.90	\$11.50 \$12.25	\$23.00 \$24.50	\$34.50 \$36.75	\$46.00 \$49.00	
99215	Visit Included Two of Three Components: *comprehensive history *comprehensive examination *medical decision making of high complexity	\$0.00 \$0.00	\$6.00 \$7.70	\$17.25 \$19.25	\$34.50 \$38.50	\$51.75 \$57.75	\$68.00 \$77.00	
PREVENTIVE MEDICINE SERVICES THESE CODES ARE TO BE USED PRIMARILY FOR WELL BABY VISITS. THESE ARE THE CODES TO BE USED FOR EPSDT BILLING								
NEW PATIENT								
99381	Age Under One Year	\$0.00 \$0.00	\$6.30 \$7.50	\$15.75 \$18.75	\$31.50 \$37.50	\$47.25 \$56.25	\$63.00 \$75.00	
99382	Age 1 through 4 Years	\$0.00 \$0.00	\$7.20 \$8.50	\$18.00 \$21.25	\$36.00 \$42.50	\$54.00 \$63.75	\$72.00 \$85.00	
99383	Age 5 through 11 Years	\$0.00 \$0.00	\$7.20 \$8.50	\$18.00 \$21.25	\$36.00 \$42.50	\$54.00 \$63.75	\$72.00 \$85.00	
99384	Age 12 through 17 Years	\$0.00 \$0.00	\$7.70 \$9.60	\$19.25 \$24.00	\$38.50 \$48.00	\$57.75 \$72.00	\$77.00 \$96.00	
99385	Age 18 through 39 Years	\$0.00 \$0.00	\$7.40 \$9.00	\$18.50 \$22.50	\$37.00 \$45.00	\$55.00 \$67.50	\$74.00 \$90.00	
99386	Age 40 through 64	\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00	
99387	Age 65 and over	\$0.00	\$8.30	\$20.75	\$41.50	\$62.25	\$83.00	
ESTABLISHED PATIENT								
99391	Age Under One Year	\$0.00 \$0.00	\$5.70 \$6.40	\$14.25 \$16.00	\$28.50 \$32.00	\$42.75 \$48.00	\$57.00 \$64.00	
99392	Age 1 through 4 Years	\$0.00 \$0.00	\$6.30 \$7.50	\$15.75 \$18.75	\$31.50 \$37.50	\$47.25 \$56.25	\$63.00 \$75.00	
99393	Age 5 through 11 Years	\$0.00 \$0.00	\$6.30 \$7.50	\$15.75 \$18.75	\$31.50 \$37.50	\$47.25 \$56.25	\$63.00 \$75.00	
99394	Age 12 through 17 Years	\$0.00 \$0.00	\$6.90 \$8.50	\$17.25 \$21.25	\$34.50 \$42.50	\$51.75 \$62.75	\$68.00 \$85.00	
99395	Age 18 through 39 Years	\$0.00 \$0.00	\$6.80 \$8.10	\$17.00 \$20.25	\$34.00 \$40.50	\$51.00 \$60.75	\$68.00 \$81.00	
99396	Age 40 through 64	\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00	
99397	Age 65 and over	\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00	
INFANT CARE COORDINATION								
Z9010	Risk Screening	\$11.50	\$0.00	\$1.15	\$2.88	\$5.75	\$8.63	\$11.50
Z9104	Infant Assessment	\$28.50	\$0.00	\$2.85	\$7.25	\$14.25	\$21.50	\$28.50
Z9106	Follow-up	\$1.52/Day for up to 24 Months	\$0.00	\$0.15	\$0.38	\$0.76	\$1.14	\$1.52
CASE MANAGEMENT - SEE CPT BOOK FOR DEFINITIONS								
99361	Medical Conference, 30 minutes	\$22.50	\$0.00	\$2.25	\$5.63	\$11.25	\$16.88	\$22.50

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99362	Medical Conference, 60 minutes	\$45.00	\$0.00	\$4.50	\$11.25	\$22.50	\$33.75	\$45.00
99371	Phone Call, Brief	\$11.00	\$0.00	\$1.10	\$2.75	\$5.50	\$8.25	\$11.00
99372	Phone Call, Intermediate	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00
99373	Phone Call, Complex	\$77.00	\$0.00	\$7.70	\$19.25	\$38.50	\$57.75	\$77.00
FAMILY PLANNING								
09007	Initial/Yearly	\$56.00	\$0.00	\$5.60	\$14.00	\$28.00	\$42.00	\$56.00
09009	Follow-up/Problem	\$22.75	\$0.00	\$2.28	\$5.75	\$11.25	\$17.00	\$22.75
COLPOSCOPY SERVICES								
57452	Colposcopy	\$82.00	\$0.00	\$8.20	\$20.50	\$41.00	\$61.50	\$82.00
		\$61.00	\$0.00	\$6.10	\$15.25	\$30.50	\$45.75	\$61.00
57454	Colposcopy with Biopsy	\$127.00	\$0.00	\$12.70	\$31.75	\$63.50	\$95.25	\$127.00
		\$94.00	\$0.00	\$9.40	\$23.50	\$47.00	\$70.50	\$94.00
57511	Cryosurgery, Initial or Repeat	\$112.00	\$0.00	\$11.20	\$28.00	\$56.00	\$84.00	\$112.00
		\$98.00	\$0.00	\$9.80	\$24.50	\$49.00	\$73.50	\$98.00
DENTAL SERVICES — BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES								
Adult Dental — \$40.00 Flat Fee Plus Sliding Fee Amount								
90782	Therapeutic Injection	\$7.00	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00
		\$4.00	\$0.00	\$0.40	\$1.00	\$2.00	\$3.00	\$4.00
90788	Intramuscular Injection of Antibiotic	\$7.00	\$0.00	\$0.70	\$1.75	\$3.50	\$5.25	\$7.00
		\$5.00	\$0.00	\$0.50	\$1.25	\$2.50	\$3.75	\$5.00
36415	Venipuncture	\$8.00 Flat Rate Only When Provided to Walk-Ins & Nonroutine Patients						
	Blood Pressure Check	NO CHARGE. Service Provided Free Statewide						
86580	PPD/Tuberculin Testing	\$6.00 \$7.00 Flat Rate Only When Provided Alone as a Screening						
71010	Radiological Exam: Chest	\$25.00 Flat Rate Charge						
	Activities of Daily Living	\$12.00/hr. Flat Rate Charge						
	Cholesterol Screening and Counseling	\$7.00 Flat Rate Only When Provided as a Screening Test						
	Medical Record Copying	\$0.50/page Flat Rate Charge						
	Pharmacy Professional Fee (only districts with pharmacies)	\$4.25	\$0.00	\$0.43	\$1.06	\$2.12	\$3.18	\$4.25
	Drugs and Medications	BASED ON COST: District Choice on Using Sliding Fee						
	Other X-Ray Services	BASED ON THE DMAS MAXIMUM PAYMENT LEVELS						
	Other Laboratory Services	BASED ON THE DMAS MAXIMUM PAYMENT LEVELS						
OTHER SERVICES								
	Child Specialty Services Annual Fee	\$136.00	\$0.00	\$13.50	\$34.00	\$68.00	\$102.00	\$136.00
HOME HEALTH SERVICES								
	Skilled Nursing	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Comprehensive	\$180.00	\$0.00	\$18.00	\$45.00	\$90.00	\$135.00	\$180.00
	Physical Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
		\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Occupational Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
	Speech Therapy	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
		\$120.00	\$0.00	\$12.00	\$30.00	\$60.00	\$90.00	\$120.00
	Home Health Aide	\$50.00	\$0.00	\$5.00	\$12.50	\$25.00	\$37.50	\$50.00

	Medical Social Worker	\$130.00 \$150.00	\$0.00 \$0.00	\$13.00 \$15.00	\$32.50 \$37.50	\$66.00 \$75.00	\$97.50 \$112.50	\$130.00 \$150.00
	DENTAL SERVICES	BASED ON MEDIAN PRIVATE PRACTICE PROFESSIONAL FEES						
	Adult Dental	\$10.00 Flat Fee Plus Sliding Fee Amount						
	CHILD DEVELOPMENT SERVICES PROGRAM							
	MEDICAL SERVICES							
99241	Problem Focused Consultation	\$43.00 \$39.00	\$0.00 \$0.00	\$4.30 \$3.90	\$10.75 \$9.75	\$21.50 \$19.50	\$32.25 \$29.25	\$43.00 \$39.00
99242	Expanded Consultation	\$63.00 \$61.00	\$0.00 \$0.00	\$6.30 \$6.10	\$15.75 \$15.25	\$31.50 \$30.50	\$47.25 \$45.75	\$63.00 \$61.00
99243	Detailed Consultation	\$81.00 \$79.00	\$0.00 \$0.00	\$8.10 \$7.90	\$20.25 \$19.75	\$40.50 \$39.50	\$60.75 \$59.25	\$81.00 \$79.00
99244	Comprehensive Consultation	\$110.00	\$0.00	\$11.00	\$27.50	\$55.00	\$82.50	\$110.00
90862	Pharmacological Management	\$38.00 \$39.00	\$0.00 \$0.00	\$3.80 \$3.90	\$9.50 \$9.75	\$19.00 \$19.50	\$28.50 \$29.25	\$38.00 \$39.00
	Training in Activities of Daily Living	\$28.58	\$0.00	\$2.86	\$7.15	\$14.29	\$21.44	\$28.58
96100	Psychological Testing	\$68.00 \$53.00	\$0.00 \$0.00	\$6.80 \$5.30	\$17.00 \$13.25	\$34.00 \$26.50	\$51.00 \$39.75	\$68.00 \$53.00
	MENTAL HEALTH SERVICES							
90855	Interactive Psych Examination	\$76.00	\$0.00	\$7.60	\$19.00	\$38.00	\$57.00	\$76.00
	Individual Psychotherapy							
90843	20-30 Minute Session	\$46.00 \$51.00	\$0.00 \$0.00	\$4.60 \$5.10	\$11.50 \$12.75	\$23.00 \$25.50	\$34.50 \$38.25	\$46.00 \$51.00
90844	45-60 Minute Session	\$74.00 \$73.00	\$0.00 \$0.00	\$7.40 \$7.30	\$18.50 \$18.25	\$37.00 \$36.50	\$55.50 \$54.75	\$74.00 \$73.00
90846	Family Psychotherapy, without Patient	\$72.00	\$0.00	\$7.20	\$18.00	\$36.00	\$54.00	\$72.00
90847	Family Psychotherapy	\$79.00 \$81.00	\$0.00 \$0.00	\$7.90 \$8.10	\$19.75 \$20.25	\$39.50 \$40.50	\$59.25 \$60.75	\$79.00 \$81.00
90853	Group Psychotherapy	\$29.00 \$26.00	\$0.00 \$0.00	\$2.90 \$2.60	\$7.25 \$6.50	\$14.50 \$13.00	\$21.75 \$19.50	\$29.00 \$26.00
90849	Multifamily Psychotherapy	\$22.00 \$26.00	\$0.00 \$0.00	\$2.20 \$2.60	\$5.50 \$6.50	\$11.00 \$13.00	\$16.50 \$19.50	\$22.00 \$26.00
	EDUCATIONAL SERVICES							
	Educational Diagnostic Evaluation	NO COST..... Service Provided Free Statewide						
	School Visit/Consultation	NO COST..... Service Provided Free Statewide						
	Classroom Observation	NO COST..... Service Provided Free Statewide						
	CASE MANAGEMENT SERVICES							
99362	Interdisciplinary Medical Conference	\$46.23	\$0.00	\$4.62	\$11.56	\$23.12	\$34.67	\$46.23
	Other Case Mgt. Activity	NO COST..... Service Provided Free Statewide						
	Progress Review	NO COST..... Service Provided Free Statewide						

VA.R. Doc. No. R98-76: Filed October 21, 1997, 1:27 p.m.

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The Department of Medical Assistance Services is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 12 VAC 30-50-10 et seq. **Amount, Duration, and Scope of Medical and Remedial Care and Services (amending 12 VAC 30-50-10, 12 VAC 30-50-30, 12 VAC 30-50-50, and 12 VAC 30-50-60).**

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

Effective Date: December 15, 1997.

Summary

The purpose of this regulation is to indicate correctly whether covered services are with or without limitations. These services have long been covered in the State Plan for Medical Assistance. For example, the coverage for home health services indicated that nursing services were covered without limits. Under DMAS' coverage policies for home health nursing services, DMAS has always applied limits. The other services being corrected are: home health nurse aide services; home health physical therapy, occupational therapy, and speech pathology and audiology services; and screening and preventive services. This regulatory action represents no substantive change in coverage or limits.

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 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-50-10. Services provided to the categorically needy with limitations.

The following services are provided with limitations as described in 12 VAC 30-50-100 et seq.:

1. Inpatient hospital services other than those provided in an institution for mental diseases.
2. Outpatient hospital services.
3. Rural health clinic services and other ambulatory services furnished by a rural health clinic.
4. Federally Qualified Health Center (FQHC) services and other ambulatory services that are covered under the plan and furnished by an FQHC in accordance with § 4231 of the State Medicaid Manual (HCFA Pub. 45-4).
5. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.

6. Family planning services and supplies for individuals of child-bearing age.

7. Physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility, or elsewhere.

8. Medical and surgical services furnished by a dentist (in accordance with § 1905(a)(5)(B) of the Act).

9. Medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law: podiatrists, optometrists and other practitioners.

10. Home health services: intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area; home health aide services provided by a home health agency; and medical supplies, equipment, and appliances suitable for use in the home; physical therapy, occupational therapy, or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility.

11. Clinic services.

12. Dental services.

13. Physical therapy and related services, including occupational therapy and services for individuals with speech, hearing, and language disorders (provided by or under supervision of a speech pathologist or audiologist).

14. Prescribed drugs, prosthetic devices, and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

15. Other rehabilitative services (~~home health services~~), screening services, preventive services.

16. Reserved.

17. Nurse-midwife services.

18. Case management services as defined in, and to the group specified in, ~~12 VAC 30-50-100~~ 12 VAC 30-50-95 et seq. (in accordance with § 1905(a)(19) or § 1915(g) of the Act).

19. Extended services to pregnant women: pregnancy-related and postpartum services for a 60-day period after the pregnancy ends and any remaining days in the month in which the 60th day falls (see 12 VAC 30-50-510). (Note: Additional coverage beyond limitations.)

20. Pediatric or family nurse practitioners' service.

21. Any other medical care and any other type of remedial care recognized by state law, specified by the Secretary: transportation.

12 VAC 30-50-30. Services not provided to the categorically needy.

The following services and devices are not provided to the categorically needy:

1. Chiropractors' services.
2. Private duty nursing services.
3. Dentures.
4. Other diagnostic, screening and preventive services other than those provided elsewhere in this plan: diagnostic and preventive services (see ~~12 VAC 30-50-400~~ 12 VAC 30-50-95 et seq.).
5. Inpatient psychiatric facility services for individuals under 22 years of age.
6. Special tuberculosis (TB) related services under § 1902(z)(2)(F) of the Act.
7. Respiratory care services (in accordance with § 1920(e)(9)(A) through (C) of the Act).
8. Ambulatory prenatal care for pregnant women furnished during a presumptive eligibility period by a qualified provider (in accordance with § 1920 of the Act).
9. Any other medical care and any type of remedial care recognized under state law specified by the Secretary: services of Christian Science Nurses; personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

12 VAC 30-50-50. Services provided to the medically needy with limitations.

1. Inpatient hospital services other than those provided in an institution for mental diseases.
2. Outpatient hospital services.
3. Rural health clinic services and other ambulatory services furnished by a rural health clinic.
4. Federally qualified health center (FQHC) services and other ambulatory services that are covered under the plan and furnished by an FQHC in accordance with § 4231 of the State Medicaid Manual (HCFA, Pub. 45-4).
5. Family planning services and supplies for individuals of childbearing age.
6. Physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility, or elsewhere.
7. Medical and surgical services furnished by a dentist (in accordance with § 1905(a)(5)(B) of the Act).
8. Medical care and any other type of remedial care recognized under state law, furnished by licensed

practitioners within the scope of their practice as defined by state law, including:

- Podiatrists' services;
- Optometrists' services; and
- Other practitioners' services.

9. Home health services' medical supplies, equipment, and appliances suitable for use in the home; *intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area; home health aide services provided by a home health agency; physical therapy, occupational therapy, or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility.*

10. Clinic services.

11. Dental services.

12. Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders provided by or under supervision of a speech pathologist or audiologist.

13. Prescribed drugs, prosthetic devices, and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

14. Rehabilitative services.

15. Nurse-midwife services.

16. Case management services as defined in, and to the group specified in, 12 VAC 30-50-410 (in accordance with § 1905(a)(19) or § 1915(g) of the Act).

17. Extended services for pregnant women including pregnancy-related and post-partum services for 60 days after the pregnancy ends.

18. Certified pediatric or family nurse practitioners' services.

19. Any other medical care and any other type of remedial care recognized under state law, specified by the Secretary, specifically transportation.

12 VAC 30-50-60. Services provided to all medically needy groups without limitations.

1. Other laboratory and x-ray services.
2. Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
3. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.
4. ~~Home health services: Intermittent or part time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in~~

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~~the area; home health aide services provided by a home health agency; physical therapy, occupational therapy, or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility. Reserved.~~

5. Intermediate care facility services (other than such services in an institution for mental diseases) for persons determined in accordance with § 1905(a)(4)(A) of the Act; to be in need of such care.

6. Hospice care (in accordance with § 1905(o) of the Act).

7. Any other medical care or any other type of remedial care recognized under state law, specified by the Secretary, including: care and services provided in Christian Science sanatoria; skilled nursing facility services for patients under 21 years of age; and emergency hospital services.

8. Private health insurance premiums, coinsurance and deductibles when cost effective (pursuant to P.L. 101-508 § 4402).

VA.R. Doc. No. R98-75; Filed October 21, 1997, 7:55 a.m.

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

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

Title of Regulation: 16 VAC 25-60-10 et seq. Administrative Regulation for the Virginia Occupational Safety and Health Program, 29 CFR 1903.19 (adding 16 VAC 25-60-307).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 15, 1997.

Summary:

This standard requires those employers who have received a citation for violation of the Occupational Safety and Health Act to certify to VOSH that they have abated the hazardous condition for which they were cited

and to inform affected employees of the abatement action.

The verification actions that cited employers will be required to take to document abatement under this standard are tailored specifically to the nature of the hazard cited and the employer's actions to eliminate the hazard. That is, the extent of the abatement verification required by VOSH will be commensurate with the seriousness of the violation and the actions the employer takes to abate the cited hazard.

Agency Contact: Copies of the regulation may be obtained from Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

16 VAC 25-60-307. Abatement verification.

A. Virginia Occupational Safety and Health Program (VOSH) inspections are intended to result in the abatement of violations of the Virginia Occupational Safety and Health Act (§ 40.1-1 of the Code of Virginia). This section sets forth the procedures VOSH will use to ensure abatement. These procedures are tailored to the nature of the violation and the employer's abatement actions.

B. This section applies to employers who receive a citation for a violation of the Virginia Occupational Safety and Health Act.

C. Definitions.

"Abatement" means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by VOSH during an inspection.

"Abatement date" means:

1. For an uncontested citation item, the later of:
 - a. The date in the citation for abatement of the violation;
 - b. The date approved by VOSH or established in litigation as a result of a petition for modification of the abatement date (PMA); or
 - c. The date established in a citation by an informal settlement agreement.
2. For a contested citation item, the date established in a formal settlement agreement between VOSH and the employer, or for a contested citation item for which a Virginia circuit court has issued an order affirming the violation, the later of:
 - a. The date identified in the final order;
 - b. The date computed by adding the period allowed in the citation for the abatement to the final order date; or
 - c. The date established by an agreed order.

"Affected employees" means those employees who are exposed to the hazard(s) identified as violation(s) in a citation.

"Final order date" means:

1. For an uncontested citation item, the 15th working day after the employer's receipt of the citation;
2. For a contested citation item:
 - a. The date that a formal settlement agreement is signed by VOSH;
 - b. The 30th day after the date on which a decision or order of a circuit court judge has been entered; or
 - c. The date on which the Virginia Court of Appeals issues a decision affirming the violation in a VOSH case.

"Movable equipment" means a hand-held or nonhand-held machine or device, powered or unpowered, that is used to do work and is moved within or between worksites.

D. Abatement certification.

1. Within 10 calendar days after the abatement date, the employer must certify to the department that each cited violation has been abated, except as provided in subdivision 2 of this subsection.
2. The employer is not required to certify abatement if the VOSH compliance officer, during the on-site portion of the inspection:
 - a. Observes within 24 hours after a violation is identified that abatement has occurred; and
 - b. Notes in the citation that abatement has occurred.
3. The employer's certification that abatement is complete must include, for each cited violation, in addition to the information required by subsection 1 of this section, the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement. A sample abatement certification letter is shown as Form A.

E. Abatement documentation.

1. The employer must submit to the department, along with the information on abatement certification required by subdivision D 3 of this section documents demonstrating that abatement is complete for each willful or repeat violation and for any serious violation for which the department indicates in the citation that such abatement documentation is required.
2. Documents demonstrating that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

F. Abatement plans.

1. The department may require an employer to submit an abatement plan for each cited violation (except an other-than-serious violation) when the time permitted for

abatement is more than 90 calendar days. If an abatement plan is required, the citation must so indicate.

2. The employer must submit an abatement plan for each cited violation within 25 calendar days from the final order date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to the violative condition in the interim until abatement is complete. A sample abatement plan is shown as Form B.

G. Progress reports.

1. An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:

- a. That periodic progress reports are required and the citation items for which they are required;
- b. The date on which an initial progress report must be submitted, which may be no sooner than 30 calendar days after submission of an abatement plan;
- c. Whether additional progress reports are required; and
- d. The date or dates on which additional progress reports must be submitted.

2. For each violation, the progress report must identify, in a single sentence if possible, the action taken to achieve abatement and the date the action was taken. A sample progress report is shown as Form B.

H. Employee notification.

1. The employer must inform affected employees and their representatives about abatement activities covered by this section by posting a copy of each document submitted to the department or a summary of the document near the place where the violation occurred.

2. Where such posting does not effectively inform employees and their representatives about abatement activities (for example, for employers who have mobile work operations), the employer must:

- a. Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or
- b. Take other steps to communicate fully to affected employees and their representatives about abatement activities.

3. The employer must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the department.

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a. An employee or an employee representative must submit a request to examine and copy abatement documents within three working days of receiving notice that the documents have been submitted.

b. The employer must comply with an employee's or employee representative's request to examine and copy abatement documents within five working days of receiving the request.

4. The employer must ensure that notice to employees and employee representatives is provided at the same time or before the information is provided to the department and that abatement documents are:

a. Not altered, defaced, or covered by other material; and

b. Remain posted for three working days after submission to the department.

I. Transmitting abatement documents.

1. The employer must include, in each submission required by this section, the following information:

a. The employer's name and address;

b. The inspection number to which the submission relates;

c. The citation and item numbers to which the submission relates;

d. A statement that the information submitted is accurate; and

e. The signature of the employer or the employer's authorized representative.

2. The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the department receives the document is the date of submission.

J. Movable equipment.

1. For serious, repeat, and willful violations involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within the worksite or between worksites. Attaching a copy of the citation to the equipment is deemed by VOSH to meet the tagging requirement of this section as well as the posting requirement of 16 VAC 25-60-40.

2. The employer must use a warning tag that properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued. Form C is a sample tag that employers may use to meet this requirement.

3. If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment:

a. For hand-held equipment, immediately after the employer receives the citation; or

b. For nonhand-held equipment, prior to moving the equipment within or between worksites.

4. For the construction industry, a tag that is designed and used in accordance with 16 VAC 25-175-1926.20(b)(3) and 16 VAC 25-175-1926.200(h) is deemed by VOSH to meet the requirements of this section when the information required by subdivision 2 of this subsection is included on the tag.

5. The employer must ensure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other material.

6. The employer must ensure that the tag or copy of the citation attached to movable equipment remains attached until:

a. The violation has been abated and all abatement verification documents required by this chapter have been submitted to the department;

b. The cited equipment has been permanently removed from service or is no longer within the employer's control; or

c. The Virginia circuit court issues a final order vacating the citation.

FORMS

Form A to 16 VAC 25-60-307 -- Sample Abatement Certification Letter (Nonmandatory)

(Name), Regional Director
Virginia Department of Labor and Industry
Address of the Regional Office (on the citation)

[Company's Name]

[Company's Address]

The hazard referenced in Inspection Number [insert 9-digit #] for violation identified as:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

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Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on insert date by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

I attest that the information contained in this document is accurate and that affected employees and their representatives have been informed of the abatement(s).

Signature _____

Typed or Printed Name _____

Form B to 16 VAC 25-60-307 -- Sample Abatement Plan or Progress Report (Nonmandatory)

(Name), Regional Director
Virginia Department of Labor and Industry
Address of Regional Office (on the citation)

[Company's Name]

[Company's Address]

Check one:

Abatement Plan []

Progress Report []

Inspection Number _____

Page _____ of _____

Citation Number(s)* _____

Item Number(s)* _____

Action

Proposed
Completion
Date (for
abatement
plans only)

Completion
Date (for
progress
reports
only)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

Date required for final abatement: _____

I attest that the information contained in this document is accurate and that affected employees and their representatives have been informed of the abatement(s).

Signature _____

Typed or Printed Name _____

Name of primary point of contact for questions: [optional]

Telephone number: _____

*Abatement plans or progress reports for more than one citation item may be combined in a single abatement plan or progress report if the abatement actions, proposed completion dates, and actual completion dates (for progress reports only) are the same for each of the citation items.

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Form C to 16 VAC 25-60-307 -- Sample Warning Tag
(Nonmandatory)

0

WARNING

EQUIPMENT HAZARD
CITED BY VOSH

EQUIPMENT CITED:

HAZARD CITED:

FOR DETAILED INFORMATION
SEE VOSH CITATION POSTED AT:

BACKGROUND COLOR-ORANGE
MESSAGE COLOR-BLACK

VA.R. Doc. No. R98-68; Filed October 8, 1997, 1:22 p.m.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

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

October 31, 1997

Mr. Linwood Saunders, Vice-Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie H. Robinson
Regulatory Coordinator

Dear Mr. Saunders:

This letter acknowledges receipt of the amendments to 16 VAC 25-60-10 et seq., Administrative Regulation for the Occupational Safety and Health Program, specifically the addition of 16 VAC 25-60-307, Abatement Verification, Part VII, submitted by the Department of Labor and Industry.

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

Sincerely,

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

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

Final Regulations

Title of Regulation: **16 VAC 25-90-1910.1000. Air Contaminants, General Industry (29 CFR 1910.1000).**

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 15, 1997.

Summary:

Typographical errors were corrected in the table containing limits for air contaminants and the table on mineral dusts. The corrections are as follows:

1. For one group of substances, Cyanides, OSHA inadvertently omitted the "x" notation in the "skin designation" column to indicate that the substance is absorbed through the skin.

2. In the entry for "1,2-Dibromo-3-chloropropane (CBCP); see 1910.1044," the parenthetical "(CBCP)" in the "Substance" column is revised to read "(DBCP)."

3. For two substances, Endosulfan and Perlite (respirable and total dust), the entries and their corresponding PELs should be deleted. The entries, including their respective PELs, are a carryover from the 1989 Air Contaminants Standard which was vacated by the U.S. Court of Appeals, Eleventh Circuit. The substance, Endosulfan, was not listed in the air contaminant tables when OSHA adopted the consensus standards on May 29, 1971 (36 FR 10466) and consequently is not currently regulated. With respect to Perlite, OSHA formerly regulated Perlite under the generic nuisance dust limits of 15 mg/m³ respirable fraction. Consequently, Perlite is currently regulated under the entry "particulates not otherwise regulated" which is the current nomenclature for what was formerly referred to as "nuisance dust."

4. In the entry for "2,4,6-Trinitrophenyl: see Picric acid," the word "Trinitrophenyl" is revised to read "Trinitrophenol."

5. The exposure limit for Uranium insoluble compounds is incorrectly listed as 0.05 mg/m³. It should be listed as 0.25 mg/m³.

6. The formula for the PEL for coal dust with less than 5.0% quartz (respirable fraction) is incorrectly listed as "2.4 mg/m^{3e}"

%SiO₂ +2

It should read "2.4 mg/m^{3e}."

Agency Contact: Copies of the regulation may be obtained from Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Air Contaminants, General Industry (29 CFR 1910.1000) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire document will not be printed in the Virginia Register of Regulations or the Virginia Administrative Code. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On September 29, 1997, the Safety and Health Codes Board adopted an identical version of federal OSHA's amendment to Air Contaminants, General Industry (29 CFR 1910.1000), which was published in the Federal Register, 62 FR 42018 on August 4, 1997. The amendments as adopted are not set out.

When the regulations, as set forth in the corrections to 16 VAC 25-90-1910.1000, Air Contaminants, General Industry (29 CFR 1910.1000), are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms:</u>	<u>VOSH Equivalent:</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
September 3, 1997	December 15, 1997

VA.R. Doc. No. R98-70; Filed October 8, 1997, 1:21 p.m.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

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

October 31, 1997

Mr. Linwood Saunders, Vice-Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie H. Robinson
Regulatory Coordinator

Dear Mr. Saunders:

This letter acknowledges receipt of the amendments to 16 VAC 25-90-1910.1000, Air Contaminants, General Industry, submitted by the Department of Labor and Industry.

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

Sincerely,

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

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

Final Regulations

Title of Regulation: 16 VAC 25-90-1910.1052.
Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052).

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 15, 1997.

Summary:

Federal OSHA has provided an additional 30 days for certain employers to comply with the start-up dates contained in 29 CFR 1910.1052(n)(2)(i)(C) of the final rule for Occupational Exposure to Methylene Chloride, General Industry. Requirements for initial monitoring can be found in 29 CFR 1910.1052(d)(2). Specifically, federal OSHA's start-up date for initial monitoring, as stated in 29 CFR 1910.1052(n)(2)(i)(C), is now 150 days after the standard's federal effective date, rather than 120 days. In Virginia, a similarly revised start-up date for initial monitoring would be December 12, 1997, 150 days from its Virginia effective date of July 15, 1997.

29 CFR 1910.8 was also amended by adding the entry "1910.52***1218-0179" (in numerical order) to the table in the section (62 FR 2666).

On August 14, 1997, federal OSHA corrected the second line in the third column of amendatory instruction 2 to read "1910.1052.....1218-0179" instead of "1910.52***1218-0179" (62 FR 3581).

Additionally, on September 15, 1997, OSHA extended the start-up compliance date to November 6, 1997, for all provisions of the MC standard except initial monitoring, which has already been extended recently, and engineering controls for employers specified in 29 CFR 1910.1052(n)(2)(iii)(c). This extension now requires compliance within 210 days after the effective date of the standard, rather than 180 days. In Virginia, a similarly revised start-up date for provisions other than initial monitoring and engineering controls will be on February 10, 1998, 210 days from its Virginia effective date of July 15, 1997.

The MC standard for general industry, 29 CFR 1910.1052, also applies to all occupational exposures to MC in construction and shipyard employment. The above-referenced changes also apply to construction, 29 CFR 1926.1152, and shipyard employment, 29 CFR 1915.1052.

Agency Contact: Copies of the regulation may be obtained from Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

document will not be printed in the Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Richmond, Virginia 23219.

On September 29, 1997, the Safety and Health Codes Board adopted an identical version of federal OSHA's extensions of start-up dates and corrections to the final rule for the Occupational Exposure to Methylene Chloride, General industry (29 CFR 1910.1052), which were published in the Federal Register on the following dates: August 8, 1997 (62 FR 42666); August 14, 1997 (62 FR 43581); and September 15, 1997 (62 FR 48175). The amendments as adopted are not set out.

When the regulation as set forth in the extensions to start-up dates and corrections to 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052) is applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
August 8, 1997	December 15, 1997
August 14, 1997	December 15, 1997
September 14, 1997	December 15, 1997

Implementation Schedule

	<u>Federal</u>	<u>Virginia</u>
Initial monitoring (1910.1052(d)(2))		
For other employers	within 150 days of 4/10/97 (09/07/97)	12/15/97
All other requirements of 1910.1052 (1910.1052(n)(2)(iii)(C))		
For all other employers (except initial monitoring and engineering controls)	within 210 days of 4/10/97 (11/06/97)	02/10/98

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Methylene Chloride, General Industry (29 CFR 1910.1052) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the entire



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

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

October 31, 1997

Mr. Linwood Saunders, Vice-Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
13 South Thirteenth Street
Richmond, VA 23219

Attention: Bonnie H. Robinson
Regulatory Coordinator

Dear Mr. Saunders:

This letter acknowledges receipt of the amendments to 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, submitted by the Department of Labor and Industry.

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

Sincerely,

A handwritten signature in cursive script that reads "E. M. Miller, Jr." followed by a vertical line and the initials "JK".

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

VA.R. Doc. No. R98-69; Filed October 8, 1997, 1:20 p.m.

Final Regulations

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

REGISTRAR'S NOTICE: The Board of Medicine is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 B 12 of the Code of Virginia, which exempts agency action relating to instructions for application or renewal of a license, certificate, or registration required by law.

Title of Regulation: 18 VAC 85-31-10 et seq. **Regulations Governing the Practice of Physical Therapy (amending 18 VAC 85-31-130 and 18 VAC 85-31-160).**

Statutory Authority: §§ 54.1-2400 and 54.1-2943 of the Code of Virginia.

Effective Date: October 17, 1997.

Summary:

Following its Regulatory Review pursuant to Executive Order 15 (94), the Virginia Board of Medicine repealed its current Regulations Governing the Practice of Physical Therapy and promulgated new regulations (18 VAC 85-31-10 et seq.). In the process, the biennial renewal cycle was inadvertently changed from renewal in even years to renewal in odd years. The amendment adopted by the board corrects the error and puts the regulation back to its original requirement of renewal in even years.

Agency Contact: Copies of the regulation may be obtained from Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

18 VAC 85-31-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each ~~odd~~ even numbered year and pay to the board the renewal fee prescribed in 18 VAC 85-31-160.

B. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

C. An additional fee to cover administrative costs for processing a late application shall be imposed by the board.

D. A minimum of 320 hours of practice in the preceding four years shall be required for licensure renewal.

18 VAC 85-31-160. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee for a physical therapist or a physical therapist assistant shall be \$100.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement for a physical therapist or a physical therapist assistant shall be \$125.

D. Licensure renewal and reinstatement.

1. The fee for license renewal for a physical therapist shall be \$100 and for a physical therapist assistant shall be \$70 and shall be due in the licensee's birth month in each ~~odd~~ even numbered year.

2. A fee of \$25 for processing a late renewal shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a physical therapist or a physical therapist assistant license which has expired for four or more years shall be \$225 and shall be submitted with an application for licensure reinstatement.

VA.R. Doc. No. R98-73; Filed October 17, 1997, 1:43 p.m.

BOARD FOR OPTICIANS

REGISTRAR'S NOTICE: The Board for Opticians is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts 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. The Board of Opticians will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 18 VAC 100-20-10 et seq. **Board for Opticians Regulations (amending 18 VAC 100-20-10, 18 VAC 100-20-50, 18 VAC 100-20-70, and 18 VAC 100-20-80).**

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Effective Date: December 29, 1997.

Summary:

The amendments to this regulation reduce the amount of fees charged to regulants and applicants seeking licensure with the board.

Agency Contact: Copies of the regulation may be obtained from Nancy Taylor Feldman, Assistant Director, Board for Opticians, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

18 VAC 100-20-10. Qualifications of applicant.

A. Any person desiring to sit for the examination shall submit an application on a form provided by the board with

the required examination fee of ~~\$100~~ \$80. All fees are nonrefundable and shall not be prorated.

B. Each applicant shall provide information on his application establishing that he:

1. Is at least 18 years of age;
2. Is a graduate of an accredited high school, or has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development;
3. Is in good standing as a licensed optician in every jurisdiction where licensed;
4. Has not been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. 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; and
5. Has completed one of the following education requirements:
 - a. An approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or
 - b. A three-year apprenticeship with a minimum of one school year of related instruction or home study while registered in the apprenticeship program in accordance with the standards established by the State Department of Labor and Industry, Division of Apprenticeship Training and approved by the Board for Opticians.

18 VAC 100-20-50. Licensing of out-of-state opticians.

A. An out-of-state licensed optician seeking to be licensed as an optician in Virginia shall submit an application on a form provided by the board with the required fee of ~~\$100~~ \$80. All fees are nonrefundable and shall not be prorated.

B. The board, using the following standards, shall issue a license to any person licensed in another state who:

1. Has met requirements equivalent to those listed in 18 VAC 100-20-10; and
2. Has passed a substantially equivalent examination.

18 VAC 100-20-70. License renewal required.

A. Licenses issued under this chapter shall expire on December 31 of each even-numbered year. The Department of ~~Commerce Professional and Occupational Regulation~~ shall mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew.

B. Each licensee applying for renewal shall return the renewal notice with a fee of ~~\$75~~ \$65 to the Department of ~~Commerce Professional and Occupational Regulation~~ no later than 5 p.m. on the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

C. Applicants for renewal of a license shall continue to meet the standards for entry set forth in subdivisions B 3 and 4 of 18 VAC 100-20-10 of ~~this chapter~~.

D. The board may deny renewal of a license for the same reasons as it may refuse licensure.

18 VAC 100-20-80. License reinstatement required.

A. If the licensee fails to renew his license within 30 days following the expiration date, he must apply for reinstatement of his license on a form provided by the board.

B. ~~Additional fees for reinstatement are required as follows:~~

~~1. If the renewal application is received by the department more than 30 days after the expiration date of the license, a fee equal to twice the renewal late fee of \$25 is required.~~

~~2. If the renewal application is received by the department more than 180 days after the expiration date of the license, a fee equal to four times the renewal fee is required.~~

C. Applicants for reinstatement of a license shall continue to meet the standards for entry as set forth in subdivisions B 3 and 4 of 18 VAC 100-20-10 of ~~this chapter~~.

D. The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure.

E. When an individual fails to renew his license after a period of one year after the expiration date, he must apply as follows:

1. Submit an application on a form provided by the board establishing that he has met all of the requirements of 18 VAC 100-20-10 B 5 a or b and a fee of ~~\$300~~ \$100;

2. Take and receive a passing score of 70% on the practical examination and 70% on the written examination on his first attempt; and

3. Meet the requirements of 18 VAC 100-20-10 B 5 a or b before sitting for the written examination and the practical examination again if the applicant fails to pass both the written and the practical examination on his first attempt.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR OPTICIANS
P. O. BOX 11066
RICHMOND, VIRGINIA 23230-1066
(804) 367-8505

ORIGINAL APPLICATION FOR VIRGINIA OPTICIAN LICENSE

PART I

TO BE COMPLETED BY ALL APPLICANTS

A. NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
PHONE Home () _____ Work () _____
SOCIAL SECURITY No. _____ Date of Birth: _____

B. APPLICATION BY : EDUCATION _____ RECIPROCITY _____
C. ATTACH FEE OF \$80.00

NOTE: DEPOSIT OF APPLICANT PROCESSING FEE DOES NOT INDICATE APPLICATION FOR LICENSE HAS BEEN APPROVED. ALL FEES ARE NONREFUNDABLE. MAKE CHECK OR MONEY ORDER PAYABLE TO THE TREASURER OF VIRGINIA.

D. Have you ever pleaded guilty, entered a plea of nolo contendere or been convicted of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony? _____ YES _____ NO
(REPORT CONVICTIONS AFTER 18TH BIRTHDAY)

IF YES,
explain _____

Attach appropriate documentation as listed on instruction sheet.

E. Have you ever had a registration or license as an optician revoked, suspended, or subject to a disciplinary action (including probation, fine, reprimand or surrender) in any jurisdiction? _____ YES _____ NO

IF YES,
explain _____

Attach appropriate documentation as listed on instruction sheet.

F. ATTACH CERTIFICATION OF HIGH SCHOOL GRADUATION OR EQUIVALENT
G. ATTACH CERTIFICATION OF PASSING THE ABO EXAMINATION

PART II

A. COMPLETE THIS SECTION IF YOU ATTENDED A SCHOOL OF OPTICIANRY

Name and address of School of Opticianry attended : _____

Date enrolled _____ Date Completed _____

ATTACH CERTIFIED TRANSCRIPT

B. COMPLETE THIS SECTION IF YOU SERVED AN APPRENTICESHIP

Name and address of shop or shops in which your served a three year apprenticeship in accordance with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry as a Dispensing Optician. _____

Date enrolled _____ Date completed _____

ATTACH "CHANGE OF STATUS" FORM

Signature of Apprenticeship Representative for the _____ Date _____
Department of Labor and Industry

PART III

USE THIS SECTION IF YOU ARE CURRENTLY REGISTERED/LICENSED IN ANOTHER STATE AS AN OPTICIAN

- A. Complete Part I with appropriate documentation.
- B. Complete applicable section of Part II with appropriate documentation.
- C. Provide the following additional documentation:

1. Certification from your State Board that you have successfully passed an examination that is substantially equivalent to the examination given in Virginia.
2. A certification from your State Board that your license/registration is in good standing in that jurisdiction.
3. A copy of your current Optician license/registration.
4. Attach a copy of current ABO certification certificate.

PART IV.

TO BE COMPLETED BY ALL APPLICANTS

CERTIFICATION

I do certify that I am the person making this application and that the information given by me on this application and attachments is true to the best of my knowledge and belief and is made for the express purpose of obtaining a license to practice opticianry in the Commonwealth of Virginia.

I am fully familiar with the fact that the Board for Opticians has the authority to revoke, or refuse to grant the license for which I have applied, if such licensure is obtained on the basis of any misrepresentation whatsoever.

Signature of Applicant

Date

STAFF USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE

Approved for EXAMINATION _____

Date of Exam _____

Approved for ENDORSEMENT _____

State _____

Practical Exam

Date of Exam

1 2 3 4 5 6 Total

Written Exam

Remarks

Date of Exam	1	2	3	4	5	6	Total	Written Exam	Remarks

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR OPTICIANS
P. O. BOX 11066
RICHMOND, VIRGINIA 23230-1066
(804) 367-8505

APPLICATION FOR REINSTATEMENT OF VIRGINIA OPTICIAN LICENSE

PART I. APPLICATION INFORMATION

Date _____

TO BE COMPLETED BY ALL APPLICANTS

- A. License No. _____ SSN _____
Date of expiration _____
- B. Name _____
Address _____
City _____ State _____ Zip Code _____
Phone Home () _____ Work () _____
- C. Have you ever pleaded guilty, entered a plea of nolo contendere or been convicted of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony? (REPORT CONVICTIONS OCCURRING AFTER 18TH BIRTHDAY)
____ YES ____ NO

IF YES, explain _____

ATTACH appropriate documentation as listed on instruction sheet.

- D. Have you ever had a registration or license as an optician revoked, suspended, or subject to a disciplinary action (including probation, fine, reprimand or surrender) in any jurisdiction? ____ YES ____ NO

IF YES, explain _____

Attach appropriate documentation as listed on instruction sheet.

OPT 2 (12/21/97)

PART II. REINSTATEMENT AFTER ONE YEAR

If you have failed to renew your license after a period of one (1) year, you must complete either section A or section B and comply with the requirements of § 2.2 E:

A. Provide the following information if you attended a School of Opticianry:

Name and address of School of Opticianry attended:

ATTACH CERTIFIED TRANSCRIPT

B. Provide the following information if you served an apprenticeship:

Name and address of shop or shops in which you served a three year apprenticeship in accordance with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry as a Dispensing Optician.

ATTACH "CHANGE OF STATUS" FORM

PART III. FEE INFORMATION

- A. If reinstatement request is received by the Board 30 days after the expiration date of the license, a late fee of \$25 is required.
- B. If the reinstatement request is received after one (1) year, a fee of \$100 must be submitted.

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA". ALL FEES ARE NONREFUNDABLE. DEPOSIT OF FEE DOES NOT INDICATE LICENSE REINSTATEMENT HAS BEEN APPROVED.

PART IV.
TO BE COMPLETED BY ALL APPLICANTS

CERTIFICATION

I do hereby certify that I am the person making this application and that the information given by me on this application and attachments is true to the best of my knowledge and belief and is made for the express purpose of obtaining reinstatement of my Virginia Optician license.
I am fully familiar with the fact that the Board for Opticians has the authority to refuse to grant reinstatement of the license.

Signature of Applicant _____

Date _____

OPT 2 (12/29/97)

VAR, Doc. No. R98-82; Filed October 22, 1997, 11:54 a.m.

Virginia Register of Regulations

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: 22 VAC 40-680-10 et seq. Virginia Energy Assistance Program (amending 22 VAC 40-680-10, 22 VAC 40-680-30, 22 VAC 40-680-50 and 22 VAC 40-680-65).

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

Effective Date: December 10, 1997.

Summary:

The amendments add the term "energy burden" to the factors used to determine benefits for the fuel assistance component. The provision of primary fuel has been added to the types of services provided through the crisis assistance component. To comply with legislative action, heating equipment repair and replacement have been added to the crisis assistance component. The eligibility requirement that a household have an energy burden of 100% has been deleted from the weatherization assistance component. Several terms have been deleted from the regulation. Wording changes have been made for clarification.

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 Charlene H. Chapman, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1751.

22 VAC 40-680-10. Definitions.

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

"Department" means the Department of Social Services.

"Disabled person" means a person receiving Social Security disability, Railroad Retirement disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

"Elderly person" means anyone who is 60 years of age or older.

"Energy burden" means the average fuel cost for the primary fuel type used by a household divided by the income of the household.

"Energy-related," "weather related," or "supply shortage emergency" means a household has no heat or an imminent utility cutoff or no single source of operable or safe heating equipment.

"Fiscal year" means October 1 through September 30.

"Household" means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat), or making undesignated payments for energy in the form of rent (heat is included in the rent).

"Poverty guidelines" means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

"Primary fuel" means the fuel used to operate the primary heating system currently used to heat the majority of the house.

"Primary heating system" means the system that is currently used to heat the majority of the house.

"Resources" means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

"Vulnerability factor" means an individual is a child under the age of six or meets the definition of an elderly or disabled person.

22 VAC 40-680-30. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year the benefit amounts for each household shall be determined by state computer using the following method:

1. The following factors for each household will be assigned a point value:
 - a. Gross monthly income;
 - b. Living arrangements;
 - c. Primary heat type;
 - d. Climate zone;
 - e. Vulnerability:
 - (1) Person 60 years of age or older;
 - (2) Disabled person in [HH household]; and
 - (3) Child under six; and
 - f. Energy burden.

Final Regulations

Point values will be determined by department staff in accordance with guidelines established by the State Board of Social Services.

2. The total points of all households will be determined.
3. The available benefit dollars will be divided by the point total to determine a point dollar value.
4. The household's benefit amount will be calculated by multiplying the household's point total by the value per point.

22 VAC 40-680-50. Eligibility criteria; benefits.

A. The purpose of the crisis assistance component is to assist households with energy-related, ~~weather-related~~ or ~~supply shortage~~ emergencies. This component is intended to help the household meet energy emergencies that cannot be met by the ~~fuel assistance component~~ or other resources.

B. In order to be eligible for crisis assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as set forth in 22 VAC 40-680-20;
2. Have an energy-related, ~~weather-related~~ or ~~supply shortage~~ emergency as defined in 22 VAC 40-680-10;
3. ~~Other~~ Applicant or community resources cannot meet the emergency ~~(including fuel assistance)~~; [and]
4. Did not receive crisis assistance maximum benefit during the current year.

C. The State Board of Social Services shall set benefit amounts for each type of assistance offered based on the availability of *federal block grant* funding. The following forms of assistance shall be provided:

1. A one-time only payment for a security deposit for the primary fuel type;
2. Providing space heaters; ~~and~~
3. Providing emergency shelter; [~~and~~]
4. Purchase of primary fuel [~~as defined in 22 VAC 40-680-10~~;]
5. Repair of inoperable or unsafe heating equipment including necessary maintenance cost of heating equipment and the purchase of supplemental equipment; ~~and~~
6. Purchase of heating equipment.]

22 VAC 40-680-65. Eligibility criteria; benefits.

A. The purpose of the weatherization assistance component is to improve or enhance the energy efficiency of the residence of eligible households and attempt to lessen dependency on the energy assistance program.

This component is intended to help the household meet specific energy needs that cannot be met through other resources.

B. In order to be eligible for weatherization assistance, a household shall meet the following criteria:

1. All of the fuel assistance criteria as defined in Part II (22 VAC 40-680-20 et seq.) of this chapter.
2. The household must ~~have an energy burden of 100% or higher~~ and include one or more individuals with a vulnerability factor.
3. Other resources cannot meet the need.

C. Services will be provided through the Virginia Department of Housing and Community Development weatherization network.

D. The U.S. Department of Energy average maximum benefit guidelines will be used for each type of assistance based on the availability of funding. The following forms of assistance shall be provided:

1. Repair of inoperable or unsafe heating equipment including necessary maintenance cost of heating equipment and the purchase of supplemental equipment.
2. Purchase of heating equipment.
3. Cost-effective energy-related home repairs to include duct repair, air sealing, attic sealing and insulation with venting, and dense pack sidewall insulation in accordance with U.S. Department of Energy approved measures.

VA.R. Doc. No. R97-662; Filed October 22, 1997, 11:39 a.m.

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been developed and revised by the Department of Mines, Minerals and Energy. The forms are not being published due to their length; however, the name of each form is listed below. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Big Stone Gap office. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

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

Vibration Observations, DMLR-ENF-032V, eff. 9/97

Application for Small Operator Assistance, DMLR-PT-106 (formerly CP-106), rev. 9/97

Application--National Pollutant Discharge Elimination System Application Instructions, DMLR-PT-128, rev. 9/97

Blasting Plan Data, DMLR-PT-103, rev. 10/97

Application for a Coal Surface Mining and Reclamation Permit: Blasting Plan Data (BLD-034D), DMLR-PT-034D, rev. 10/97 (This is a revised page 33 of the Instruction Guide to DMLR-PT-034D which was filed 4/96.)

GOVERNOR

EXECUTIVE ORDER NUMBER SEVENTY-SEVEN (97)

CONTINUING CERTAIN EMERGENCY DECLARATIONS DUE TO NATURAL DISASTERS IN THE COMMONWEALTH

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 44-146.17 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby continue the states of emergency declared in the following executive orders:

Executive Order Number Six (94), Declaration of a State of Emergency Arising From a Severe Winter Storm Which Impacted the Commonwealth, as continued by Executive Orders Number Eighteen (94), Fifty-one (95), and Sixty-eight (96);

Executive Order Number Seven (94), Declaration of a State of Emergency Arising From Heavy Snowfall, Torrential Rains, and Icy Conditions Throughout the Commonwealth, as continued by Executive Orders Number Eighteen (94), Fifty-one (95), and Sixty-eight (96);

Executive Order Number Fifty-four (95), Declaration of a State of Emergency Arising From Heavy Rains, Flash Floods and Mud Slides in Portions of the Commonwealth of Virginia, as continued by Executive Order Number Sixty-eight (96);

Executive Order Number Sixty (96), Declaration of a State of Emergency Throughout the Commonwealth of Virginia Arising From Massive Snow Storm with Blizzard Conditions, as continued by Executive Order Number Sixty-eight (96); and

Executive Order Number Sixty-six (96), Declaration of a State of Emergency Throughout the Commonwealth of Virginia Arising From Hurricane Fran.

This Executive Order shall be retroactively effective to July 1, 1997, upon its signing, and shall remain in full force and effect until June 30, 1998, unless sooner amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 25th day of September, 1997.

/s/ George Allen, Governor

VA.R. Doc. No. R98-77; Filed October 21, 1997, 9:26 a.m.

EXECUTIVE ORDER NUMBER SEVENTY-EIGHT (97)

CONTINUING THE GOVERNOR'S COMMISSION ON SURPLUS PROPERTY

The extent to which the extensive real property of the Commonwealth is efficiently and effectively utilized must be a

major concern of state government. This issue has been addressed over time by the Department of General Services, the Governor's Commission on Government Reform (Blue Ribbon Strike Force), and the Governor's Commission on the Conversion of State-Owned Property.

Considerable progress has been made in determining specific properties that can be put to higher or better use. It is important not only to continue this progress, but in addition, to institutionalize a proactive process that ensures comprehensive and systematic oversight on behalf of the citizens of the Commonwealth.

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.1-51.36 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Commission on Surplus Property which was established by Executive Order.

The Commission is classified as a gubernatorial advisory commission in accordance with §§ 2.1-51.35 and 9-6.25 of the *Code of Virginia*.

The Commission shall have the responsibility to provide the Governor with advice on the use of real property assets controlled by the agencies and institutions of the executive branch and on institutionalizing a proactive program for real estate asset management. The Commission shall have the following specific responsibilities.

1. To evaluate real property assets controlled by executive branch agencies and institutions in a manner that takes into account their highest and best use on behalf of the Commonwealth at large, as well as the narrower interests of individual agencies and institutions.
2. To appraise the market value and potential of real property assets that should be considered for sale or other disposition, and to recommend assets that should be sold, used for other purposes, or otherwise disposed.
3. To examine the utility of such assets as they relate to the mission of the controlling agency or institution and to consider, as appropriate, alternative means to achieve agency missions with alternative assets.
4. To coordinate any specific recommendations that involve substantial policy and program change with the appropriate Governor's Secretary.
5. To recommend an approach to institutionalize a comprehensive and systematic process for managing real estate assets in close coordination with the respective state agencies who control that property, and giving careful consideration to the potential role for the private sector and public/private partnerships.
6. To recommend incentives for state agencies and institutions to proactively participate in a real property management program that pursues benefits on behalf of

the Commonwealth as a whole, rather than the narrower interests of a single agency or institution.

The Commission shall be composed of fifteen members, including the Governor's Secretary of Administration and Secretary of Finance; appointed by and serving at the pleasure of the Governor. The Governor shall designate a Chair, or one or more Co-Chairs, from among the Commission members. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the discharge of their official duties, with the approval of the Secretary of Administration.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Department of General Services, the Commonwealth Competition Council, the Offices of the Governor's Secretaries, and such other executive agencies with closely and definitely related purposes as the Governor may designate. An estimated 1,500 hours of staff support will be required to support the Commission. Such funding as is necessary during the Commission's existence shall be provided from sources authorized by § 2.1-51.37 of the *Code of Virginia*, which have been appropriated for the same purposes as the Commission. Direct expenditures for the Commission's work are estimated to be \$35,000.

The Commission shall complete its examinations of these matters by December 31, 1997, and provide periodic progress reports and recommendations to the Governor on a schedule to be approved by the Secretary of Administration.

All agencies and institutions of the executive branch shall cooperate with the Commission and provide in a timely manner such information as the Commission may request. The Secretary of Administration periodically shall report to the Governor regarding the timeliness and completeness of responses by executive agencies and institutions to Commission requests.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until December 31, 1997, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 25th day of September, 1997.

/s/ George Allen, Governor

VA.R. Doc. No. R98-78; Filed October 21, 1997, 9:26 a.m.

EXECUTIVE ORDER NUMBER SEVENTY-NINE (97)

AMENDING AUTHORITY AND RESPONSIBILITY OF GOVERNOR'S SECRETARIES AND OTHER SENIOR BRANCH EXECUTIVE OFFICIALS

By virtue of the power vested in me under §§ 2.1-51.33 and 2.1-51.34 of the *Code of Virginia*, I hereby affirm and delegate to the individuals holding appointments in the positions herein the powers and duties set out below:

Part I. Delegation of Authority to Officials within the Office of Finance

A. To the State Treasurer:

23-30.29:3 The State Treasurer is hereby delegated my authority under § 23-30.29:3 of the *Code of Virginia*. The State Treasurer shall notify me of any action taken pursuant to said statute.

Part I of this Executive Order amends Part 4.D. of Executive Order Number Thirty-one (94), issued by me on October 25, 1994.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 26th day of September, 1997.

/s/ George Allen, Governor

VA.R. Doc. No. R98-79; Filed October 21, 1997, 9:26 a.m.

The Legislative Record

Volume 7 No. 5

October 1997

SJR 29

Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Compensation Act

October 9, 1997, Richmond

Members of the joint subcommittee heard the annual Virginia Employment Commission's (VEC) unemployment insurance trust fund briefing. This briefing provides key unemployment statistics as well as analysis of the relationship between the current employment climate and the solvency of the trust fund. According to the

VEC commissioner, unemployment rates in 1997 have been below the same-month 1996 rates. He attributed the low level of joblessness in the Commonwealth to good weather, especially during the winter months, and a healthy economy.

1997 Changes

Legislation passed during the General Assembly's 1997 Session (HB 2559, SBs 1018, 1089) increased benefits and eligibility for employees, lowered taxes for employers, and altered the statutory formula used to calculate the trust fund's solvency rate. The commissioner explained that as a result of the lower earnings requirements, approximately 420 new claimants were eligible for benefits after July 1, 1997. Estimates provided by the VEC predict that by 1999 about 6,300 claimants who were not otherwise eligible will receive benefits due to the lowering of earnings requirements.

An individual employer's unemployment tax rate is determined by the employer's experience over the last four years and the trust fund solvency level. By changing the statutory formula used to calculate trust fund solvency, employers in Virginia should save approximately \$154 million in unemployment taxes over the next six years. Approximately 89,000 employers, 88,000 of whom are small employers with fewer than 50 employees, will pay no state unemployment taxes for the next four years.

Trust Fund Solvency

The joint subcommittee was advised that the predicted unemployment insurance trust fund solvency rate for 1997 will be 130.9 percent. The solvency rate reported in June of 1996 was 90.5 percent. The VEC provided the data summarizing the trust fund (see Table 1).

Additionally, the VEC predicts that trust fund solvency will exceed 100 percent for the next four years, assuming no further

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legislated changes in benefits or taxes. The average tax paid by an employer for each employee peaked at \$115 in 1995 and is expected to fall to \$77 in 1997 and to \$42 in 1998 and 1999. This 63 percent decrease in the average tax can be attributed to the tax cut outweighing the benefit increases. All categories of employers saw a decline in their average tax rate as a result of the legislation.

Table 1: Trust Fund, 1996 and 1997

	1996 (Actual)	1997 (Projected)
January 1 Balance	\$769	\$877.2
Tax Revenue	\$255.1	\$195.9
Interest Revenue	\$ 56.7	\$ 59.2
Benefits	\$203.5	\$192.7
December 31 Balance	\$877.2	\$939.6
Solvency Level (6/30)	90.5%	130.9%

Dollar figures in millions of dollars.

HJR 532

Commission on State and Local Government Responsibility and Taxing Authority

September 22, 1997, Emporia

During the commission's fourth 1997 meeting, its members heard about real property tax issues and county taxing authority. Representatives from the Virginia Farm Bureau Federation and the Virginia Association of Counties (VACo), as well as Delegate Mitch Van Yahres, addressed the commission.

Virginia Farm Bureau Federation

A Farm Bureau representative presented an overview of the bureau's position and briefly summarized what other states have been doing recently regarding real property tax reform. In 1997, 14 states examined property tax reform, with proposals including capping property taxes or assessments, reducing property taxes or assessments, implementing homestead exemptions, and creating alternative methods for funding education. Not all were clear on how property tax cuts would be paid for, although some suggested replacing lost revenues with increases in income and sales taxes or with increased revenue projections.

SJR 380

The joint subcommittee also discussed Senate Joint Resolution 380, introduced during the 1997 session of the General Assembly. The resolution calls for an examination of the provisions of law establishing responsibility for employee benefit charges. Currently, an employer is charged for any benefits paid to an employee after that employee has worked for that employer for 30 days.

Testimony by the patron of SJR 380, Senator Stephen Newman, suggested that employers, especially those in the high technology and manufacturing sector, need more time to evaluate employees before making permanent employment offers. Increasing the 30-day period for benefit charges would enable employers and employees to make better and more productive employment decisions. The joint subcommittee agreed unanimously to further study this issue in 1998.

The Honorable Jackson E. Reasor, Jr., *Chairman*
Legislative Services contact: Robert A. Omberg



It was suggested that all taxes need to be re-examined because over the years the United States has changed from an agrarian to an industrial and now to a more service-oriented society, which produces and consumes more services than manufactured goods. Therefore, tax structures need to be revisited in order to ensure an equitable tax system.

Farmers are especially concerned about the real property tax and local government's reliance on the tax to fund education and other services. They also believe that the tax burden is not equally divided among taxpayers and that farmers pay a disproportionately large share of the taxes for the amount of services they require. While land use assessment is available to farmers in 87 localities, it is not available to all farmers. Some of the localities that currently have the program are considering eliminating land use assessment in order to raise additional revenues. The fear is that unless other alternatives and a more equitable tax structure at the local level are considered and implemented, farmers as well as homeowners will be taxed off their land.

The two options mentioned for changing the reliance on real property taxes were (i) allowing localities to impose a local income tax and (ii) levying the sales tax on more services.

House Bill 1651 (1997)

Delegate Mitch Van Yahres next spoke to the commission members about a bill he introduced during the 1997 Session, HB1651, which offered another revenue raising option to lo-

calities. The legislation allowed any county or city to levy a local income tax at the rate of one percent in addition to the applicable state income tax rate. Any county or city opting for the tax would be required to reduce the real property tax rate or the tangible personal property tax rate to offset the amount of local income tax revenues collected. The income tax is considered to be a more progressive tax and therefore more equitable than some of the other taxes, such as the sales tax and real estate tax.

House Bill 2399 (1997)

Finally, VACo representatives presented HB2399, which had been referred to the commission from another subcommittee. The bill, also introduced in the 1997 Session, would give counties the same taxing authority that cities and towns currently enjoy. Many view the current disparity between the counties' taxing authority and the cities' and towns' taxing authority as inequitable.

Concern was expressed about giving the counties equal taxing authority, especially in the case of meals taxes, in which a local referendum is required before the tax may be levied. That requirement would no longer exist if counties had the same taxing authority as cities and towns. No position was taken by the commission on this matter.

Next meeting

The commission will next meet on November 20, 1997, in Herndon at the Dulles Airport Hilton. The topics for that meeting will be the earned income tax credit and the recent changes in the federal tax laws.

Ms. Eva Tieg, *Chair*

Legislative Services contact: Joan E. Putney



Commission on Early Childhood and Child Day Care Programs

September 23, 1997, Richmond

Last fall, Chairman Walker asked the General Assembly to request that the Joint Legislative Audit and Review Commission (JLARC) do a follow-up study of the Regulation and Provision of Child Day Care in Virginia. The 1990 JLARC report reviewed the regulation of child day care, as well as methods for improving the availability and quality of child care in Virginia. The commission convened on September 23rd to analyze JLARC's current recommendations and to discuss legislative action for the 1998 General Assembly Session.

JLARC Recommendations

In its follow-up study, JLARC evaluated (i) the current regulatory system for child day care to determine how well it ensures the state's interest in protecting the health and safety of children in care, (ii) the effectiveness of the Department of Social Services' licensing program in enforcing child care regulations, and (iii) the efficacy of the allocation and administration of state funding for child care. Among JLARC's findings and recommendations:

- Virginia's child day care regulation is in the mid-range of regulations among the 50 states. Regulations regarding staff-child ratios and staff qualifications should not be weakened. Recommended improvements include the addition of regulations to reduce the risk of Sudden Infant Death Syndrome, improvement of supervision of children in family day homes, re-

quiring Child Protective Services (CPS) central registry checks of day care center staff, and the exclusion of convicted felons under certain circumstances from providing child care.

- The consolidation of the child day care regulatory function in a single regulatory board to ensure regulatory consistency for all day care providers.

- The Department of Social Services (DSS) should hire sufficient staff to ensure that it conducts two annual inspections of each day care facility, pursuant to state law, and give staff more authority to address quickly violations that they find. In FY 1996, DSS failed to complete the required two inspections for 722 facilities. For 159 facilities, no routine inspections are being completed, and, in some instances, the facilities have not been visited for two years. Moreover, when DSS does find violations, it takes a year or more for the department to complete enforcement action against problem facilities.

- DSS has, contrary to the intent of the Appropriations Act, used day care funds earmarked for low-income working families for the day care needs of public assistance recipients.

- The Virginia Child Care and Development Fund (CCDF) plan that was submitted to the federal government on July 1, 1997, is inappropriately based on local income, not the cost of living. At present, the plan is unfair to residents of core cities such as Norfolk and Richmond and to residents of Northern Virginia. A more equitable distribution of funds to all localities is recommended.

DSS Response

The DSS deputy commissioner of operations stated that DSS concurred with many of the JLARC recommendations, including the recommendation to consolidate the regulatory function

into one board. However, he stated that DSS is not asking the 1998 General Assembly for either additional funding for staff or exemptions from administrative hiring freezes in order to perform inspections. Despite the fact that the JLARC report said child-care licensing inspectors were not performing the legally required inspections, the deputy commissioner stated that the problem will be addressed through reorganization and purchase of computer technology. In addition, DSS has privately contracted a study, expected to be completed in February, to evaluate whether the caseloads of inspectors are too high. As for income eligibility for state child-care aid under the CCDF Plan, the JLARC cost of living approach was considered and rejected by DSS.

Other Comments

Several speakers commented on the JLARC recommendations. First, the president of the Virginia Association for Early Childhood Education (VAECE) supported the recommendations. In particular, VAECE emphasized the finding by JLARC that Virginia's child day center regulations are in the mid-range, that the great majority of facilities felt that the regulations are not burdensome or too stringent, and that 22 percent said that some regulations were not stringent enough. VAECE suggested that this finding bears out its position that the Child Day Care Council's proposed changes to the standards are unnecessary, ill-advised, and/or supported by only a small group of providers.

Second, the president of Rainbow Station, Inc., a representative of for-profit child care facilities serving over 600 children in Richmond, strongly supported the JLARC position that current day care regulations could be improved. She also advocated adoption of regulations that would increase the educational and training requirements of center directors and teachers in light of recent brain research.

HJR 628

Joint Subcommittee to Study Photo Enforcement of Toll Collections

October 8, 1997, Richmond

DMV

The meeting began with comments by a representative the Department of Motor Vehicles (DMV), who reminded the subcommittee that photo enforcement of toll collections hinges on the ability of toll road operators to obtain the names and addresses of the registered owners of vehicles that are found to be using toll facilities without paying. Since this information is

Third, the executive director of the Proprietary Child Care Association of Virginia (PCCAV) agreed with most of JLARC's findings. He stated that PCCAV has received complaints from its members that DSS licensing inspectors spend six to eight hours at a single facility and advocated greater efficiencies in such inspections. However, PCCAV does not support the JLARC finding that child day center employees should be screened through the CPS central registry. PCCAV believes the central registry should be eliminated or be used solely as intended: as a confidential tracking tool for internal CPS purposes. Finally, the chair of the Child Day-Care Council reported that she has appointed subcommittees to gather further information regarding the CPS registry concern and the Sudden Infant Death Syndrome concern in the JLARC report.

Regulations

The chair of the Council on Child Day Care provided an update on the child day center regulations. The proposed regulations were published in *The Virginia Register* on September 29, 1997, commencing the 60-day comment period. There will be five public hearings in late November. The chair stated the regulations make "numerous changes for clarity, decreased intrusiveness and appropriate protection of children."

Public Hearing

At the conclusion of the meeting, the chairman directed legislative staff to prepare bills and budget amendments for the 1998 General Assembly Session to address the JLARC recommendations and called for the commission to convene a public hearing to allow comment on the legislative proposals. The public hearing has been scheduled for December 15, 1997.

The Honorable Stanley C. Walker, *Chairman*
Legislative Services contact: Amy Marschean



available only from DMV, the feasibility of any photo enforcement project hinges, in part, on the legal authority of the department to release these data. While federal law does not bar release of such data, the department, supported by opinions from the Virginia Attorney General, believes that Virginia law restricts the release of these data to law-enforcement agencies and other governmental entities.

Unless Virginia law is changed to allow release of this information to nongovernmental toll road operators, requests for and dissemination of vehicle owner data will have to be done through a governmental entity. The DMV representative noted, however, that providing this information (whether directly to a toll road operator or through some governmental agency) would occasion no appreciable costs or present any administrative difficulties to the department.

Fairfax City

The chief of police of Fairfax City and the city's director of public works briefed the subcommittee on that locality's "photo red" traffic light signal enforcement program. The chief explained that vehicle owner data are obtained from DMV via the city's police department, that the system worked well and did not interfere with or detract from other department operations, and that no additional funding or personnel were required. Both officials stressed that the program had been in operation only slightly more than one month and that no really useful data had yet been produced on the number of violations, the effectiveness of the system, or the ability of the program to cover its costs through penalties paid by violators. This sort of information will only be available after the system has been in full operation for at least six months. Given these caveats, they agreed that they expected about half of all violators would pay the \$50 civil penalty after the first notice (without the issuance of a summons or any court appearance) and that the penalties would approximately cover the system's operating costs.

VDOT

The state traffic engineer, speaking on behalf of the Virginia Department of Transportation (VDOT), presented the subcommittee with information on VDOT's experience with toll violations on its three toll facilities: the Coleman Bridge, the Dulles Toll Road, and the Powhite Parkway Extension. Violation rates ranged from 1.43 percent to 5.85 percent, varying from one facility to another and from one day to another. Although VDOT does not use photo-toll enforcement in the manner being contemplated by the subcommittee, it does use license numbers and vehicle owner data obtained from DMV to identify frequent and chronic violators and send them warning letters. The subcommittee was surprised to hear that 228,181 toll violations occurred on the Dulles Toll Road during July 1997 alone and that toll violations at the Coleman Bridge are costing VDOT about \$90,000 per year in lost revenues.

AVI System

An attorney for a company seeking to construct a toll facility in the Richmond area explained that to be successful, a toll

road operation needs to move traffic quickly (to avoid discouraging use) and to prevent leakage of revenue caused by failures to pay tolls. While manned systems have little if any leakage, they are slow; completely unattended systems handle more traffic and do so more speedily, but tend to leak badly. The optimal solution, he suggested, is an automatic vehicle identification (AVI) system (one that identifies vehicles electronically and automatically debits prepaid user accounts for tolls), coupled with a photo-toll system to enable identification (and possible prosecution) of violators and reduce leakage.

Staff Report

Staff presented a brief memo attempting to assess the impact of a photo-toll system on the courts in Chesapeake. Assuming (based on estimates from the city) that 9,000 vehicles per day use the facility and assuming (based on VDOT and other data) a violation rate of 2 percent, there would be 180 violations per day on the Chesapeake facility. In calendar 1996 (as reported by the Virginia Supreme Court), statewide figures show 532,450 out of 1,613,650 (32.99 percent) of Virginia traffic cases waived court appearances. These figures include all traffic cases. If one assumes that two-thirds of the Chesapeake photo-toll violations go to court, this will generate 120 additional traffic cases per day for the Chesapeake courts (43,800 per year). Even if only one-quarter go to court, this still creates 16,425 cases per year. By way of contrast, the Chesapeake General District Court Clerk's office estimates that court's present traffic case load at 1,000 per year. Even taking into account differing views of what "traffic cases" are, this is quite a difference. Staff noted that given the number of assumptions and estimates (and possibly conflicting measurements) involved, these figures may be of dubious reliability.

Staff was instructed to prepare draft legislation authorizing photo enforcement of toll collections in Virginia for discussion at the subcommittee's next meeting. When this drafting is completed, the panel will meet again at the call of the chairman.

The Honorable J. Randy Forbes, *Chairman*
Legislative Services contact: Alan B. Wambold



Uniform Unclaimed Property Act

September 25, 1997, Richmond

The special joint subcommittee studying the 1995 Uniform Unclaimed Property Act met for the second time to discuss proposed amendments to the act. The deputy treasurer described the Department of Treasury's commitment to the proper handling of unclaimed property and support of the Uniform Act.

The deputy treasurer read a letter from the Treasurer of Virginia stating that the Uniform Act (with amendments suggested by the department) continues current provisions of Virginia law, provides greater consumer protection, and allows greater efficiency in administering unclaimed property in the Commonwealth.

Suggested Amendments

The director of the Division of Unclaimed Property and a representative from the Attorney General's office presented the suggested amendments to the act. The proposed amendments

served to retain provisions of current Virginia unclaimed property law or clarify the Uniform Act. However, members of the subcommittee and interested parties expressed some concerns about several sections of the Uniform Act as amended, including provisions dealing with mineral rights, dormancy charges, interest and penalties for failure to report unclaimed property, and requests for reports and examinations of records.

Objections to Amendments

Mineral rights and mineral proceeds are defined in the Model Act, and mineral proceeds are included as property subject to the Model Act. Currently, mineral rights are not addressed in Virginia's unclaimed property laws. Members of the subcommittee requested the division to provide further information on the overall impact of including mineral proceeds in the act.

The Virginia Banker's Association and the Virginia Credit Union League specifically objected to the proposed amendments concerning dormancy charges. These are charges a holder can impose while maintaining unclaimed property. Representatives of these two organizations explained their position that the present Virginia law allowing such dormancy charges to be set according to the terms of a written contract is a better approach. The subcommittee also requested that further explanation be provided at the next meeting regarding the interest and penal-

ties to be paid for failure to file an unclaimed property report with the division.

Another objection concerned the request for reports and examination of records procedures. Particularly, the assessment of charges of \$200 a day when reportable property is discovered by an examiner was characterized as an unnecessary incentive for examiners to find unreported property. The Virginia Bankers Association reminded the special subcommittee that despite the commitment by financial institutions to adhere to unclaimed property laws, the large number of accounts held by these institutions increases the potential for inadvertent oversights. These oversights could be uncovered by examiners in order to receive the contingency fee.

Next Meeting

The chairman asked all interested parties to meet and work towards developing consensus in these areas prior to the next scheduled meeting. The subcommittee decided to meet on December 3 to finalize recommendations, which will be reported to the House Committee on Corporations, Insurance and Banking prior to the 1998 Session of the General Assembly.

The Honorable Gladys B. Keating, *Chairman*
Legislative Services contact: Rob Omberg



Public Utility Easements in Public Rights-of-Way

September 25, 1997, Richmond

Members of the House Corporations, Insurance and Banking committee and the Senate Commerce and Labor committee met jointly to further consider the issue of public utility easements in public rights-of-way, a subject addressed by both committees during the 1997 Session of the General Assembly (HB 2915 and SB 1013). The passage of these identical bills, which expire July 1, 1998, limits the rates charged by localities and the Commonwealth Transportation Board for the use of public rights-of-way or easements to amounts or rates in effect as of February 1, 1997.

Representatives from the Virginia Telephone Industry Association (VTIA), localities, and the Virginia Department of Transportation (VDOT), which conducted a series of meetings following the adjournment of the 1997 General Assembly to try to negotiate an agreement concerning future rates or charges for the use of such rights-of-way, briefed the special subcommittee on the outcome of those meetings. To date, no agreement has been reached among the participants.

Telephone Industry Concerns

The VTIA described the issues remaining to be settled as (i) how much money will be collected from utilities for the use of rights-of-way? (ii) how or on what basis will the fees be collected? (iii) will the fees be passed through directly to the consumer? and (iv) who pays the associated costs of relocating existing telecommunication facilities?

The VTIA voiced concerns over the higher rates sought by localities in light of the amount of taxes already paid by utilities to the Commonwealth and local governments. As an example, the VTIA informed the special subcommittee that Bell Atlantic currently provides over \$226 million in tax revenue to the Commonwealth and its localities.

The VTIA also stated that the proposed increases in fees are discriminatory because telecommunication companies already pay taxes for the use of rights-of-way just as others who also use the right-of-way and users of the road itself pay. The imposition of additional new fees was described as unfairly singling out the communications industry. According to the VTIA, any increases in access charges by localities must be passed directly through to the consumer, since the incumbent telecommunication companies are prohibited by law from increasing their prices. Additionally, incumbent utilities must remain as providers of last resort and thus are prohibited from refusing to

offer service in high-tax localities. Such an arrangement, argues the VTIA, prohibits the establishment of fair market prices since the utility cannot choose not to provide service.

Collecting fees based on a percentage of gross receipts or a per-access line fee were suggested by VTIA as the easiest ways administratively to collect the fees. The VTIA also stated that VDOT is moving ahead with the promulgation of its fee schedule, and that this could result in multiple, confusing payment plans depending on who controls the right-of-way.

The last major issue discussed by the VTIA was relocation of existing facilities, which is very expensive. For the first seven months of 1997, Bell Atlantic paid \$9 million for relocation. The VTIA stated that it is not fair for localities to charge excessive fees for the use of rights-of-way and not pay for any necessary relocation fees.

Representatives from MCI supported the proposals presented by the VTIA and emphasized the negative economic development consequences that may result from localities charging excessive fees for the use of public rights-of-way. MCI stated that potential new service providers may choose to site facilities (such as switches) outside of Virginia if there is an excessive cost associated with locating inside the Commonwealth. The rates charged for the use of rights-of-way were described as a factor considered by industry when picking a business location.

Local Government

Representatives from the Virginia Municipal League (VML), the Virginia Association of Counties (VACO), and the Hampton Roads Planning District Commission offered testimony supporting the continuing authority of localities to set and collect reasonable fees for the use of publicly owned rights-of-way. The authority for local governments to collect such fees is derived

from the state Constitution. Additionally, localities have a fiscal obligation to protect local assets and should not be giving away a benefit to private enterprise without collecting fair and reasonable fees.

VACO acknowledged that a significant portion of the rights-of-way sought by telecommunications providers is assigned to the secondary road system and is thus managed and controlled by VDOT. However, VACO feels that localities should maintain the authority to regulate the placement of telecommunications providers through the local zoning and comprehensive planning process, whether or not these facilities are in a VDOT right-of-way.

Another idea presented by VACO is to deposit any revenue generated from the use of rights-of-way to the Transportation Trust Fund, to be reallocated back to the locality of origin for secondary roads above and beyond any budgeted VDOT secondary road allocation.

VDOT

A representative from VDOT reported to the special subcommittee that guidelines were being developed regarding the use of rights-of-way. VDOT is promulgating these standards and guidelines in accordance with the Administrative Process Act. VDOT anticipates publishing these standards in the *Virginia Register* sometime in early November.

The chairman concluded the meeting by urging the affected parties to continue working towards an agreement regarding the use of rights-of-way and expressed hope that another meeting could be conducted prior to the 1998 Session of the General Assembly to finalize an acceptable proposal.

The Honorable George H. Heilig, Jr., *Chairman*
Legislative Services contact: Rob Omberg



SJR 350

Commission on the Commonwealth's Planning and Budgeting Process

October 15, 1997, Richmond

The third meeting of the commission featured two perspectives on developments in performance based budgeting, revenue forecasting, and long-range expenditure forecasting in other states.

Performance Based Budgeting

According to a representative of the National Conference of State Legislatures, performance based budgeting "is more than

a fad." Two-thirds of the states have adopted legislation calling for the use of performance based budgeting, and 14 other states have initiatives not involving legislation.

Performance based budgeting's central elements are using strategic planning to set the mission, goals and objectives of programs; measuring programs' outcomes; and setting benchmarks to be met by programs. It is intended to hold agencies accountable for performance, provide flexibility in using resources within programs, and encourage management innovation.

Integrating performance based budgeting into traditional budget processes has not been easy. A transition to this method of budgeting requires a focus on activities and outcomes rather than on line-item expenditures. Agency structures may have to change to put responsibility for a given activity in one agency.

North Carolina, Florida and Texas are leading other states in attempting to implement performance based budgeting. When North Carolina's governor introduced both performance based and traditional budgets for the 1997-1999 biennium, the legislature ignored the performance based budget. Florida is phasing in performance budgeting over seven years. In Texas, agencies have developed 11,000 performance measures, and "key" outcome measures are printed in the budget bill.

The experiences of these states reveal difficulties in creating meaningful performance measures. Agencies often lack the experience and historical data needed to provide a basis for comparing performance. In addition, the creation of performance measures must involve both the legislative and executive branches. The NCSL representative also cautioned that performance based budgeting cannot make appropriations decisions. No one has determined how to tie budget allocations to measures and performance. Moreover, it is not clear whether appropriations to an agency that fails to meet its performance goals should be increased or decreased.

Performance based budgeting can be a valuable agency management tool. It provides a mechanism for systematic review of an agency's organization and purpose, helps identify those parts of government that are performing well, and encourages long-term planning. It also gives legislators new, and possibly better, types of information and helps legislators focus on program outcomes.

The former executive director of the National Association of State Budget Officers argued that the concept of performance based budgeting is often oversold. While 48 states claim to be implementing it in some fashion, its main benefit is helping agencies use their resources more efficiently. He praised Virginia's efforts to adopt agency-wide performance measures. While improving efficiency is a laudable goal, it is no substitute for making policy decisions. To the extent performance based budgeting attempts to substitute applying empirical data for exercising policy judgments, it threatens the political system.

Legislative Branch Revenue Forecasting

In 13 states revenue forecasts are prepared by both the legislative and executive branches. In the seven states where the constitution or law requires a consensus revenue forecast, establishing a legislative forecasting capacity is needed to make the legislature a full player in the process. In the other states, the legislature either tends to adopt the legislative forecast or to strike a compromise between the legislative and executive forecasts.

Eleven of the states preparing a legislative revenue forecast have a legislative forecasting unit, while two states contract with outside groups to prepare the forecast. Most states with a legislative revenue forecasting office have a staff of one to three people.

The former executive director advised the commission that "if it ain't broke, don't fix it." Virginia's revenue forecasting process is as impressive as any in the nation. He advised that the best forecasting systems, regardless of which branch administers them, are ones open to public review, which "de-politicizes" the numbers. While revenue forecasting is comparatively easy when the economy is growing steadily, it is difficult to predict an economy's turning points.

To the extent that problems with the legislature's reliance on an executive revenue forecast are attributable to the timing of the release of revenue information, cooperation and communication are critical. In the 1997 Session, updated revenue forecasts based on receipts in January were provided to the General Assembly before the end of that month. Problems arising from delayed receipt of revenue data may be more acute in years with a short legislative session.

Long Range Expenditure Forecasting

Only two states—North Carolina and Florida—are conducting long range expenditure forecasting for all agencies. In these states it is not apparent that expenditure forecasting is helpful in making policy decisions on a long-range basis. When expenditure figures are projected on a long term, figures often show expenditures exceeding revenues, and in North Carolina, long-range expenditure forecasts have made the legislature reluctant to reduce revenue sources.

The appeal of long-range forecasting is knowing what it will cost to keep doing what a state is currently doing. However, it is not apparent that states know how to do such forecasting very well. In North Carolina, computer models have been developed with consulting firms to provide projections that are more reliable than simply extrapolating current expenditures based on assumptions about inflation and population changes.

Most states perform some form of expenditure forecasting for major budget drivers such as transportation. However, states tend to disclose neither how the projections are done nor the results. Preparing accurate long-range expenditure forecasts requires knowing the future, and modeling these forecasts is difficult. Most expenditure forecasting assumes changes in laws and programs over time. Consequently, the rules reflected in the modeling involve policy decisions. Because a legislature or executive cannot bind future ones, assumptions that extend beyond the current period are often questioned.

Multi-year forecasting requires discipline. Citing the backloading or ignoring of certain program costs in its long range expenditure forecasts, one speaker accused the federal government of fostering skepticism in such forecasts. Rather than trying to model every expenditure, states should focus on major drivers and publicly disclose the results.

Legislative Impact Statements

In response to the commission's charge to examine the mechanisms to evaluate legislation having an effect on the budget and expenditure projections, Department of Planning and Budget (DPB) staff summarized the fiscal impact statement process. In 1997, impact statements were prepared for 1,144 bills, or 60 percent of the bills introduced. Of the 776 bills for which no impact statement was prepared, 211 were not reviewed. Agencies preparing the greatest number of statements were DPB, the Department of Taxation, and the State Corporation Commission.

Most impact statements are prepared pursuant to executive order and are not required by statute. DPB's goal is to prepare

statements that are objective, concise, broad in scope, and timely. Agencies attempt to complete statements within three days of receipt if the bill is assigned to a money committee, and within four days if assigned to other committees.

DPB measures its performance by the number of complaints received. For the past couple of years, the agency has not received any complaints. To gauge satisfaction with the impact statement process, the commission authorized staff to survey the members of the General Assembly.

The Honorable Joseph V. Gartlan, Jr., *Chairman*
Legislative Services contact: Franklin D. Munyan



SJR 259

Joint Subcommittee Studying Electric Utility Restructuring

September 29, 1997, Richmond

Overview

The joint subcommittee convened its fourth meeting in 1997, receiving updates from key stakeholders in the General Assembly's study of electric utility restructuring. Additionally, the task force studying the impact of retail restructuring on state and local taxation of public utilities presented an interim report of its findings. The subcommittee also received an update on negotiations between a major Virginia utility and a coalition (composed of heating and cooling contractors, petroleum jobbers and others) concerning the utility's proposed entry into unregulated markets served by the coalition's members.

The subcommittee is in its second year of examining proposed restructuring of the electric utility industry to permit competition at the retail level. Under current Virginia law, only certificated, public service companies may sell electricity to end users within service territories assigned by the Virginia State Corporation Commission (SCC). Retail competition, if authorized by the General Assembly, would allow independent power producers, power marketers, and other utilities—from within Virginia and across the country—to compete for retail electricity sales to residential, business and industrial electricity customers in Virginia.

Several retail competition bills are pending before Congress, including bills that would mandate retail competition within the states by a date certain—2001 in one bill—while leaving the resolution of many key details to the states. Eight states (including California, Pennsylvania, New Hampshire, and

Montana) have enacted legislation authorizing various forms of retail competition thus far. California is slated to begin retail competition on January 1, 1998. Several other states are examining this change through regulatory proceedings. The majority of states—like Virginia—are engaged in legislative or regulatory studies of this issue.

Energy Producer Updates

At its last meeting on August 12, the joint subcommittee received briefings on the restructuring viewpoints of consumer, low-income, environmental, and senior citizen groups, together with updates from energy producers (including investor-owned public utilities, electric cooperatives, independent power producers, and natural gas companies), business and industrial electricity customers, and organized labor. Consumer, low-income and senior citizen group representatives expressed reservations about retail competition, urging joint subcommittee members to consider its implications for residential customers. Industrial and business customers, however, emphasized the need to move quickly toward retail competition, asking the joint subcommittee to support restructuring legislation in the 1998 General Assembly Session.

This latest meeting concluded stakeholder updates to the joint subcommittee with presentations from Virginia Power and AEP Virginia—two major utilities responsible for most of the electricity sales in Virginia—together with a detailed overview of the restructuring viewpoint of Virginia's largest industrial, commercial and business electricity customers, represented by the Alliance for Lower Electricity Rates Today (ALERT). Additionally, the Municipal Electric Power Association of Virginia (MEPAV), representing municipalities operating electrical distribution systems, provided further details on its position.

Virginia Power

Virginia Power told the joint subcommittee that it supports the development of a restructuring plan in Virginia. This com-

pany views the transition to customer choice through the lens of its Alternative Rate Plan (ARP) filed with the Virginia State Corporation Commission in March 1997. The ARP's principal feature is an immediate five-year rate freeze. The freeze, ending in 2003, would partially mitigate Virginia's Power's stranded costs—principally purchased power contracts with prices currently above market.

Virginia Power emphasized that its ARP's proposed rate freeze would furnish its retail customers an average "real rate savings" of more than \$200 million per year. The company declared its intentions to work with all interested parties during the next few months to bring restructuring legislation to the 1998 Session.

AEP Virginia

AEP Virginia, an operating company within the American Electric Power system furnishing electric power in Western and Southwest Virginia, told the joint subcommittee that it has also filed an alternate rate plan with the SCC. This company suggested that restructuring in Virginia begin with a one- to two-year period in which pricing information is unbundled; that is, separate prices established for the generation, transmission, distribution and other components of electricity that are currently aggregated in Virginia's electricity rates. This unbundling period would be followed by a four- to five-year cap on generation prices as a means of ushering in retail competition in Virginia.

AEP Virginia also suggested a mechanism for calculating utilities' stranded costs during the transition period (during which the generation price cap would be imposed). In its view, if a utility's customer chooses to purchase power from another source, the customer should pay a pro rata share of its original utility's net revenue loss—an amount equal to the customer's original rate minus an average, market-based rate. The company noted that the generation cap imposed during the proposed transition period would furnish utilities an opportunity to mitigate their stranded costs by applying revenues net of their costs and controlling these costs by whatever reasonable means would be available to them. Under the AEP model, following the transition period and the onset of retail competition, no further stranded cost protection would be permitted.

The company also furnished an overview of its efforts, in cooperation with other utilities, to establish a voluntary Independent System Operator (ISO) regulated by the Federal Energy Regulatory Commission (FERC). Facilities in 10 states (including Virginia as the easternmost state) would be involved, networking transmission facilities generally above 100 Kv. The ISO's management would be independent of transmission facility owners, while the ISO's members would retain ownership of the transmission facilities and would also be required to maintain them. ISO members plan to file this plan with FERC by November, and are anticipating FERC action on the case by mid-1998. If the filings and approvals proceed smoothly, AEP

Virginia anticipates that the ISO could be operational and managing wholesale power transactions as early as the year 2000.

MEPAV

The Municipal Power Association of Virginia (MEPAV) reminded the joint subcommittee that its members—localities with power distribution systems—do not produce their own power, although a few have peaking power units. Consequently, MEPAV members, as wholesale power purchasers, emphasized that any restructuring plan adopted in Virginia must focus on the availability of sufficient transmission capacity to enable power movement from west to east. Otherwise, MEPAV noted, the bulk of Virginia's in-state market will be insulated from the benefits of power importing, limiting the market to in-state generation during many hours of the year. It suggested that this potential problem can be resolved through the use of ISOs' furnishing all users transmission system access on an identical basis.

Washington Gas

Washington Gas, a natural gas distributor in Virginia and Maryland, offered its view of a future where full-service energy companies provide electricity and natural gas together with ancillary energy services such as energy management. Reiterating its strong support for electricity retail competition in the Virginia market, Washington Gas advocated a phased plan for customer choice, culminating in full retail competition by the year 2002. Under its proposal, 20 percent of the Virginia customer market would have choice in 1998; 40 percent in 1999; and additional 20 percent incremental increases would be introduced each year thereafter until phase-in is completed in 2002. Transitional issues Washington Gas views as significant include neutral taxation, stranded costs and benefits, and prevention of market power abuse by incumbent utilities.

Energy Customer Updates

ALERT

The Alliance for Lower Electricity Today (ALERT), representing a significant cross-section of large industrial and commercial electricity customers throughout the Commonwealth, outlined its plan for restructuring in Virginia. ALERT's members include Allied Signal, Newport News Shipbuilding, Westvaco, Circuit City, Ukrops and Heilig-Meyers. The coalition—a moving force in Virginia's study of this issue—wants a 1998 bill. ALERT proposes a three-year transition to full competition by the year 2001. Under its proposal, many of the details—such as determining utilities' stranded costs—would be delegated to the SCC.

ALERT addressed the concern raised by consumer and senior citizen groups that restructuring in low-cost states such as Virginia would mainly benefit large users, such as industrial customers. It said that historically, competition drives down

costs; that nearly all experts believe there will be substantial, long-term consumer benefits from restructuring; and that Virginia's electricity prices should be lower in a competitive retail environment. ALERT stated that Virginia Power's average residential rates (for monthly consumption under 1,000 kWh) are higher than the national average and that its commercial rates (for consumption over 30,000 kWh per month) are higher than the South Atlantic region's average rates. ALERT also asserted that rates could be lower in AEP Virginia's service territory, too, citing the example of cities in Western and Southwest Virginia which recently inked wholesale power contracts with power marketers rather than their traditional utilities—and gained savings ranging from 20 to 30 percent.

ALERT made several significant recommendations as part of its retail competition proposal. One key component is enabling the construction of state-of-the-art, independent power plants, or "merchant plants" in incumbent utilities' service territories generating electricity without long-term sales contracts. ALERT views this as a necessary check on incumbent utilities' market power and as a means of expediting retail competition while addressing potential concerns about generation reliability in a restructured market.

ALERT also suggested that utilities' stranded costs be shared by the utilities and their current rate payers. While offering no specific formula for their determination, ALERT advocated a short recovery period in which the SCC would determine "net stranded costs"—costs reflecting maximum mitigation and limited to historical, prudent and necessary utility investment. It suggested that the SCC be provided a full range of recovery options, including rate-freeze periods (apportioning significant revenues to stranded costs), reasonable non-bypassable wires charges for departing customers (but not one-time exit fees), and periodic "true-ups" to reflect actual market experience. The emphasis, it said, must be on consumers' experiencing effective competition and not on utilities' recovering investments/returns that were never guaranteed.

AOBA

The Apartment and Office Building Association of Metropolitan Washington, D.C. (AOBA), furnished the restructuring perspective of owners and managers of office buildings and residential apartment buildings. An AOBA consultant told the joint subcommittee that this group's major concerns about restructuring involve generation reliability and "firm" power; adequate transmission system capacity; limitations on stranded cost recovery (it opposes any 50/50 sharing between ratepayers and utility shareholders); and ensuring sufficient generation and transmission reserve capacity.

AOBA distinguished its needs from industrial and commercial customers, observing that whereas an industrial customer could negotiate a cheaper rate by agreeing to interruptible power, AOBA's members cannot afford that luxury. Apartment dwellers, for example, would not tolerate periodic power interruptions. However, AOBA stated that its members' office and apart-

ment tenants favor competition as a general matter. The key, AOBA emphasized, is reliability.

Taxation Task Force

The joint subcommittee's task force examining restructuring's potential impact on state and local tax revenues furnished an extensive report of its interim findings. Members of the task force include representatives of major restructuring stakeholders, including investor-owned utilities, electric cooperatives, power marketers and independent power producers, industrial and commercial customers, and governmental officials such as the SCC, the Office of the Attorney General, and the Department of Taxation.

The task force's work, to date, summarized in the following article, has focused principally on electric utility gross receipts taxation furnishing revenue to the state's general fund—at last count, nearly \$100 million annually. Prompting this examination is a constitutionally based concern that electric power sold to Virginians by out-of-state generators or marketers may not be taxable by Virginia—at least not under a gross receipts tax system.

The task force will continue its work with additional meetings slated to focus on local taxation of electric utilities—work likely to include an examination of such topics as utility property taxation, local BPOL levied on utilities, and the local consumer utility tax. The task force will make an additional report at the joint subcommittee's next meeting on November 7.

Utility Entry into Unregulated Markets

One feature of an evolving electric utility industry is the actual or proposed entry of regulated utilities (those regulated as public service companies) into unregulated markets—directly, or through affiliates or subsidiaries. In Virginia, public service companies' activities are restricted by statute to their public service activities, such as providing telecommunications, electric power generation and distribution. However, they may also engage in business activities "related and incidental" to that public service.

Since 1996, the joint subcommittee has had before it the issue of whether furnishing services usually supplied by contractors in the heating, ventilation, air conditioning, cooling and refrigeration (HVACR) trades are "related and incidental to" an electric utility's principal public service activities. This resulted from an ongoing dispute between Virginia Power and representatives of a coalition composed principally of HVACR contractors and petroleum jobbers brought to the joint subcommittee's attention. The coalition's main concern: that Virginia Power would use its size and market power to achieve market penetration sufficient to harm the livelihood of HVACR concerns and other businesses. The two parties were requested by the joint subcommittee to review and negotiate the issues before them and to report their progress at this meeting.

Virginia Power and the coalition advised members of the joint subcommittee that the parties had reached agreement in principal on a statement of intent and proposed standards of conduct restricting certain Virginia Power activities during the transition to retail competition. Key areas include structural and operational separation of Virginia Power's unregulated subsidiaries. A draft agreement also addresses issues of customer information sharing between parent and subsidiary and the subsidiary's use of the parent's name or logo in marketing and sales activities. While the negotiations are not concluded, it is apparently the parties' intent that any ultimate agreement resolve this dispute and govern their relations—with possible enforcement through the SCC. A further update on these negotiations will be presented at the joint subcommittee's next meeting.

Impact of Restructuring on Demand Management

An issue frequently raised in the restructuring debate is retail competition's potential impact on energy conservation achieved through demand management programs. One such program approved in Virginia by the SCC is customer use of a billing rate option called Schedule 1S. This option separates the charge for electricity into two parts: one for monthly kWh consumption and the other for peak demand placed on the power company during the month. The option has been available to residential customers since 1978.

An energy consulting company furnishing computerized demand control equipment to approximately 2,000 residential and 30 small business and church electricity customers in Virginia testified before the joint subcommittee. In a residential setting, this equipment manages the electrical loads for heating

and cooling, hot water heaters and electric clothes dryers—uses said to represent about 80 percent of typical residential usage. The bulk of savings comes from reductions in peak usage demand, with some customers said to save up to \$600 per year. The energy consulting company noted that the Virginia Power's alternative rate plan (discussed above) makes no provision for demand management for electricity customers with small loads, and asked for the joint subcommittee's support for demand management programs in any restructuring transition period and thereafter. One suggestion: permit demand control users to negotiate demand-based billing rates.

Other Matters

The joint subcommittee was updated on its chairman's testimony before a congressional subcommittee studying electrical utility restructuring. Senator Reasor testified before the Energy and Power Subcommittee of the House Commerce Committee on September 24. He joined legislative and regulatory representatives from five other states (including California and Idaho) in briefing the subcommittee on current, state-based electric utility restructuring activities.

The SCC will present its plan for restructuring Virginia's electric utility industry at the joint subcommittee's next meeting on November 7. This key presentation culminates three years of study by the SCC's Energy Division, recently with the help of stakeholder working groups focused on such issues as stranded costs and models. The plan may include proposals for a restructuring pilot project. The November 7 meeting will also feature an update and briefing from the task force on state and local taxation of electric utilities.

The Honorable Jackson E. Reasor, Jr., *Chairman*
Legislative Services contact: Arlen K. Bolstad.



SJR 259

Task Force on State and Local Taxation of Electric Utilities

September 19, 1997, October 21, 1997, Richmond

The task force continued to focus on alternatives to the current gross receipts tax imposed on the sale of electricity. Following discussion of the advantages and disadvantages of various alternative taxing schemes proposed by task force members, the chairman introduced a "declining block" tax method designed to retain the current distribution of taxes among residential, commercial, and industrial users of electricity.

The task force recommends that the full joint subcommittee consider writing letters to Virginia's Congressional delegation

expressing concern over the potential revenue loss to the Commonwealth and its localities as a result of electric utility restructuring. The task force also stated that Congress can assist the Commonwealth in preventing or significantly reducing this revenue loss by including specific language in any federal restructuring legislation that deems all electricity consumed within a state be considered, for tax purposes, to have been generated within that state.

The current gross receipts tax is embedded in the cost of electricity. Accordingly, all users of electricity (including local, state, and federal government users) indirectly pay this tax. Levying this form of tax also allows the State Corporation Commission (SCC), by authority contained within the Virginia Constitution, to centrally assess the real property of public service companies.

The SCC provided an update of an ongoing case involving telecommunications companies and central assessment of prop-

erty belonging to service providers who are not public service companies. The outcome of this case could provide a valuable precedent for the General Assembly regarding the continued practice of centrally assessing the property owned by generators of electricity even if restructuring results in retail competition.

The task force identified several drawbacks to the continued practice of levying a gross receipts tax on the sale of electricity. Among these are the potential loss of revenue due to (i) declining prices of electricity resulting from retail competition and (ii) sales from tax exempt out-of-state providers of electricity. A tax scheme that attempts to impose a gross receipts tax on out-of-state providers of electricity would undoubtedly face challenges over the legal issue of nexus.

Corporate Income Tax

Alternatives to the gross receipts tax include the imposition of a corporate income tax, which would provide similar treatment to most generators of electricity but would not include the electric cooperatives or the municipal utilities. In a restructured environment, such a tax promotes market pricing by eliminating any guaranteed pass-through of tax costs. Task force representatives from investor owned utilities also stated that a corporate income tax is less regressive, as profits rather than gross receipts are taxed. The General Assembly will need to decide whether to continue to allow the current coal and neighborhood assistance tax credits if the gross receipts tax is abolished.

A corporate income tax imposed on the investor owned utilities within Virginia would not produce the same amount of revenue as currently collected under the gross receipts tax. Depending on the treatment of the current credits for coal and neighborhood assistance, the Department of Taxation estimates the shortfall to be between \$51 and \$65 million.

Consumption Tax

The task force discussed several variations of a consumption tax on the users of electricity. Such a tax could be imposed as a "stand alone" tax or in conjunction with a corporate income tax. Representatives of lower cost electricity providers and of large users of electricity stated that the current apportionment of tax burden among the different categories of users (i.e., residential, commercial, industrial) is best maintained by assessing the consumption tax on the sales price of electricity.

Such a tax requires disclosure of potentially sensitive pricing information, and a competitive market may cause significant volatility in the price of electricity. Such volatility directly affects the amount of revenue collected under this method. The task force also noted that such a method potentially requires

self-reporting by consumers. Representatives of residential users prefer to base the consumption tax on actual kilowatt hour (kWh) usage, which promotes conservation, is less subject to volatility, and protects proprietary pricing information.

However, a consumption tax based on actual kWh usage results in a shift in tax burden among the user categories and causes users of less expensive electricity to pay more in taxes. Representatives of municipal utilities objected to any form of consumption tax that is directly assessed against their customers. An end user consumption tax, according to a representative from the Municipal Electric Power Association of Virginia (MEPAV), exposes municipal utility customers to double taxation and creates the undesirable precedent of directly taxing municipal services. An acceptable alternative, according to MEPAV, is to impose a tax in such a way that allows municipalities to indirectly pay a tax as a component of either the wholesale purchase price of electricity or as a component of the price of the transmission services.

Declining Blocks

The Department of Taxation, at the request of the acting chairman of the task force, developed a tax scenario designed to assess consumers based on a kWh consumption basis while retaining the current distribution of tax among user categories through the use of "declining blocks." This proposal also imposes a corporate income tax on investor owned utilities and calls for a minimum tax based on gross receipts to be assessed if a threshold level of revenue is not raised. The proposal imposes the minimum tax on electric cooperatives because their nonprofit status precludes the payment of any corporate income tax.

Under such a scheme, all users of electricity pay the same rate for usage of electricity up to 2,500 kWh, then at a lesser rate for electricity usage between 2,501 and 50,000 kWh, and at an even lower rate for usage over 50,000 kWh. The "blocks" established for this method were determined to be rough estimates for the typical residential, commercial, and industrial users in the Commonwealth.

Future Meetings

Future meetings of the task force will focus on the potential effect of the declining block proposal on electric cooperative and municipal utility customers. The Department of Taxation will provide further analysis on taxation issues surrounding federal, state, and local government entities. If the gross receipts tax is abolished, it is likely that these entities would not be subject to any consumption taxes.

The Honorable Jackson E. Reasor, *Chairman*
Legislative Services contact: Rob Omberg



Virginia Small Business Commission

October 1, 1997, Richmond

The Virginia Small Business Commission convened its second meeting of 1997, focusing on credit access, health care, and small business growth and development. It received reports on (i) an important small business micro-loan program, (ii) the Regional Competitiveness Act, (iii) a small business health insurance premium subsidy demonstration project, and (iv) revitalizing retail small business in Virginia's downtowns and main streets. The commission also received a briefing on the activities of the Commonwealth Competition Council.

Health Insurance Premium Subsidies

Approximately 850,00 Virginians are currently without health care coverage. A high percentage of them are low-income individuals with jobs, employed by businesses financially unable to offer health care benefits. A new demonstration, or pilot, project coordinated by the Department of Medical Assistance Services (DMAS), will address this problem, providing health insurance premium subsidies to qualifying small businesses in selected regions. The pilot's subsidies will be funded through the Indigent Health Care Trust Fund. The fund, established in 1989, operates on legislative appropriations and hospital contributions to reimburse Virginia hospitals providing a disproportionate amount of unreimbursed care to indigent individuals.

The demonstration project will provide premium subsidies to full-time employees of small businesses who have not offered employer-sponsored health care coverage for the past 12 months. Eligible businesses must pay at least 50 percent of the premium cost for employee-only coverage, and eligible employees must have gross incomes of less than 200 percent of the current federal poverty guideline. Participating employees must also be ineligible for Medicaid.

According to DMAS, the subsidies will provide about 30 percent of the pilot's total cost. For example, if an eligible employee seeks family coverage requiring a \$375 monthly premium, a \$127.50 premium subsidy will be paid by DMAS. The employee would pay \$187.50, and the employer would contribute \$60 (representing 50 percent of an assumed \$120 monthly premium for single coverage). The program is slated to begin in the summer of 1998 and will be marketed through HMOs utilizing Essential Health Benefits Plans.

Small Business Micro-Loans and Initiatives

The smallest of Virginia's small businesses are commonly referred to as micro-enterprises, and loans made to meet their

credit needs are known as micro-loans. A business needing a \$10,000 loan to start a dry cleaning business, for example, may experience difficulty obtaining a business loan from banks, credit unions or other conventional lenders. The reason: loan underwriting and processing costs relative to this loan size make such lending barely profitable, if at all.

The Virginia Enterprise Initiative (VEI), a lending program developed in 1995 in conjunction with the Small Business Development Center (SBDC) program and administered by the Department of Housing and Community Development (HCD), addresses this lending gap. An HCD representative updated the commission on VEI's current status. VEI provides modest start-up loans—many under \$10,000—to low- and moderate-income individuals who want to start businesses but are unable to qualify for conventional business loans supported by the SBDC program. VEI has four components: training, technical assistance, micro-loans and follow-up support.

VEI is funded principally through legislative appropriations. In the Commonwealth's current budget biennium, VEI will receive approximately \$1 million per year. The funding has helped leverage an impact beyond this amount, through VEI-funded loan loss reserves provided to private financial institutions. According to HCD, VEI's early impact in its first 18 months of operation has been significant. HCD statistics show that over 343 loans were made, creating 261 new businesses and 824 new jobs. Moreover, nearly 1,500 individuals received business training in the process.

HCD also briefed the commission on the small business implications of the Regional Competitiveness Act (RCA), a 1996 General Assembly initiative designed to encourage regional cooperation in resolving key economic competitiveness issues. The Governor announced in September awards of nearly \$6 million in RCA economic development incentive grants. The grants were awarded to seven regional economic development partnerships, including partnerships in the Hampton Roads, Northern Virginia, and Shenandoah regions.

The grants are important to small businesses because one criterion heavily weighted in the award selection process is economic development and job creation. According to HCD, small business-related activities in regional plans included micro-enterprise programs, technology workforce training, workforce assessment, and military privatization opportunities. HCD administers the program and will conduct annual reviews of each region's progress in achieving its stated goals.

Competition Council Report

The 1997 General Assembly directed the Commonwealth Competition Council to furnish an annual report on its activities to the commission, in addition to the Governor and the General Assembly. The council, established by the 1995 General Assembly, is designed to identify government services that could or should be better performed, in whole or in part, by the private sector. Additionally, the council is required to develop

competitive programs to encourage innovation and competition within state government.

The council's executive director briefed the commission on the council's mission and accomplishments, explaining a five-step process by which the council identifies government programs or services that could be aided by competition. The privatization and competition review process focuses on cost, quality and impact. Several government services currently under review by the council include debt collection by the tax department, bookstore operations at a community college, and computer repair services by a criminal justice agency. The council will be releasing a full report on its 1997 activities in December.

Revitalizing Retail Business

Vacant storefronts in aging retail business districts are a sight familiar to most Virginians. In many communities, retail shopping has moved to suburban shopping malls or to regional super stores offering a wide variety of retail goods under one roof. The commission asked representatives of Virginia's retail, government and economic development communities whether retail small business can be revitalized in the Commonwealth's aging shopping districts.

A representative of the Greater Richmond Retail Merchants' Association told the commission that retail small business's departure from old retail districts has resulted, in some degree, from burdensome business climates some cities and towns create with high BPOL and energy surtaxes, inadequate parking, and poor security—to name several problem areas. He suggested that localities wanting to redevelop their core retail dis-

tricts should pay attention to how they are taxing their small business base; examine their small retail business permitting processes; and focus on furnishing better security in their shopping areas.

A Metro Richmond Convention and Visitors Bureau representative told the commission that one way to revitalize a core city's downtown is to provide a substantial downtown destination that will create collateral retail opportunities. He discussed a proposed expansion of the Richmond Convention Center in which the center's exhibition space would be nearly tripled. The expansion plan envisions new retail establishments clustered in the convention center's expansion zone, including copy centers and other service-oriented businesses.

The Town of Warrenton's economic development director furnished a different perspective, noting that finding money to do simple things—like painting retail buildings' rear facades to encourage customer use of off-street parking—is often a key ingredient in revitalizing a main street shopping area. Encouraging residential development in main street areas is also important to revitalization and is an area where state and local tax credits could be helpful in encouraging mixed-use building redevelopment (e.g., where bottom floors are renovated for retail and the upper floors for residential use). Also suggested: possibly expanding the state's enterprise zone program (providing business tax credits to qualifying businesses) to include redevelopment and revitalization of retail districts in non-blighted areas.

The Honorable Stanley C. Walker, *Chairman*
Legislative Services contact: Arlen K. Bolstad



Filing Deadlines

By action of the 1995, 1996, and 1997 Sessions of the General Assembly, three categories of bills have been added to the list of legislation that must be filed by the first day of the General Assembly Session (unless requested by the Governor or "filed in accordance with the rules of the General Assembly").

Local Fiscal Impact

(§ 30-19.03:1; Chapter 743, 1995 Acts of Assembly)

Any bill that mandates an additional expenditure by any county, city, or town must be filed on or before the first day of the session. A mandate has the effect of (i) requiring the performance of a new or expanded service or maintaining an existing service at a specific level, (ii) assuming administrative costs in support of state-related programs, or (iii) furnishing capital facilities for state-related activities.

Prison Impact

(§§ 30-19.1:4 and 30-19.1:6; Chapter 462, 1995 Acts of Assembly and Chapter 972, 1996 Acts of Assembly)

All adult/juvenile corrections bills must have a statement of fiscal impact prepared and must be filed on or before the first day of the session. A fiscal impact statement is required for any bill that would result in a net increase in periods of imprisonment in state

correctional facilities or periods of commitment to the custody of the Department of Juvenile Justice, including those bills that (i) add new crimes or increase the periods of imprisonment or commitment for existing crimes, (ii) impose minimum or mandatory terms of confinement, or (iii) modify the law governing release in such a way that the time served will increase.

Virginia Retirement System

(§ 30-19.1:7; Chapter 610, 1997 Acts of Assembly)

Any bill that amends, repeals, or modifies any provision of the Virginia Retirement System, the State Police Officers' Retirement System, or the Judicial Retirement System must be filed on or before the first day of the session. The Board of Trustees of the Virginia Retirement System shall submit to the Clerks' offices, the Commission of Local Government, the House Committee on Appropriations, and the Senate Committee on Finance a statement of (i) the financial impact of the proposed bill on the general fund and on the local governments that have opted to be part of VRS and (ii) the policy implications of the bill on the various systems administered by the Board of Trustees.

Other categories of legislation that must be filed by the first day include local charter and optional forms bills, personal relief (claims) bills, sales tax exemption bills, and property tax exemption bills. There is an exemption for bills requested by the Governor.

The Legislative Record summarizes the activities of Virginia legislative study commissions and joint subcommittees. Copyright © 1997 Division of Legislative Services. Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia. *The Legislative Record* is also published in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, VA 23219. Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*. The Legislative Record is available on-line at <http://dls.state.va.us/legrec.htm>



E.M. Miller, Jr.: Director
R.J. Austin: Manager, Special Projects
K.C. Patterson: Editor
James A. Hall: Designer

FOR SUBSCRIPTION INFORMATION, CONTACT:

Special Projects
Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591



SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in *The Virginia Register of Regulations* on July 11, 1994 (10:21 VA.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in *The Virginia Register of Regulations*. This section of the *Virginia Register* has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

DEPARTMENT OF SOCIAL SERVICES

Pursuant to Executive Order Number Fifteen (94), the Department of Social Services is currently reviewing the below listed regulations to determine if they should be terminated, amended, or retained in their current form. The review will be guided by the principles listed in Executive Order Number Fifteen (94) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulations' interference in private enterprise and life, essential need of the regulations, less burdensome and intrusive alternatives to the regulations, specific and measurable goals that the regulations are intended to achieve, and whether the regulations are clearly written and easily understandable.

REGULATIONS

22 VAC 40-20-10 et seq., Food Stamp Program - Income Conversion Method.

22 VAC 40-540-10 et seq., Allowance of Telephone Costs in the Food Stamp Program.

22 VAC 40-560-10 et seq., Monthly Reporting in the Food Stamp Program.

22 VAC 40-600-10 et seq., Food Stamp Program Administrative Disqualification Hearings.

Written comments may be submitted until December 10, 1997, to Patricia Duva, Acting Program Manager, Division of Temporary Assistance, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1712 or FAX (804) 692-1704.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

October 10, 1997

ADMINISTRATIVE LETTER 1997-11

TO: All Insurers, Health Services Plans and Health Maintenance Organizations Licensed to Write Accident and Sickness Insurance in Virginia

RE: 14 VAC 5-190-10 et seq.: Rules Governing the Reporting of Cost and Utilization Data Relating to Mandated Benefits and Mandated Providers
Notification of Additional Reporting Requirements for the 1997 Reporting Period

The purpose of this letter is to alert carriers to certain benefit or provider information which must be reported to the State Corporation Commission, ("Commission") on Form MB-1, due on or before May 1, 1998. Carriers must make any necessary adjustments to internal data capturing systems to ensure that Form MB-1 accurately reflects the 1997 reporting year cost and utilization data relating to these additional reporting categories. This letter only summarizes those categories of coverages or providers which will be reported for the first time or which may be reported differently in Form MB-1 due May 1, 1998. Carriers are encouraged to review all requirements applicable to mandated benefits and mandated providers as well as the associated reporting requirements to determine the extent to which these new reporting requirements affect their organization and to ensure compliance with all existing mandated benefit and provider requirements.

Cost and utilization information must be reported for the following coverage requirements, in addition to all other reporting requirements currently in place:

• § 38.2-3412.1 C of the Code of Virginia was amended during the 1996 Session of the Virginia General Assembly to expand the applicability of the requirements of this subsection to individual accident and sickness insurance policies and individual subscription products. The 1997 reporting year represents the first full year in which coverage for outpatient mental health treatment and substance abuse services was required with respect to individual policies.

• § 38.2-3414.1 of the Code of Virginia requires that insurers, health services plans and health maintenance organizations providing benefits for obstetrical services must provide coverage for postpartum services in accordance with the guidelines or standards prepared by the medical consortiums listed in the statute. This requirement became effective July 1, 1996. The 1997 reporting year represents the first full year in which this benefit will have been required.

• § 38.2-3418.1 of the Code of Virginia requires that coverage be provided for low-dose screening mammograms for the purpose of determining the presence of occult breast cancer. Duration and coverage requirements are set forth in the statute. Effective July 1, 1996, this coverage requirement changed from a "mandated offer" to a "mandated benefit." Data relating to this coverage was therefore reported previously, but carriers should note that the 1997 reporting year represents the first full year in which this coverage will be reported as a mandated benefit rather than a mandated offer.

• § 38.2-3418.1:2 of the Code of Virginia requires that insurers, health services plans and health maintenance organizations provide coverage for annual pap smears under the types of coverages specified in the statute. This requirement became effective July 1, 1996. Reporting year 1997, therefore, represents the first full year under which this coverage will have been mandated.

In order to avoid confusion and to facilitate the capturing of appropriate data relating to the above requirements, the Bureau of Insurance has identified the CPT and ICD-9-CM codes for many of these requirements. The codes on the attached listing supplement the CPT and ICD-9-CM codes furnished to carriers previously. Carriers should refer to the complete listing of CPT and ICD-9-CM codes to ensure compliance with all reporting requirements.

Please refer any questions regarding this matter to:

Mary Ann Mason
Senior Insurance Market Examiner
State Corporation Commission
Bureau of Insurance - Life and Health Division
Post Office Box 1157
Richmond, Virginia 23218
Telephone: (804) 371-9348 FAX: (804) 371-9944

/s/ Alfred W. Gross, Commissioner of Insurance

Administrative Letter 1997 - 11
Attachment

Virginia Code § 38.2-3414.1: Obstetrical benefits; Coverage for postpartum services

ICD Codes

V24	Postpartum care and examination
V24.0	Immediately after delivery
V24.1	Lactating mother
V24.2	Routine postpartum follow-up

General Notices/Errata

CPT Codes

59610	Routine obstetric care and postpartum care, after previous cesarean delivery
59614	including postpartum care (59612)
59618	Routine obstetric care including postpartum care, following attempted vaginal delivery after previous cesarean delivery
59622	including postpartum care (59620)

Use same codes as obstetrical services in cases where coverage is provided solely due to the provisions of § 38.2-3414.1.

Virginia Code § 38.2-3418.1:2: Coverage for pap smears

ICD Codes

V72.3	Papanicolaou smear as part of general gynecological examination
V76.2	Routine cervical Papanicolaou smear

CPT Codes

88150	Cytopathology, smears, cervical or vaginal, up to three smears; screening by technician under physician supervision
88151	requiring interpretation by physician
88155	with definitive hormonal evaluation (e.g., maturation index, karyopyknotic index, estrogenic index)

VA.R. Doc. No. R98-71; Filed October 15, 1997, 4:05 p.m.

DEPARTMENT OF HEALTH

Source Water Assessment Program

Section 1428(b) of the Safe Drinking Water Act requires that, "to the extent possible, each state shall establish procedures, including but not limited to the establishment of technical and citizens advisory committees to encourage the public to participate in developing the...Source Water Assessment Programs (SWAP) under § 1453." The Virginia Department of Health is beginning the process to develop a SWAP and is requesting organizations interested in serving on an advisory committee to contact the following individual by 5 p.m. on December 10, 1997: Jerry Peaks, P.E., Virginia Department of Health, P.O. Box 2448, Room 109, Richmond, VA 23218, Voice (804) 371-2882 or FAX (804) 786-5567.

STATE WATER CONTROL BOARD

Proposed Consent Special Orders
Nandua Seafood Company, Inc.
Virginia Carolina Seafood Company, Inc.
Eastern Shore Seafood Products, Inc.
Royster-Clark, Inc.
Weaver Fertilizer Company, Inc.

The State Water Control Board proposes to take enforcement actions against Nandua Seafood Company, Inc. (Accomack County), Virginia Carolina Seafood Company, Inc. (Accomack County), Eastern Shore Seafood Products, Inc. (Accomack County), Royster-Clark, Inc. (Chesapeake), and the Weaver Fertilizer Company, Inc. (Chesapeake). The enforcement actions will be Consent Special Orders that will require the facilities to come into compliance with appropriate Virginia laws and regulations. All the orders, except for Royster Clark, Inc., contain provisions for the payment of civil charges.

The Department of Environmental Quality will receive written comments relating to the board's proposed Consent Special Orders for 30 days from the date of publication of this notice. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462 and should refer to the specific proposed Consent Special Order. The proposed orders may be examined at the above address and copies of the orders may be obtained in person or by mail.

VIRGINIA CODE COMMISSION

Notice to Subscribers

Beginning with Volume 14, Issue 1 of the Virginia Register (14:1 VA.R. September 29, 1997), the format of the Register changed slightly. Regulations and other information previously published in the State Corporation Commission, Marine Resources Commission, State Lottery Department, and Tax Bulletin sections have been merged into the Proposed Regulations, Final Regulations, Emergency Regulations, or General Notices sections as appropriate. In addition, regulations appear in order by Virginia Administrative Code (VAC) title order to correspond with the VAC.

Notice to State Agencies

Mailing Address: 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 may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/regindex.htm>

FORMS:

- NOTICE of INTENDED REGULATORY ACTION - RR01
- NOTICE of COMMENT PERIOD - RR02
- PROPOSED (Transmittal Sheet) - RR03
- FINAL (Transmittal Sheet) - RR04
- EMERGENCY (Transmittal Sheet) - RR05
- NOTICE of MEETING - RR06
- AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 786-6530 or Senate Information and Constituent Services at (804) 786-3838 or (804) 225-4749/TDD☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

† December 15, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss request for proposals and regulatory review. All meetings and times are subject to change. Call the board office within 24 hours of the meeting for confirmation. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Board for Accountancy, Board 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 AGRICULTURE AND CONSUMER SERVICES

† December 11, 1997 - 9 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.♿

A meeting to discuss regulations and to consider matters relating to its responsibilities. The board will entertain public comment as the first item of business for a period not to exceed 15 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 to the Board, Board of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3538 or FAX (804) 371-7679.

December 11, 1997 - 1:30 p.m. -- Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-180-10 et seq. Rules and Regulations Governing Pseudorabies in Virginia.** Pseudorabies is a disease that exacts a high death toll among the animals it infects, many of which are domesticated animals. Among the animals that can be infected with pseudorabies are cattle, sheep, dogs, cats, and notably, swine. There is no known evidence that humans can contract pseudorabies. Most kinds of animals infected with pseudorabies die before they can infect other animals (death usually occurs within 72 hours after infection). Swine are a different matter. Although pseudorabies can kill swine (the younger the swine, the higher the rate of mortality), they also can recover from the disease and spread it to other swine and to other kinds of animals. Virginia's regulations to eradicate pseudorabies from swine are part of a national program designed to rid the nation of pseudorabies.

This regulation provides rules to govern the program for the eradication of pseudorabies from swine in Virginia. The purpose of this action is to revise the regulation and increase its effectiveness, including but not limited to amending the regulation to allow Virginia to participate in the national program to eradicate pseudorabies at whatever stage its circumstance at a particular time

would allow--whether Stage I or Stage V, or any stage in between.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Contact: Thomas R. Lee, Program Supervisor, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

December 11, 1997 - 1:30 p.m. -- Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-205-10 et seq. Rules and Regulations Pertaining to Shooting Enclosures.** This regulation provides rules to govern shooting enclosures in Virginia. The purpose of this action is to promulgate regulations providing for licensing shooting enclosures, establishing a licensing fee, and establishing criteria for the operation and management of the enclosures to include the health status of the animals held in the enclosure. The regulation also establishes which animals can be held in the shooting enclosures: goats, sheep and swine.

Statutory Authority: § 3.1-763.5:5 of the Code of Virginia.

Contact: Thomas R. Lee, Program Supervisor, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

November 19, 1997 - 10 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Laboratory, 116 Reservoir Street, Harrisonburg, Virginia. ☒

A meeting to (i) review past minutes, (ii) review tax collections, (iii) discuss marketing plan for 1997-98 and (iv) consider the budget for the 1997-98 fiscal year. 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 Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1008,

Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

Virginia Corn Board

† **December 17, 1997 - 9 a.m.** -- Open Meeting
Wallace Manor, 3821 North Courthouse Road, Providence Forge, Virginia. ☒

A meeting to discuss checkoff revenues and the financial status resulting from the sales of the 1997 corn crop, as well as hear reports from the Chairman, U.S. Feed Grains Council, National Corn Development Foundation and other committee representatives. The nomination and election of 1998 officers will also take place at the meeting. 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, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Farmers' Market Board

November 18, 1997 - 1:15 p.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. ☒

A meeting to approve the minutes of the August 19 board meeting and to hear the board's financial statement. In addition, operational reports will be heard from representatives of the Eastern Shore of Virginia Farmers' Market and the Southwest Virginia Farmers' Market. A status report will be heard on the consideration of the Southeast Virginia Farmers' Market and the Northern Neck of Virginia Farmers' Market. Representatives of the operators of each of these potential markets will provide the board with organizational activity in preparation of market completion and opening anticipated for the spring of 1998. 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 Susan K. Simpson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Special Programs Manager, Virginia Farmers' Market Board, Washington Bldg., 1100 Bank St., Room 1002, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

Calendar of Events

Virginia Horse Industry Board

November 18, 1997 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension--Charlottesville/Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ☎

A meeting to discuss the status of proposed marketing plans and projects and to review proposed revisions to the grants guidelines. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-7786.

Virginia Irish Potato Board

December 15, 1997 - 7 p.m. -- Open Meeting
Eastern Shore Agricultural Research and Extension Center, Research Drive, Painter, 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, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-1041.

Virginia Pork Industry Board

† November 21, 1997 - 3 p.m. -- Open Meeting
Fort Magruder Inn, U.S. Route 60 East, Williamsburg, Virginia. ☎

A general business meeting to hear research reports and plan a pork conference. 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 John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 1012,

Richmond, VA 23219, telephone (804) 786-7092 or FAX (804) 371-7786.

Virginia Sheep Industry Board

† December 5, 1997 - 3 p.m. -- Open Meeting
Donaldson Brown Center, Virginia Tech, Otey Street, Blacksburg, Virginia. ☎

A meeting to hear funding requests for the Virginia FFA Foundation, Virginia Association of Fairs, and for a lamb and wool marketing conference. The board will also discuss sponsoring a lamb serving booth at the 1998 Virginia Food Festival. 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, Livestock Marketing Services, Department of Agriculture and Consumer Services, 116 Reservoir Street, Harrisonburg, VA 22801, telephone (540) 434-0779 or FAX (540) 434-5607.

Virginia Small Grains Board

† January 7, 1998 - Noon -- Open Meeting
† January 8, 1998 - 7:30 a.m. -- Open Meeting
Roanoke Airport Hilton, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☎

A meeting to hear additional FY 1997-98 project proposals and allocate funding for those projects. Additionally, the board will make funding decisions for U.S. Wheat Associates for FY 1998-99, and action will be taken on any other new business that comes 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Small Grains Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Soybean Board

December 8, 1997 - 2:30 p.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ☎

A meeting to discuss checkoff revenues and the financial status resulting from sales of the 1997 soybean crop.

Reports will be heard from the chairman, United Soybean Board representatives and from other committee representatives. 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: Philip T. Hickman, Program Director, Virginia Soybean Board, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Sweet Potato Board

December 3, 1997 - 6 p.m. -- Open Meeting
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox, Virginia. ♿

A meeting to discuss (i) programs regarding promotion, research and education, (ii) the annual budget, and (iii) other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, Department of Agriculture and Consumer Services, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-1041.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **November 10, 1997 - 9:30 a.m.** -- Open Meeting
† **November 24, 1997 - 9:30 a.m.** -- Open Meeting
† **December 8, 1997 - 9:30 a.m.** -- Open Meeting
† **December 22, 1997 - 9:30 a.m.** -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive and discuss reports and activities of staff members. Other matters have not been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

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

Board for Architects

November 10, 1997 - 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 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ♿

Board for Land Surveyors

November 19, 1997 - 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 23230-4917, telephone (804) 367-8514 or (804) 367-9753/TDD ♿

VIRGINIA BOARD FOR ASBESTOS AND LEAD

† **December 17, 1997 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

Calendar of Events

St., Richmond, VA 23230-4917, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 14, 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 Audiology and Speech-Language Pathology intends to consider amending regulations entitled: **18 VAC 30-20-10 et seq. Regulations Governing the Practice of Audiology and Speech-Language Pathology**. The purpose of the proposed amendments is to amend the regulations pursuant to Executive Order 15 (94) for simplification and clarification of requirements and to remove the language which is unnecessary or duplicative.

Statutory Authority: §§ 54.1-2400 and 54.1-2600 et seq. of the Code of Virginia.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

BOARD FOR BARBERS

† **December 1, 1997 - 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 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

CHILD DAY-CARE COUNCIL

† **November 13, 1997 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting for new member orientation. Please call for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1775 or FAX (804) 692-2370.

November 18, 1997 - 4 p.m. -- Public Hearing
Pennino Building, 12011 Government Center Parkway,
Conference Room 230, Fairfax, Virginia.

November 19, 1997 - 4 p.m. -- Public Hearing
Virginia Wesleyan University, 1584 Wesleyan Drive, Blocker Hall, Science Auditorium, Norfolk, Virginia.

November 20, 1997 - 4 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Street, 1st Floor, House Room D, Richmond, Virginia.

November 24, 1997 - 4 p.m. -- Public Hearing
Roanoke City Council Chambers, Municipal Building, 215 Church Avenue, S.W., 4th Floor, Roanoke, Virginia.

November 25, 1997 - 4 p.m. -- Public Hearing
Southwest Virginia 4-H Center, 25236 Hillman Highway, Ratcliff Hall, Abingdon, Virginia.

November 29, 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 Child Day-Care Council intends to amend regulations entitled: **22 VAC 15-30-10 et seq. Minimum Standards for Licensed Child Day Centers**. This regulation lists the standards that child day centers serving children of preschool age or younger must meet to be licensed by the Department of Social Services. The school age requirements from 22 VAC 15-40-10 et seq. will be incorporated into this regulation.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public comments may be submitted until November 29, 1997, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, VA 23219-1849.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791 or FAX (804) 692-2370.

November 29, 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 Child Day-Care Council intends to repeal regulations entitled: **22 VAC 15-40-10 et seq. Minimum Standards for Licensed Child Day Centers Serving School Age Children**. The purpose of the proposed action is to repeal this regulation and incorporate these standards into the regulation currently entitled "Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger" (22 VAC 15-30-10 et seq.).

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public comments may be submitted until November 29, 1997, to Sharon Jones, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, VA 23219-1849.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1791 or FAX (804) 692-2370.

VIRGINIA STATE CHILD FATALITY REVIEW TEAM

† **November 12, 1997 - 10 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 


A meeting to discuss the status of ongoing studies and to update the team on any administrative matters. The second part of this meeting will be closed for confidential case review.


Contact: Suzanne J. Keller, Coordinator, Virginia State Child Fatality Review Team, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1048, FAX (804) 371-8595, or toll-free 1-800-447-1706.

STATE BOARD FOR COMMUNITY COLLEGES


† **November 12, 1997 - 10:30 a.m.** -- Open Meeting
Teleconference.

A teleconference of the Academic and Student Affairs Committee, the Audit Committee, and the Budget and Finance Committee.


Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD 

† **November 13, 1996 - 10 a.m.** -- Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. 
(Interpreter for the deaf provided upon request)


A regularly scheduled board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD 

Facilities Committee

† **November 13, 1996 - 8 a.m.** -- Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD 

DEPARTMENT OF CONSERVATION AND RECREATION


Board of Conservation and Recreation

† **December 11, 1997 - 10 a.m.** -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Suite 200, Richmond, Virginia.


A regular business meeting to discuss the proposed action to adopt final stormwater management regulations.

Contact: Leon E. App, Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570 or FAX (804) 786-6141.


Falls of the James Scenic River Advisory Board

November 13, 1997 - Noon -- Open Meeting
City Hall, 900 East Broad Street, 4th Floor, Recreation and Parks Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to review river issues and programs. Requests for interpreter for the deaf must be made to Richard G. Gibbons by October 30 for the November 6 meeting and by November 6 for the November 13 meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD 

Goose Creek Scenic River Advisory Board

† **November 13, 1997 - 1 p.m.** -- Open Meeting
National Recreation Park Association, Brambleton Park, Belmont Ridge Road (Route 659); 3.5 miles south of Greenways or 3.9 miles north on Route 659 from Route 50. 
(Interpreter for the deaf provided upon request)

A meeting to review river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD 

Calendar of Events

Upper James Scenic River Advisory Board

† **November 20, 1997 - 12:30 p.m.** -- Open Meeting
Sunnybrook Inn, Hollins, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

BOARD OF CORRECTIONAL EDUCATION

† **November 20, 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, Administrative Assistant, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

BOARD OF CORRECTIONS

November 19, 1997 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Administration Committee

November 19, 1997 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss administrative matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

November 18, 1997 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

BOARD FOR COSMETOLOGY

November 24, 1997 - 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 general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD

BOARD OF DENTISTRY

Special Conference Committee

November 14, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to 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

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **November 25, 1997 - 11 a.m.** -- Open Meeting
Department of Economic Development, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to discuss matters related to the Virginia Economic Development Partnership.

Contact: Kimberly M. Ellett, Administrative Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108, FAX (804) 371-8112 or (804) 371-0327/TDD

Virginia Tourism Corporation

November 27, 1997 - 9 a.m. -- Open Meeting
Department of Economic Development, 901 East Byrd Street,
Riverfront Plaza, West Tower, 19th Floor, Board Room,
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon
request)

A meeting of the Product Development Committee to
discuss strategic planning. The agenda is available
upon request. Public comment will be taken at the
beginning of the meeting.

Contact: Judy H. Bulls, Assistant to the President and CEO,
Virginia Tourism Corporation, 901 East Byrd St., Richmond,
VA 23219, telephone (804) 371-8174, FAX (804) 786-1919 or
(804) 371-0327/TDD ♿

BOARD OF EDUCATION

November 17, 1997 - 2 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, Senate
Room B, Richmond, Virginia. ♿ (Interpreter for the deaf
provided upon request)

A public hearing on the proposed guidelines on the
recitation of the Pledge of Allegiance. A notice regarding
the guidelines can be found on page 177 of the Virginia
Register, Volume 14, Issue 1, September 29, 1997.

Contact: Dr. James E. Laws, Jr., Administrative Assistant for
Board Relations, Department of Education, Monroe Bldg.,
101 N. 14th St., P.O. Box 2120, Richmond, VA 23218-2120,
telephone (804) 225-2540, FAX (804) 225-2424 or toll-free 1-
800-292-3820.

STATE BOARD OF ELECTIONS

November 24, 1997 - 10 a.m. -- Open Meeting
State Capitol, House Room One, Richmond, Virginia. ♿

A meeting to certify election results for the November 4
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 -
GOOCHLAND COUNTY**

† **November 25, 1997 - 7 p.m.** -- Open Meeting
Courthouse Complex, 2938 River Road West, General
District Courtroom, Goochland, Virginia. ♿ (Interpreter for the
deaf provided upon request)

A semi-annual meeting.

Contact: Gregory K. Wolfrey, Emergency Coordinator, P.O.
Box 10, Goochland, VA 23063, telephone (804) 556-5310 or
(804) 556-5317/TDD ♿

**VIRGINIA EMERGENCY RESPONSE COUNCIL AND
STATE HAZARDOUS MATERIALS RESPONSE
ADVISORY COUNCIL**

† **November 20, 1997 - 10 a.m.** -- Open Meeting
Sheraton Park South, 9901 Midlothian Turnpike, Richmond,
Virginia. ♿

A meeting to consist of (i) an update of HAZMAT
response and training programs, (ii) a briefing of
proposed terrorism response and management training
programs and (iii) special subject briefings.

Contact: Addison E. Slayton, Jr., State Coordinator,
Department of Emergency Services, 10501 Trade Court,
Richmond, VA 23236, telephone (804) 897-6500.

DEPARTMENT OF ENVIRONMENTAL QUALITY

**Virginia Ground Water Protection Steering
Committee**

November 18, 1997 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. ♿

A regularly scheduled meeting. Anyone interested in
ground water protection issues is encouraged to attend.
To obtain minutes and a meeting agenda contact Mary
Ann Massie at (804) 698-4042.

Contact: Mary Ann Massie, Environmental Program
Planner, Department of Environmental Quality, P. O. Box
10009, Richmond, VA 23240-0009, telephone (804) 698-
4042 or FAX (804) 698-4032.

FAMILY AND CHILDREN'S TRUST FUND

November 21, 1997 - 10 a.m. -- Open Meeting
December 19, 1997 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. ♿

A regular monthly meeting. Contact the Trust Fund for
more information or for a copy of the agenda.

Contact: Margaret Ross Schultze, Executive Director,
Family and Children's Trust Fund, 730 E. Broad St.,
Richmond, VA 23219, telephone (804) 692-1823.

Calendar of Events

VIRGINIA FIRE SERVICES BOARD

December 5, 1997 - 9 a.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia.

A business meeting to discuss training and policies. The hearing is open to the public for comments and input.

Contact: Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

Fire Prevention and Control Committee

December 4, 1997 - 1 p.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

Fire/EMS Education and Training Committee

December 4, 1997 - 8:30 a.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for input and comments.

Contact: Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

Legislative/Liaison Committee

December 4, 1997 - 10 a.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Michael Cline, Acting Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

Sprinkler/Code Change Committee

December 3, 1997 - 2 p.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia.

A meeting to discuss residential sprinklers. The meeting is open to the public for comments and input.

Contact: Michael Cline, Acting Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF FORESTRY

† November 12, 1997 - 9 a.m. -- Open Meeting
Teleconference, Department of Forestry, 900 Natural
Resources Drive, Conference Room, Charlottesville, Virginia.

An electronic meeting to discuss water quality and budget issues.

Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or (804) 977-6555/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

December 4, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ♿

A general board meeting. Public comment will be received during the first 15 minutes of the meeting. A formal hearing will follow the general board meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

Examination Task Force

November 19, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ♿

A meeting to discuss training procedures of the resident trainee program. Public comments will be received at the beginning of the meeting for 15 minutes.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

Special Conference Committee

December 3, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎

Informal conferences. No public comment will be received.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

DEPARTMENT OF GENERAL SERVICES

Design-Build/Construction Management Review Board

November 21, 1997 - 10 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ☎

A meeting to review any requests submitted for review by the board for the use of a Design-Build or Construction Management type of contract.

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 ☎

STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

November 12, 1997 - 10 a.m. -- Open Meeting
Department of Emergency Services, 10501 Trade Court, Training Room, Richmond, Virginia. ☎

A meeting to discuss curriculum course development and to review existing hazardous materials courses. Individuals with a disability, as defined in the Americans with Disabilities Act, desiring to attend should contact the Department of Emergency Services at (804) 674-2489 10 days prior to the meeting so appropriate accommodations can be provided.

Contact: George B. Gotschalk, Jr., Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

STATE BOARD OF HEALTH

November 14, 1997 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of**

Public Need Rules and Regulations. The purpose of the proposed amendments is to conform to recent legislation enacted to decrease regulatory involvement with projects to improve or increase services through capital expenditures at medical care facilities.

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

Public comments may be submitted until November 14, 1997, to Nancy R. Hofheimer, Director, Center for Quality Health Care Services, Department of Health, 3600 West Broad Street, Suite 216, Richmond, VA 23230.

Contact: Paul E. Parker, Director, Certificate of Public Need, Center for Quality Health Care Services, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2126 or FAX (804) 367-2149.

Biosolids Use Information Committee

November 20, 1997 - Noon -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ☎

A meeting to evaluate specific concerns relating to the land application and agricultural use of biosolids, including issues related to the final amendments to the regulations entitled: **12 VAC 5-585-10 et seq., Biosolids Use Regulations** recently adopted by the State Board of Health to regulate the land application, marketing or distribution of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

Biosolids Use Regulations Advisory Committee

November 20, 1997 - 10 a.m. -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ☎

A meeting to discuss issues concerning the implementation of the final amendments to the regulations entitled: **12 VAC 5-585-10 et seq., Biosolids Use Regulations** involving land application, distribution or marketing of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, Office of Water Programs, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 371-2891.

Calendar of Events

DEPARTMENT OF HEALTH PROFESSIONS

Practitioner Self-Referral Committee

† **December 3, 1997 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to consider an application for an advisory opinion pursuant to the Virginia Practitioner Self-Referral Act. A brief public comment period will be held at the beginning of the meeting.

Contact: Robert A. Nebiker, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9919, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

† **January 27, 1997 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5 West,
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) 367-8595 or (804) 367-9753/TDD ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

December 12, 1997 - 8 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor,
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Resources Committee will meet at 8 a.m.; the Planning Committee will meet at 11 a.m.; and the Outreach Committee will meet at 12 p.m. The full council will hold its regular meeting at 1 p.m.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

Executive Committee

November 25, 1997 - 1 p.m. -- Open Meeting
State Council of Higher Education, James Monroe Building,
101 North 14th Street, Richmond, Virginia. ☎

December 19, 1997 - 8:30 a.m. -- Open Meeting
Piedmont Virginia Community College, Board Room,
Charlottesville, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

Search Committee

† **November 25, 1997 - 3 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor,
Richmond, Virginia. ☎

A business meeting. An executive session may be called.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

† **November 12, 1997 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor,
Richmond, Virginia. ☎

A regular meeting.

Contact: Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA 23219, telephone (804) 786-0719, toll-free 1-888-567-0540 or 1-800-253-0737/TDD ☎

DEPARTMENT OF HISTORIC RESOURCES

Historic Resources Board and State Review Board

† **December 3, 1997 - 10 a.m.** -- Open Meeting
St. James Episcopal Church Parish House, 1205 West
Franklin Street, Richmond, Virginia. ☎

A quarterly meeting to consider completed and proposed reports for the Virginia Landmarks Register and the National Register of Historic Places, easements and highway markers.

Contact: Marc C. Wagner, National Register Manager, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

December 2, 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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **November 18, 1997 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INFORMATION MANAGEMENT

† **November 14, 1997 - 10 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A joint meeting with the council's three advisory committees.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or toll-free 1-800-828-1120/TDD ☎

STATE BOARD OF JUVENILE JUSTICE

November 12, 1997 - 1 p.m. -- Public Hearing
700 Centre, 700 East Franklin Street, Board Room, Richmond, Virginia. ♿

A public hearing to provide opportunity for additional comment on regulations entitled: **6 VAC 35-140-10 et seq., Standards for Juvenile Residential Facilities.**

Contact: Donald R. Carignan, Policy Coordinator, Department of Juvenile Justice, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

NOTE: CHANGE IN MEETING DATE

November 19, 1997 - 9 a.m. -- Open Meeting
Department of Corrections Academy for Staff Development, Goochland County, Virginia. ♿

The Secure Program Committee and the Nonsecure Program Committee will meet at 9 a.m. The full board will meet at 10 a.m. to take action on regulations, and to consider certification and policy issues and other matters brought before it.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Center, 700 E. Franklin St., Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

DEPARTMENT OF LABOR AND INDUSTRY

Migrant and Seasonal Farmworkers Board

December 3, 1997 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

Contact: Patti C. Bell, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 786-8418 or (804) 786-2376/TDD ☎

COMMISSION ON LOCAL GOVERNMENT

November 17, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Third Floor West Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-

Calendar of Events

1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

MARINE RESOURCES COMMISSION

November 25, 1997 - 9 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 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 ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

December 16, 1997 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

Contact: Cynthia K. Morton, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Pharmacy Liaison Committee

† **November 17, 1996 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

A meeting to finalize pharmacy services cost savings reports to be presented to the 1998 General Assembly.

Contact: David Shepherd, Pharmacy Supervisor, Division of Client Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2773.

Drug Utilization Review Board

November 20, 1997 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Registered Pharmacist, Pharmacy Services Unit, Division of Provider Operations, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

BOARD OF MEDICINE

November 20, 1997 - 8:30 a.m. -- Open Meeting
November 21, 1997 - 8:30 a.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: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Credentials Committee

† **December 6, 1997 - 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 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, Board of Medicine, 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 5, 1997 - 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 entertain
public comments on agenda items for 15 minutes
following adoption of the agenda.

Contact: Warren W. Koontz, M.D., Executive Director,
Board of Medicine, Department of Health Professions, 6606
W. Broad St., Richmond, VA 23230-1717, telephone (804)
662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Informal Conference Committee

November 13, 1997 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.

November 14, 1997 - 9:30 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road,
Williamsburg, Virginia.

† **December 4, 1997 - 10:30 a.m.** -- Open Meeting
Holiday Inn Express, I-64, Exit 55, Route 11 South, I-81, Exit
191, Lexington, Virginia.

December 9, 1997 - 9:30 a.m. -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

† **January 8, 1998 - 10 a.m.** -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, N.W.,
Roanoke, Virginia.

The Informal Conference Committee, composed of three
members of the board, will inquire into allegations that
certain practitioners may have violated laws and
regulations governing the practice of medicine and other
healing arts in Virginia. The committee will meet in open
and closed sessions pursuant to § 2.1-344 A 7 and A 15
of the Code of Virginia. Public comment will not be
received.

Contact: Karen W. Perrine, Deputy Executive Director,
Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond,
VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-
9517 or (804) 662-7197/TDD ☎

**DEPARTMENT OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE
SERVICES**

**Performance Outcome Measurement System
(POMS) Advisory Committee**

November 18, 1997 - 10:30 a.m. -- Open Meeting
Hanover Community Services Board, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting to discuss (i) the progress in the
implementation of the POMS pilot project, (ii) the results
of a telephone survey of other state agencies, (iii) the
report development process, (iv) data release policies,
and (v) project evaluation.

Contact: Randy Koch, Ph.D., Director of Research and
Evaluation, Department of Mental Health, Mental Retardation
and Substance Abuse Services, P.O. Box 1797, Richmond,
VA 23214, telephone (804) 225-3394 or FAX (804) 786-9428.

**STATE BOARD OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE
SERVICES**

November 12, 1997 - 3 p.m. -- Open Meeting
November 13, 1997 - 9 a.m. -- Open Meeting
Airport Marriott, Roanoke, Virginia.

A regular meeting to receive the report from the state
board appointed Human Rights Study Group. Please
contact Marlene Butler for exact meeting location and
times.

Contact: Marlene Butler, State Board Secretary, Department
of Mental Health, Mental Retardation and Substance Abuse
Services, P.O. Box 1797, Richmond, VA 23214, telephone
(804) 786-7945 or FAX (804) 371-2308.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

December 6, 1997 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Smith Hall Board Room, Lexington,
Virginia. ♿

A regular meeting to hear committee reports and to visit
academic departments. The Board of Visitors will 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.

Calendar of Events

STATE MILK COMMISSION

† November 19, 1996 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, 2nd
Floor Board Room, Charlottesville, Virginia. ☎

A regular meeting of the board to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, fiscal matters, and to receive reports from staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD ☎

MOTOR VEHICLE DEALER BOARD

† November 18, 1997 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A meeting to conduct general 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Advertising Committee

† November 17, 1997 - 3 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A meeting to conduct general business of the committee. 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104,

Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Dealer Practices Committee

† November 17, 1997 - 1:30 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A meeting to conduct general business of the committee. 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Finance Committee

† November 18, 1997 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☎ (Interpreter for the deaf
provided upon request)

A meeting of the Finance Committee to conduct general 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Franchise Review and Advisory Committee


† November 18, 1997 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Executive Conference Room, 7th Floor, Richmond,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the Franchise Review and Advisory Committee to conduct general 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.


Licensing Committee

† **November 17, 1997 - 10:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Licensing Committee to conduct general 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Transaction Recovery Fund Committee


† **November 17, 1997 - 9:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Transaction Recovery Fund Committee to conduct general 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. A tentative agenda will be provided upon request by contacting the board.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

VIRGINIA MUSEUM OF FINE ARTS


Education and Programs Committee

November 20, 1997 - 2 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

A meeting to review educational programs/assessment. 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.


Exhibitions Committee

November 20, 1997 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. 

A meeting to review and consider upcoming exhibitions and the exhibitions program. 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.


Finance Committee

November 20, 1997 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. 

A meeting to review the budget. 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 Trustees


November 20, 1997 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A regular meeting to receive committee and staff reports and to review the budget. 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.

VIRGINIA MUSEUM OF NATURAL HISTORY

Marketing Committee


November 15, 1997 - 8 a.m. -- Open Meeting
English Inn, 2000 Morton Drive, Charlottesville, Virginia. 

A meeting to discuss marketing issues.


Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD 

Calendar of Events


Outreach Committee

November 15, 1997 - 8 a.m. -- Open Meeting
English Inn, 2000 Morton Drive, Charlottesville, Virginia. 


A meeting to discuss publications policy, children's books, development of education kit program and educational products on the Internet.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD 


Research and Collections Committee

November 15, 1997 - 7:30 a.m. -- Open Meeting
English Inn, 2000 Morton Drive, Charlottesville, Virginia. 


A meeting to discuss appointment/reappointment of research associates, the collections policy and the research policy.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD 


Board of Trustees

November 15, 1997 - 9:30 a.m. -- Open Meeting
University of Virginia, University Rotunda, Board of Visitors Room, Charlottesville, Virginia. 


A meeting to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the August meeting.


Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD 

BOARD OF NURSING


November 13, 1997 - 9 a.m. -- Open Meeting
Virginia Highlands Community College, Nursing Building, Abingdon, Virginia.  (Interpreter for the deaf provided upon request.)


A meeting to conduct informal conferences with nurses and certified nurse aides. 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 


† **November 17, 1997 - 1 p.m.** -- Open Meeting
† **November 20, 1997 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings. 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 

† **November 18, 1997 - 9 a.m.** -- Open Meeting
† **November 19, 1997 - 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 regular meeting of the board to consider matters relating to adoption of proposed amendments to its regulations, education programs, discipline of licensees, licensure by examination and other matters under the jurisdiction of the board. Public comment will be received during an open forum beginning at 11 a.m. Beginning at 3 p.m., the board will conduct formal hearings. Public comment will not be received. On November 19, 1997, the board will conduct formal hearings beginning at 8:30 a.m. 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 


Education Special Conference Committee

† **November 17, 1997 - 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 committee meeting to review proposals and reports from nursing and nurse aide education programs and prepare recommendations for the board. 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


† **November 17, 1997 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

The committee will conduct informal conferences with licensees or certificate holders or both. Public comment will not be received.

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

BOARD OF NURSING HOME ADMINISTRATORS


Special Conference Committee

† **November 21, 1997 - 10:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. 


A meeting to hold informal hearings. No public comment will be heard.

Contact: Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TDD 


BOARD FOR OPTICIANS

November 14, 1997 - 10 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 meeting to discuss regulatory review, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. The time of the meeting is subject to change. Call the board's office at least 24 hours in advance. 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 interpretive 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.


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

BOARD OF OPTOMETRY


† **November 13, 1997 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to consider amendments to the TPA regulations and review the regulations and statutes regarding professional designation and mercantile establishment. The board will also discuss the need to update the CPT codes, low vision rehabilitation, and reciprocity. In addition, the board will be considering requests for extensions and waiver of CE, licensure reinstatement and approval of consent orders. Public comment will be received at the beginning of the meeting.


Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD 

† **November 14, 1997 - 8 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 conduct informal conferences. This is a public meeting; however, public comment will not be received.


Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD 

BOARD OF PHARMACY

November 10, 1997 - 10 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)

Formal hearings before a panel of the board. Public comment 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.

November 13, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal conferences. Public comment 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.

Calendar of Events

November 14, 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 Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed amendments is to amend the requirements on mechanical devices to accommodate the utilization of automated dispensing devices. Amendments address the loading, checking, recordkeeping, and administration of drugs from these devices and are intended to ensure drug safety and efficacy.

Statutory Authority: § 54.1-2400 and Chapters 33 and 34 of Title 54.1 of the Code of Virginia.

Contact: Elizabeth Scott Russell, R.Ph., Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

GOVERNOR'S COMMISSION ON PHYSICAL FITNESS AND SPORTS

November 13, 1997 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The third meeting of the commission created by Governor's Executive Order No. 75(97).

Contact: Loretta Petty, Special Assistant for Community Affairs, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211, Ext. 504 or FAX (804) 371-2665.

POLYGRAPH EXAMINERS ADVISORY BOARD

† **December 16, 1997 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A 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. All meetings and times are subject to change. Call the board office within 24 hours of the meetings for confirmation. 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 ☎

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **November 17, 1997 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting to include adoption of the board's report pursuant to House Joint Resolution 445 to evaluate the need for regulation of court reporters.

Contact: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TDD ☎

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† **November 13, 1997 - 3 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ☎

An informal administrative hearing will be held pursuant to § 9-6.14:12 of the Code of Virginia. No public comment will be received.

Contact: Evelyn Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

† **November 20, 1997 - 9 a.m.** -- Open Meeting
The Holiday Inn I-64 and West Broad Street, Conference Rooms A and B, Richmond, Virginia. ☎

Committee meetings to set goals and objectives for each committee for 1998, and to prepare presentations for the board meeting on November 21, 1997. Public comment will not be heard.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists

and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

November 21, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A regular meeting of the board to conduct general board business, consider committee reports, correspondence and any other matters under the jurisdiction of the board. The board intends to amend regulations entitled: **18 VAC 115-20-10 et seq., Regulations Governing the Practice of Professional Counseling**, pursuant to Executive Order 15 (94). Public comments will be heard at the beginning of the meeting.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

Credentials Committee

November 21, 1997 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to review credentials. Public comments will not be heard.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

Regulatory Committee

November 20, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting to review draft amendments to regulations entitled: **18 VAC 115-20-10 et seq., Regulations Governing the Practice of Professional Counseling**, pursuant to Executive Order 15 (94). Public comment will be received at the beginning of the meeting.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

December 8, 1997 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☎

An information-gathering meeting to hear issues and concerns pertaining to licensure requirements for substance abuse treatment practitioners.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD OF PSYCHOLOGY

November 14, 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 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 amendments is to increase fees for licensure renewal in compliance with § 54.1-113 of the Code of Virginia which requires that the board collect fees sufficient to cover the expenses of administering the licensure program.

Statutory Authority: § 54.1-2400 and Chapter 36 of Title 54.1 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575 or FAX (804) 662-9943.

Examination Committee

† **November 14, 1997 - 10:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to review examinations administered on October 8, 1997. Public comment will be received at the beginning of the meeting.

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.

VIRGINIA RACING COMMISSION

† **November 19, 1997 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ☎

A regular monthly meeting to consider a proposed regulation on participants and a final regulation on the Virginia Breeders Fund.

Contact: William H. Anderson, Policy, Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

Calendar of Events

November 19, 1997 - 9:30 a.m. -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia.

December 15, 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 Virginia Racing Commission intends to amend regulations entitled: **11 VAC 10-70-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Stewards.** The purpose of the proposed action is to establish procedures for stewards hearings and establishes a steward to oversee the operation of satellite facilities.

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

Contact: William H. Anderson, Policy, Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

November 19, 1997 - 9:30 a.m. -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia.

December 15, 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 Virginia Racing Commission intends to amend regulations entitled: **11 VAC 10-90-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Formal Hearings.** The purpose of the proposed action is to establish procedures by which the Virginia Racing Commission may conduct reviews of decisions taken by the stewards.

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


Contact: William H. Anderson, Policy, Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

† **December 17, 1997 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia.


A regular monthly meeting to include a review of the regulation pertaining to criteria for unlimited license facilities.

Contact: William H. Anderson, Policy, Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-4200 or FAX (804) 966-8906.

REAL ESTATE APPRAISER BOARD

November 18, 1997 - 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 board at least 10 days prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475, or (804) 367-9753/TDD 


November 18, 1997 - 2 p.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Appraiser Board intends to amend regulations entitled: **18 VAC 130-20-10 et seq. Real Estate Appraiser Board Regulations.** The purpose of the proposed amendments is to comply with the federally mandated Appraiser Qualifications Board Qualification Criteria effective January 1, 1998, and to implement less burdensome alternatives.


Statutory Authority: § 54.1-2013 of the Code of Virginia.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

REAL ESTATE BOARD

† **December 10, 1997 - 2 p.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 review board policies. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD 

December 10, 1997 - 2 p.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

December 27, 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 Real Estate Board intends to amend regulations entitled: **18 VAC 135-20-10 et seq. Virginia Real Estate Board Licensing Regulations.** The purpose of the proposed action is to replace emergency regulations governing the duties of real estate brokers and salespersons and to incorporate statutory changes effective July 1, 1995, and July 1, 1996.

Statutory Authority: § 54.1-2105 of the Code of Virginia.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

† **December 11, 1997 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Education Committee

† **December 11, 1997 - 8 a.m.**-- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Fair Housing Committee

† **December 11, 1997 - 8:15 a.m.**-- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

STATE REHABILITATION ADVISORY COUNCIL

November 17, 1997 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kay Magill, SRAC Liaison, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7527, FAX (804) 662-7696, toll-free 1-800-552-5019/TDD and Voice, or (804) 464-9950/TDD ☎

VIRGINIA RESOURCES AUTHORITY

November 11, 1997 - 9:30 a.m. -- Open Meeting
December 9, 1997 - 9:30 a.m. -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 700,
Richmond, Virginia.

A meeting to approve minutes of the meeting of the prior month, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority 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., Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

VIRGINIA SCHOOL-TO-WORK ADVISORY COMMITTEE

† **November 20, 1997 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, Richmond, Virginia.☎

Calendar of Events

A meeting to discuss the Virginia School-to-Work Initiative and the School-to-Work implementation grant application to be submitted to the federal government.

Contact: Joseph M. Jones, Special Assistant, Virginia School-to-Work Advisory Committee, 200 N. 9th St., 5th Floor, Richmond, VA 23219, telephone (804) 692-0244 or FAX (804) 371-8654.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

Loan Committee

† **November 18, 1997 - 10 a.m.** -- Open Meeting
Department of Business Assistance, 901 East Byrd Street, 19th Floor, Main Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review applications for loans submitted to the authority for approval. Contact the authority for confirmation of meeting time.

Contact: Cathleen Surface, Executive Director, Virginia Small Business Financing Authority, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8254, FAX (804) 225-3384, or (804) 371-0327/TDD

STATE BOARD OF SOCIAL SERVICES

† **November 17, 1997 - 9 a.m.** -- Open Meeting
Holiday Inn-Select, Koger South, 1021 Koger Center Boulevard, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A work session and business meeting. Public comment will begin at noon.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1949, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **December 9, 1997 - 3 p.m.** -- Open Meeting
Fort Magruder Inn, 6945 Route 60 East, Williamsburg, Virginia.

A joint meeting with the Virginia Association of Soil and Water Conservation Districts and regular bimonthly business meeting.

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, FAX (804) 786-6141, or (804) 786-2121/TDD

COMMONWEALTH TRANSPORTATION BOARD

November 19, 1997 - 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.

November 20, 1997 - 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 in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

TRANSPORTATION SAFETY BOARD

November 14, 1997 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review and discuss transportation safety issues in the Commonwealth.

Contact: Angelisa C. Jennings, Senior Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23261, telephone (804) 367-2026.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

November 15, 1997 - 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) 371-3111, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

November 17, 1997 - 10 a.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 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 Department of Health, Bureau of Pharmacy Services, James Monroe Building, 101 North 14th Street, Room S-45, P.O. Box 2448, Richmond, VA 23218. Written comments sent to the above address and received prior to 5 p.m. on November 17, 1997, will be made 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) 786-4326.

December 4, 1997 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to review the public hearing record and product data for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

November 13, 1997 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia.

A regular meeting of the board.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

STATE WATER CONTROL BOARD

November 17, 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 State Water Control Board intends to consider **repealing** regulations entitled: **9 VAC 25-90-10 et seq. Oil Discharge Contingency Plans and Administrative Fees for Approval, 9 VAC 25-140-10 et seq. Aboveground Storage Tank Pollution Prevention Requirements, 9 VAC 25-130-10 et seq. Facility and Aboveground Storage Tank Registration Requirements,** and **adopting** regulations entitled: **9 VAC 25-91-10 et seq. Facility and Aboveground Storage Tank (AST) Regulations.** The purpose of the proposed regulation is to replace three existing AST regulations. It has been drafted to eliminate duplicate inconsistencies and ambiguities between the three regulations and to provide additional information for regulated facilities in requesting regulatory variances.

Statutory Authority: §§ 62.1-44.2, 62.1-44.15 (10), 62.1-44.34:15, 62.1-44.34:15.1, and 62.1-44.34:19.1 of the Code of Virginia.

Contact: L. Samuel Lillard, AST Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4276 or FAX (804) 698-4266.

November 17, 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 State Water Control Board intends to consider **repealing** regulations entitled: **9 VAC 25-100-10 et seq. Tank Vessel Financial Responsibility and Administrative Fees for Approval and adopting** regulations entitled: **9 VAC 25-101-10 et seq. Tank Vessel Oil Discharge Contingency Plans and Financial Responsibility Regulation.** The purpose of the proposed action is to repeal this regulation and incorporate necessary provisions into a new regulation for tank vessels transferring or transporting oil upon state waters which combines the necessary requirements of two existing tank vessel regulations.

Statutory Authority: §§ 62.1-44.15 (10), 62.1-44.34.16 and 62.1-44.34:21 of the Code of Virginia.

Contact: Janet C. Queisser, Tank Vessel Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4268 or FAX (804) 698-4266.

Calendar of Events

November 17, 1997 - Public comments may be submitted until 4 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-120-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites.** The proposed general permit will regulate discharges of wastewaters from sites contaminated by petroleum products. This general permit will replace the Corrective Action Plan general permit, VAG000002, which expires February 24, 1998.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Request for Comments: The board is seeking comments from interested persons on the proposed general permit regulation, as well as comments regarding the costs and benefits of the proposal or any other alternatives.

Localities Affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

Comparison with Statutory Mandates: The proposed general permit regulation does not exceed the specific minimum requirements of any legally binding state or federal mandate.

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

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

November 20, 1997 - 7 p.m. -- Public Hearing
Armory, Dabney Lancaster Community College, Clifton Forge, Virginia.

A public hearing to receive comments on overflows of untreated sewage to state water from the City of Clifton Forge's sewerage system and treatment plant.

Contact: Jim Smith, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6778.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **November 13, 1997 - 9:30 a.m.** -- Open Meeting
† **November 14, 1997 - 9:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, Richmond, Virginia. ☎

The board and invited subject matter experts will meet to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

COLLEGE OF WILLIAM AND MARY

Board of Visitors

† **November 20, 1997 - 2 p.m.** -- Open Meeting
† **November 21, 1997 - 8 a.m.** -- Open Meeting
Blow Memorial Hall, Richmond Road, Williamsburg, 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.

INDEPENDENT

STATE LOTTERY BOARD

November 19, 1997 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

Contact: David L. Norton, Esq., Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7109 or FAX (804) 692-7775.

LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

November 12, 1997 - 11 a.m. -- Open Meeting
 State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting to discuss progress of the committee's studies.

Contact: Lyn Hammond Coughlin, Program Coordinator, Administrative Law Advisory Committee, General Assembly Bldg., 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

JOINT SUBCOMMITTEE STUDYING THE STATUS AND NEEDS OF AFRICAN-AMERICAN MALES IN VIRGINIA - HJR 570

† **November 19, 1997 - 7 p.m. -- Public Hearing**
 L. Douglas Wilder Performing Arts Center, Norfolk State University, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public hearing as a result of recent polling. Please submit all questions to Brenda Edwards or Micah Yarbrough, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219. Individuals requiring interpreter services or other special assistance should contact Committee Operations at least 10 days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

Employment and Economics Task Force

November 20, 1997 - 10 a.m. -- Open Meeting
 General Assembly Building, 910 Capitol Square, 5th Floor East Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please submit all questions regarding the agenda or the work of the task force to Brenda Edwards or Micah Yarbrough, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219. Individuals requiring interpreter services or other special assistance should contact Committee Operations at least 10 days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

Health and Substance Abuse Task Force

November 10, 1997 - 2 p.m. -- Open Meeting
 General Assembly Building, 910 Capitol Square, 5th Floor East Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please submit all questions regarding the agenda or the work of the task force to Brenda Edwards or Micah Yarbrough, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219. Individuals requiring interpreter services or other special assistance should contact Committee Operations at least 10 days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

JOINT SUBCOMMITTEE STUDYING AGRICULTURAL AND FORESTAL DISTRICTS - HJR 468

† **December 10, 1997 - 1 p.m. -- Open Meeting**
 General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Members of the public who wish to see copies of the bill drafts to be considered by the committee may call Nicole Beyer at (804) 786-3591 on or after November 25, 1997. Please direct any questions to Nicole Beyer, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219. Individuals requiring interpreter services should contact Barbara Regen at least 10 working days prior to the meeting. Persons making audio-visual presentations should call for specifications.

Contact: Barbara L. Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE

† **November 21, 1997 - 9:30 a.m. -- Open Meeting**
 General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should contact Brian Taylor by November 14.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD

Calendar of Events

COMMISSION ON EARLY CHILDHOOD AND DAY CARE PROGRAMS

† **November 17, 1997 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should contact Brian Taylor.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD

† **December 15, 1997 - 6:30 p.m.** – Public Hearing
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on JLARC's recommended legislative changes. Individuals requiring interpreter services or other accommodations should contact Brian Taylor.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD

VIRGINIA CODE COMMISSION

NOTE: CHANGE IN MEETING DATE

† **December 16, 1997 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor, Richmond, Virginia.

A meeting to review Titles 14.1 (Costs, Fees, Salaries and Allowances) and 17 (Courts of Record) of the Code of Virginia for recodification.

Contact: Jane D. Chaffin, Deputy Registrar, General Assembly Bldg., 2nd Floor, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

CONSERVATION AND NATURAL RESOURCES JOINT SUBCOMMITTEE STUDYING FUNDING FOR THE DEPARTMENT OF GAME AND INLAND FISHERIES - HJR 552

† **December 1, 1997 - 10 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions concerning the agenda should be addressed to Martin G. Farber, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Brandon Merchant at least 10 working days prior to the meeting.

Contact: Brandon Merchant, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369.

SPECIAL JOINT SUBCOMMITTEE OF THE COMMITTEE ON CORPORATIONS, INSURANCE AND BANKING STUDYING DISPOSAL OF UNCLAIMED PROPERTY - HJR 428

December 3, 1997 - 10 a.m. – Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct any questions to Rob Omberg or Arlen Bolstad, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219. Individuals requiring interpreter services should contact Barbara Regen at least 10 working days prior to the meeting.

Contact: Barbara L. Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

HOUSE COUNTIES, CITIES AND TOWNS SUBCOMMITTEE #4 - A LOCAL GOVERNMENT ADVISORY SUBCOMMITTEE

† **December 4, 1997 - 10 a.m.** – Open Meeting
General Assembly, 910 Capitol Square, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A working session. Questions about the agenda should be addressed to Jeffery F. Sharp, Senior Attorney, Division of Legislative Services at (804) 786-3591. For interpreter or other assistance, call Anne Howard at least 10 days prior to the meeting.

Contact: Anne R. Howard, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

SUBCOMMITTEE STUDYING EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS WITH DISABILITIES - HJR 581

November 24, 1997 - 1 p.m. – Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please call Amy Marschean, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219 with any questions regarding this meeting. Individuals requiring interpreter services or other accommodations should contact Kathleen Myers at least 10 working days prior to the meeting.

Contact: Kathleen Myers, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

**JOINT SUBCOMMITTEE STUDYING THE
EDUCATIONAL NEEDS OF CERTAIN
UNDERSERVED GIFTED STUDENTS - HJR 575**

November 10, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Brenda Edwards, Division of Legislative Services, at 786-3591 with any questions regarding this meeting. Individuals requiring interpreter services or other accommodations should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

**JOINT SUBCOMMITTEE STUDYING THE FUTURE
OF VIRGINIA'S ENVIRONMENT - HJR 221 (1996)**

† December 4, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Shannon Varner, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Chad Hudson by November 24, 1997.

Contact: Chad Hudson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

Special Subcommittee on State Parks

† November 24, 1997 - 8 a.m. -- Open Meeting
Westmoreland State Park. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Shannon Varner, Division of Legislative Services at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Chad Hudson by November 17, 1997.

Contact: Chad Hudson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

**HOUSE COMMITTEE ON HEALTH, WELFARE AND
INSTITUTIONS**

Subcommittee on Health Standards

† December 4, 1997 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to discuss HB 2468, HB 2696 and HJR 612 (1997). Questions concerning the meeting agenda should be addressed to Gayle Vergara, Division of Legislative Services, at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Brandon Merchant at least 10 working days prior to the meeting.

Contact: Brandon Merchant, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

**JOINT LEGISLATIVE AUDIT AND REVIEW
COMMISSION**

November 10, 1997 - 9:30 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ♿

Staff briefings on the State Data Center within the Department of Information Technology.

Contact: Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol Square, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

**JOINT SUBCOMMITTEE STUDYING NONCREDIT
EDUCATION FOR WORKFORCE TRAINING IN
VIRGINIA - HJR 622**

November 10, 1997 - 10 a.m. -- Open Meeting
Center for Innovative Technology, 2214 Rock Hill Road, Herndon, Virginia.

A regular meeting of the committee.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 225-4749/TDD ☎

**COMMITTEE TO STUDY ON-FARM SALES OF
AGRICULTURAL PRODUCTS - SR 29**

November 14, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Third Floor East Conference Room, Richmond, Virginia.

Calendar of Events

A regular meeting. Individuals requiring interpreter services or other accommodations should contact Brian Taylor by November 7.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD ☎

HOUSE PRIVILEGES AND ELECTIONS SUBCOMMITTEE ON REDISTRICTING

November 10, 1997 - 2 p.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct any questions to Mary Spain, Division of Legislative Services, telephone (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Barbara Regen at least 7 working days prior to the meeting.

Contact: Barbara L. Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

HOUSE AND SENATE COMMITTEES ON PRIVILEGES AND ELECTIONS

† **November 19, 1997 - 7 p.m.** -- Public Hearing
Woodside High School, Woodside Lane off Fort Eustis Boulevard, Newport, News, Virginia.

† **November 25, 1997 - 7 p.m.** -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. The committees invite interested persons to present plans and comments on the redrawing of the Third Congressional District and surrounding districts to comply with a February 1997 order of the United States Federal District Court. Please direct any questions to Mary Spain, Division of Legislative Services, telephone (804) 786-3591. Persons wishing to speak may register in advance by contacting Barbara Regen or Patty Lung, Senate Committee Operations, (804) 698-7450. Individuals requiring interpreter services or other accommodations should contact Barbara Regen at least 7 working days prior to the meeting.

Contact: Barbara L. Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

VIRGINIA COMMISSION ON THE FUTURE OF PUBLIC EDUCATION - HJR 196

November 13, 1997 - 10 a.m. -- Open Meeting
December 11, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia.

A regular meeting.

Contact: Helen G. Rolfe, Ph.D., Project Manager, Commission on the Future of Public Education, 919 W. Franklin St., P.O. Box 843061, Richmond, VA 23284-3061, telephone (804) 828-6252 or FAX (804) 786-3216.

† **November 17, 1997 - 7 p.m.** -- Public Hearing
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia.

† **November 17, 1997 - 7 p.m.** -- Public Hearing
Bethel High School, 1067 Big Bethel Road, Hampton, Virginia.

† **November 17, 1997 - 7 p.m.** -- Public Hearing
Northside High School, 6758 Northside High School Road, Roanoke, Virginia.

A public hearing. Individuals requiring interpreter services or other accommodations should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

COMMISSION ON STATE AND LOCAL GOVERNMENT RESPONSIBILITY AND TAXING AUTHORITY - HJR 532

November 20, 1997 - 10:30 a.m. -- Open Meeting
Dulles Airport Hilton, Herndon, Virginia. ♿ (Interpreter for the deaf provided upon request)

A briefing on federal tax code changes and the earned income tax credit. Questions concerning the meeting agenda should be addressed to Joan Putney, Division of Legislative Services, at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Brandon Merchant at least 10 working days prior to the meeting.

Contact: Brandon Merchant, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

December 16, 1997 - 2 p.m. -- Public Hearing
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing on all state and local tax issues. Questions concerning the meeting agenda should be

addressed to Joan Putney, Division of Legislative Services, at (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Brandon Merchant at least 10 working days prior to the meeting.

Contact: Brandon Merchant, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

JOINT SUBCOMMITTEE STUDYING SCHOOL DROP OUTS AND WAYS TO PROMOTE THE DEVELOPMENT OF SELF-ESTEEM AMONG YOUTH AND ADULTS - HJR 241

† **November 25, 1997 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting. Please call Brenda Edwards, Division of Legislative Services, at 786-3591 with any questions regarding this meeting. Individuals requiring interpreter services or other accommodations should contact Dawn Smith at least 10 working days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD ☎

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

November 19, 1997 - 1:30 p.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general meeting. The public is invited to attend. The final agenda for the meeting can be obtained via the commission's website at <http://legis.state.va.us/agencies.htm> or by contacting the commission.

Contact: Diane E. Horvath, Director, Joint Commission on Technology and Science, Division of Legislative Services, 910 Capitol Square, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

COMMISSION ON THE FUTURE OF TRANSPORTATION IN VIRGINIA - HJR 160

November 17, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

December 10, 1997 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should contact Chad Hudson at least 10 working days prior to the meeting.

Contact: Chad Hudson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 10

African-American Males in Virginia - HJR 570, Joint Subcommittee Studying the Status and Needs of
- Health and Substance Abuse Task Force
† Alcoholic Beverage Control Board, Virginia
Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Architects
Educational Needs of Certain Underserved Gifted Students - HJR 575, Joint Subcommittee Studying the Legislative Audit and Review Commission, Joint Noncredit Education for Workforce Training in Virginia - HJR 622, Joint Subcommittee Studying
Pharmacy, Board of
Privileges and Elections Subcommittee on Redistricting

November 11

Resources Authority, Virginia

November 12

Administrative Law Advisory Committee
† Child Fatality Review Team
† Community Colleges, State Board for
† Forestry, Board of
Hazardous Materials Training Advisory Committee
† Higher Education Tuition Trust Fund, Virginia
Mental Health, Mental Retardation and Substance Abuse Services, State Board of

November 13

† Child Day-Care Council
† Community Colleges, State Board for
- Facilities Committee
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
- † Goose Creek Scenic River Advisory Board
Medicine, Board of
- Informal Conference Committee
Mental Health, Mental Retardation and Substance Abuse Services, State Board of
Nursing, Board of
† Optometry, Board of
Pharmacy, Board of
Physical Fitness and Sports, Governor's Commission on
† Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

Calendar of Events

Public Education and Advisory Task Force, Commission on the Future of
Waste Management Board, Virginia
† Waterworks and Wastewater Works Operators, Board for

November 14

Dentistry, Board of
- Special Conference Committee
† Information Management, Council on
Medicine, Board of
- Informal Conference Committee
On-Farm Sales of Agricultural Products - SR 29, Committee to Study
Opticians, Board for
† Optometry, Board of
† Psychology, Board of
- Examination Committee
Transportation Safety Board
† Waterworks and Wastewater Works Operators, Board for

November 15

Museum of Natural History, Virginia
- Marketing Committee
- Outreach Committee
- Research and Collections Committee
- Board of Trustees
Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

November 17

† Early Childhood and Day Care Programs, Legislative Commission on
Local Government, Commission on
† Medical Assistance Services, Department of
- Pharmacy Liaison Committee
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Licensing Committee
- Transaction Recovery Fund Committee
† Nursing, Board of
- Education Special Conference Committee
- Special Conference Committee
† Professional and Occupational Regulation, Board for Rehabilitation Advisory Council, State
† Social Services, State Board of
Transportation in Virginia - HJR 160, Commission on the Future of

November 18

Agriculture and Consumer Services, Department of
- Virginia Farmers' Market Board
- Virginia Horse Industry Board
Corrections, Board of
- Correctional Services Committee
Environmental Quality, Department of
- Virginia Groundwater Protection Steering Committee
† Housing Development Authority, Virginia

Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Performance Outcome Measurement System (POMS) Advisory Committee
† Motor Vehicle Dealer Board
- Finance Committee
- Franchise Review and Advisory Committee
† Nursing, Board of
Real Estate Appraiser Board
† Small Business Financing Authority, Virginia
- Loan Committee

November 19

† African-American Males in Virginia, Joint Subcommittee Studying the Status of
Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Land Surveyors
Corrections, Board of
- Administration Committee
Funeral Directors and Embalmers, Board of
- Examination Task Force
Juvenile Justice, State Board of
Lottery Board, State
† Milk Commission, State
† Nursing, Board of
† Racing Commission, Virginia
Technology and Science, Joint Commission on
Transportation Board, Commonwealth

November 20

African-American Males in Virginia - HJR 570, Joint Subcommittee Studying the Status and Needs of
- Employment and Economics Task Force
† Conservation and Recreation, Department of
- Upper James Scenic River Advisory Board
† Correctional Education, Board of
† Emergency Response Council, Virginia and State Hazardous Materials Response Advisory Council
Health, Department of
- Biosolids Use Information Committee
- Biosolids Use Regulations Advisory Committee
Medical Assistance Services, Department of
- Drug Utilization Review Board
Medicine, Board of
Museum of Fine Arts, Virginia
- Education and Programs Committee
- Exhibitions Committee
- Finance Committee
- Board of Trustees
† Nursing, Board of
† Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed
State and Local Government Responsibility and Taxing Authority - HJR 532, Commission on
† School-to-Work Advisory Committee, Virginia
Transportation Board, Commonwealth

† William and Mary, College of
- Board of Visitors

November 21

† Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
† Chesapeake Bay Restoration Fund Advisory
Committee
Family and Children's Trust Fund
General Services, Department of
- Design-Build/Construction Management Review
Board
Medicine, Board of
† Nursing Home Administrators, Board of
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
- Credentials Committee
† William and Mary, College of
- Board of Visitors

November 24

† Alcoholic Beverage Control Board, Virginia
Cosmetology, Board for
Early Intervention Services for Infants and Toddlers with
Disabilities - HJR 581, Subcommittee Studying
Elections, State Board of
† Future of Virginia's Environment, Joint Subcommittee
Studying the
- Special Subcommittee on State Parks

November 25

† Economic Development Partnership, Virginia
- Board of Directors
† Emergency Planning Committee, Local - Goochland
County
† Higher Education, State Council of
- Executive Committee
- Search Committee
Marine Resources Commission
† School Drop Outs and Ways to Promote Self-Esteem
Among Youth and Adults, Joint Subcommittee Studying
- HJR 241

November 27

Economic Development Partnership, Virginia
- Virginia Tourism Corporation

December 1

† Barbers, Board for
† Conservation and Natural Resources, Joint
Subcommittee Studying Funding for the Department of
Game and Inland Fisheries

December 2

Hopewell Industrial Safety Council

December 3

Agriculture and Consumer Services, Department of
- Virginia Sweet Potato Board

Corporations, Insurance and Banking Studying Disposal
of Unclaimed Property - HJR 428. Special Joint
Subcommittee of the Committee on
Fire Services Board, Virginia
- Sprinkler/Code Change Committee
Funeral Directors and Embalmers, Board of
- Special Conference Committee
† Health Professions, Department of
- Practitioner Self-Referral Committee
† Historic Resources, Department of
- State Review Board and Historic Resources Board
Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board

December 4

† Counties, Cities and Towns Subcommittee #4
Fire Services Board, Virginia
- Fire Prevention and Control Committee
- Fire/EMS Education and Training Committee
- Legislative/Liaison Committee
Funeral Directors and Embalmers, Board of
† Future of Virginia's Environment, Joint Subcommittee
Studying the
† Health Standards, Legislative Subcommittee on
† Medicine, Board of
- Informal Conference Committee
Voluntary Formulary Board, Virginia

December 5

† Agriculture and Consumer Services, Department of
- Virginia Sheep Industry Board
Fire Services Board, Virginia
† Medicine, Board of
- Credentials Committee
- Executive Committee

December 6

Military Institute, Virginia
- Board of Visitors

December 8

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
† Alcoholic Beverage Control Board, Virginia
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
- Regulatory Committee

December 9

Medicine, Board of
- Informal Conference Committee
Resources Authority, Virginia
† Soil and Water Conservation Board

December 10

† Agricultural and Forestal Districts, Joint Subcommittee
Studying
† Real Estate Board
Transportation in Virginia - HJR 160. Commission on the
Future of

Calendar of Events

December 11

- † Agriculture and Consumer Services, Board of
- † Conservation and Recreation, Board of
- Public Education and Advisory Task Force, Commission on the Future of
- † Real Estate Board
 - Education Committee
 - Fair Housing Committee

December 12

- Higher Education for Virginia, State Council of

December 15

- † Accountancy, Board for
- Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board

December 16

- † Code Commission, Virginia
- Medical Assistance Services, Board of
- † Polygraph Examiners Advisory Board

December 17

- † Agriculture and Consumer Services, Department of
 - Virginia Corn Board
- † Asbestos and Lead, Virginia Board for
- † Racing Commission, Virginia

December 19

- Family and Children's Trust Fund
- Higher Education, State Council of
 - Executive Committee

December 22

- † Alcoholic Beverage Control Board, Virginia

January 7, 1998

- † Agriculture and Consumer, Department of
 - Virginia Small Grains Board

January 8

- † Agriculture and Consumer, Department of
 - Virginia Small Grains Board
- † Medicine, Board of
 - Informal Conference Committee

January 22

- † Hearing Aid Specialists, Board for

November 19

- Child Day-Care Council
- † Privileges and Elections, House and Senate Committees on
- Virginia Racing Commission

November 20

- Child Day-Care Council
- Water Control Board, State

November 24

- Child Day-Care Council

November 25

- Child Day-Care Council
- † Privileges and Elections, House and Senate Committees on

December 10

- Real Estate Board

December 11

- Agriculture and Consumer Services, Board of

December 15

- † Early Childhood and Day Care Programs, Legislative Commission on

December 16

- State and Local Government Responsibility and Taxing - HJR 532, Commission on

PUBLIC HEARINGS

November 12

- Juvenile Justice, State Board of

November 17

- Education, Board of
- † Public Education, Commission on the Future of
- Voluntary Formulary Board, Virginia

November 18

- Child Day-Care Council
- Real Estate Appraiser Board