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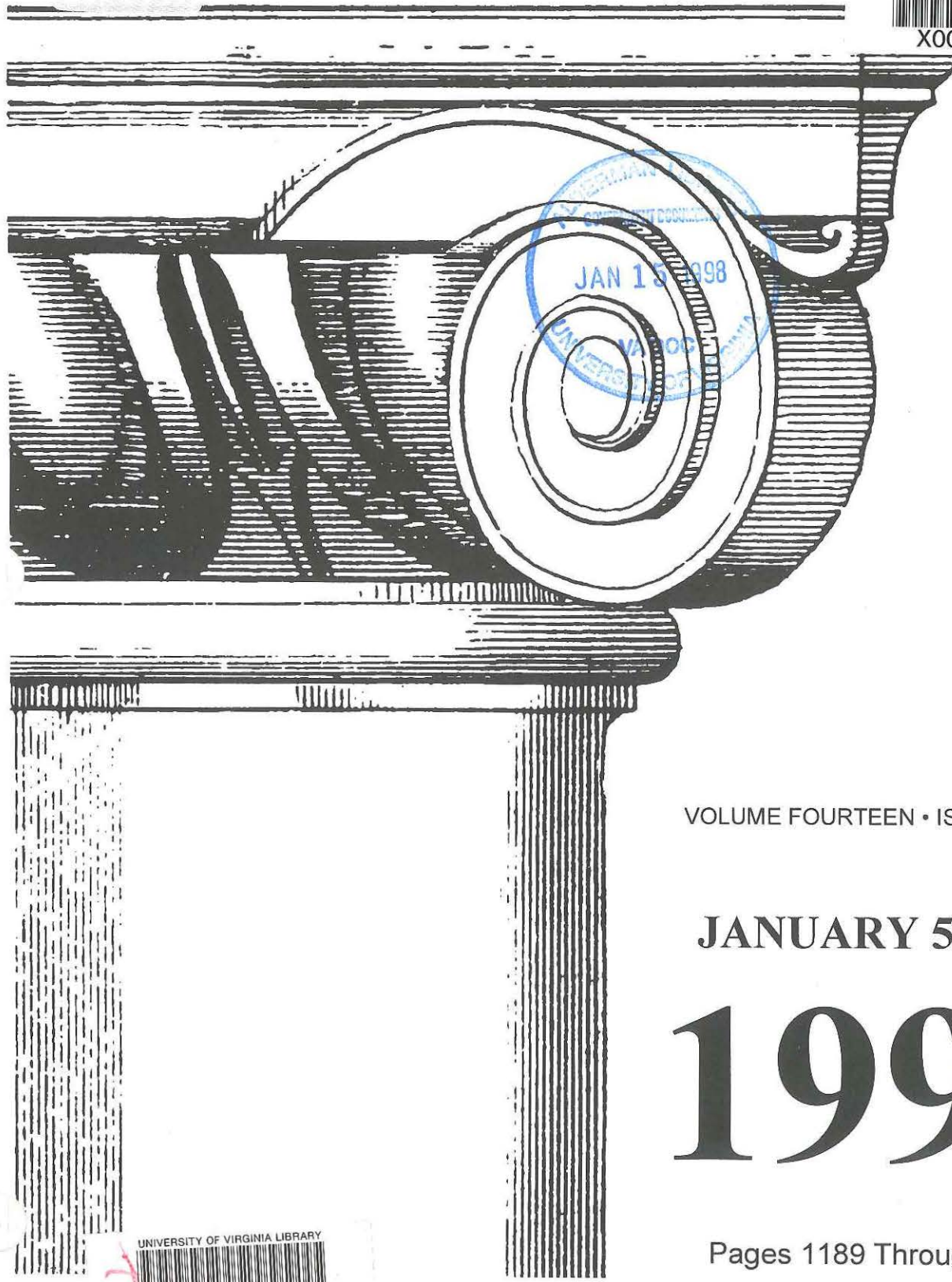
COD  
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# THE VIRGIN REGISTER

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# 1998

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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.

## CITATION TO THE VIRGINIA REGISTER

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

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

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

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## Symbol Key

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

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with §§ 9-6.14:4.1 C 12 and 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider adopting regulations entitled: **9 VAC 25-151-10 et seq. General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity**. This rulemaking is proposed in order to continue to regulate discharges currently permitted under three existing general permits which expire on June 30, 1999. The general permit will establish requirements for discharges of storm water from industrial sites formerly covered under general permits for Heavy Manufacturing (9 VAC 25-150-10 et seq.), Light Manufacturing (9 VAC 25-160-10 et seq.) and Miscellaneous Industries (9 VAC 25-170-10 et seq.). Since these industrial sites will be governed in the future by a single regulation, the board intends to consider repealing regulations entitled: (i) **9 VAC 25-150-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing**, (ii) **9 VAC 25-160-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities**, and (iii) **9 VAC 25-170-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Material Recycling Facilities and Steam Electric Power Generating Facilities** to accommodate all of the industrial storm water categories.

The board also intends to consider amending regulations entitled: **9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites**. This rulemaking is proposed in order to reissue the existing general permit which expires on June 30, 1999.

The intent of these general permit regulations is to establish standard language for control of storm water discharges through the development of Storm Water Pollution Prevention Plans and to set minimum monitoring and reporting requirements. A site-specific Storm Water Pollution Prevention Plan will be required to be developed by the permittee for each individual facility covered by the general

permits. Facilities will be required to implement the provisions of the plan as a condition of the permit.

A technical advisory committee will be formed to assist in the development of the regulations. The primary function of the committee will be to develop recommendations to the board for the content of the general permits through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Monday, January 12, 1998, and provide name, address, telephone number and the organization you represent (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the draft general permit regulations in the *Virginia Register*, the board will hold at least one public hearing to provide opportunity for public comment.

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

Public comments are solicited on the content of the draft general permit regulations. Comments may be submitted until 4:30 p.m. on Monday, January 12, 1998.

Contact: Richard Ayers, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, telephone (804) 698-4075, FAX (804) 698-4032.

VA.R. Doc. No. R98-104, R98-106, R98-107, R98-108; Filed November 17, 1997, 3:39 p.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with §§ 9-6.14:4.1 C 12 and 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-190-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining**. This rulemaking is proposed in order to reissue the existing general permit which expires on June 30, 1999. The general permit will establish limitations and monitoring requirements for discharges of wastewater from stone quarries and sand and gravel mines. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the committee will be to develop recommendations to the board for the content of the reissued general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Monday, January 12, 1998, and provide name, address, telephone number and the organization you represent (if any). Notification of the composition of the technical advisory committee will be sent

# Notices of Intended Regulatory Action

to all applicants. Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

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

Public comments are solicited on the content of the draft general permit regulation. Comments may be submitted until 4:30 p.m. on Monday, January 12, 1998.

**Contact:** Michael Gregory, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, telephone (804) 698-4065, FAX (804) 698-4032.

VA.R. Doc. No. R98-105; Filed November 17, 1997, 3:39 p.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Utilization Review Criteria**. The purpose of the proposed action is to clarify the Department of Medical Assistance Services' role in utilization review policy and procedures and distinguish its role from that of the state survey and licensing agency for certain health care facilities and associated providers, agencies or providers. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 7, 1998.

**Contact:** Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

VA.R. Doc. No. R98-95; Filed November 14, 1997, 11:15 a.m.

### 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 35-120-10 et seq. Rules and Regulations to Assure the Rights of**

**Patients of Psychiatric Hospitals and Other Psychiatric Facilities Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to repeal regulations that will be superseded by 12 VAC 35-115-10 et seq., Rules and Regulations to Assure the Rights of Clients in Facilities and Programs Operated, Funded or Licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Public comments may be submitted until January 22, 1998.

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

VA.R. Doc. No. R98-137; Filed December 3, 1997, 10:10 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

#### 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 Dentistry intends to consider amending regulations entitled: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations**. The purpose of the proposed action is to amend regulations in order to increase certain fees in compliance with § 54.1-113 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 7, 1998.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or FAX (804) 662-9943.

VA.R. Doc. No. R98-100; Filed November 17, 1997, 12:04 p.m.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### 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 Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to amend regulations in order to increase certain fees in compliance with § 54.1-113 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 7, 1998.

**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 FAX (804) 662-9943.

VA.R. Doc. No. R98-98; Filed November 17, 1997, 12:04 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 Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-40-10 et seq. Resident Trainee Program for Funeral Service.** The purpose of the proposed action is to amend regulations in order to increase certain fees in compliance with § 54.1-113 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 7, 1998.

**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 FAX (804) 662-9943.

VA.R. Doc. No. R98-98; Filed November 17, 1997, 12:04 p.m.

## BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to amend regulations in order to permit a physician assistant to apply

without an additional fee for a license to practice as a volunteer in a nonprofit clinic. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until January 21, 1998.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R98-125; Filed November 20, 1997, 11:14 a.m.

## BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed action is to amend regulations in order to implement a statutory mandate for licensure of substance abuse treatment practitioners. Amendments will include qualifications for licensure, fees, standards of practice and a change in the title of this chapter. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3503 of the Code of Virginia.

Public comments may be submitted until January 7, 1998.

**Contact:** Janet Delorme, Deputy Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912 or FAX (804) 662-9943.

VA.R. Doc. No. R98-97; Filed November 17, 1997, 12:04 p.m.



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# Notices of Intended Regulatory Action

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

#### Notice of Intended Regulatory Action Extension of Comment Period

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 January 17, 1998. This date has been extended from 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.

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# PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



## PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

**February 12, 1998 - 10 a.m.** – Public Hearing  
Department of Mines, Minerals and Energy, Division of Mineral Mining, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia.

**March 6, 1998** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining**. The purpose of the proposed action is to amend the safety and health regulation for the protection of persons in and around mineral mines. The amendments implement requirements of the Mine Safety Act and incorporate recommendations from the Executive Order 15 (94) review and from the work committee which reviewed the proposed regulation.

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

**Contact:** Conrad Spangler, Division Director, Department of Mines, Minerals and Energy, Division of Mineral Mining, Fontaine Research Park, 900 Natural Resources Dr., 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).

# 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 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: 4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining (amending 4 VAC 25-40-10, 4 VAC 25-40-40, 4 VAC 25-40-50, 4 VAC 25-40-70, 4 VAC 25-40-90, 4 VAC 25-40-100, 4 VAC 25-40-110, 4 VAC 25-40-120, 4 VAC 25-40-130, 4 VAC 25-40-140, 4 VAC 25-40-180, 4 VAC 25-40-200, 4 VAC 25-40-210, 4 VAC 25-40-220, 4 VAC 25-40-250, 4 VAC 25-40-270, 4 VAC 25-40-300, 4 VAC 25-40-310, 4 VAC 25-40-350, 4 VAC 25-40-390, 4 VAC 25-40-400, 4 VAC 25-40-440, 4 VAC 25-40-450, 4 VAC 25-40-460, 4 VAC 25-40-490, 4 VAC 25-40-500, 4 VAC 25-40-510, 4 VAC 25-40-520, 4 VAC 25-40-530, 4 VAC 25-40-540, 4 VAC 25-40-550, 4 VAC 25-40-590, 4 VAC 25-40-630, 4 VAC 25-40-660, 4 VAC 25-40-670, 4 VAC 25-40-690, 4 VAC 25-40-710, 4 VAC 25-40-720, 4 VAC 25-40-770, 4 VAC 25-40-780, 4 VAC 25-40-790, 4 VAC 25-40-800, 4 VAC 25-40-810, 4 VAC 25-40-820, 4 VAC 25-40-830, 4 VAC 25-40-870, 4 VAC 25-40-880, 4 VAC 25-40-890, 4 VAC 25-40-900, 4 VAC 25-40-910, 4 VAC 25-40-920, 4 VAC 25-40-930, 4 VAC 25-40-970, 4 VAC 25-40-1030, 4 VAC 25-40-1100, 4 VAC 25-40-1130, 4 VAC 25-40-1140, 4 VAC 25-40-1180, 4 VAC 25-40-1210, 4 VAC 25-40-1220, 4 VAC 25-40-1250, 4 VAC 25-40-1260, 4 VAC 25-40-1280, 4 VAC 25-40-1320, 4 VAC 25-40-1340, 4 VAC 25-40-1370, 4 VAC 25-40-1540, 4 VAC 25-40-1550, 4 VAC 25-40-1560, 4 VAC 25-40-1580, 4 VAC 25-40-1590, 4 VAC 25-40-1670, 4 VAC 25-40-1690, 4 VAC 25-40-1740, 4 VAC 25-40-1780, 4 VAC 25-40-1810, 4 VAC 25-40-1880, 4 VAC 25-40-2010, 4 VAC 25-40-2040, 4 VAC 25-40-2080, 4 VAC 25-40-2100, 4 VAC 25-40-2140, 4 VAC 25-40-2170, 4 VAC 25-40-2180, 4 VAC 25-40-2210, 4 VAC 25-40-2220, 4 VAC 25-40-2250, 4 VAC 25-40-2270, 4 VAC 25-40-2280, 4 VAC 25-40-2300, 4 VAC 25-40-2340, 4 VAC 25-40-2390, 4 VAC 25-40-2400, 4 VAC 25-40-2410, 4 VAC 25-40-2420, 4 VAC 25-40-2440, 4 VAC 25-40-2450, 4 VAC 25-40-2480, 4 VAC 25-40-2490, 4 VAC 25-40-2500, 4 VAC 25-40-2530, 4 VAC 25-40-2540, 4 VAC 25-40-2550, 4 VAC 25-40-2590, 4 VAC 25-40-2610, 4 VAC 25-40-2650, 4 VAC 25-40-2660, 4 VAC 25-40-2680, 4 VAC 25-40-2700, 4 VAC 25-40-2720, 4 VAC 25-40-2750, 4 VAC 25-40-2760, 4 VAC 25-40-2770, 4 VAC 25-40-2790, 4 VAC 25-40-2800, 4 VAC 25-40-2810, 4 VAC 25-40-2820, 4 VAC 25-40-2850, 4 VAC 25-40-2870, 4 VAC 25-40-2880, 4 VAC 25-40-2910, 4 VAC 25-40-2920, 4 VAC 25-40-2930, 4 VAC 25-40-2980, 4 VAC 25-40-3000, 4 VAC 25-40-3030, 4 VAC 25-40-3050, 4 VAC 25-40-3070, 4 VAC 25-40-3080, 4 VAC 25-40-3110, 4 VAC 25-40-3120, 4 VAC 25-40-3160, 4 VAC 25-40-3170, 4 VAC 25-40-3220, 4 VAC 25-40-3240, 4 VAC 25-40-3280,

4 VAC 25-40-3290, 4 VAC 25-40-3300, 4 VAC 25-40-3310, 4 VAC 25-40-3320, 4 VAC 25-40-3330, 4 VAC 25-40-3340, 4 VAC 25-40-3350, 4 VAC 25-40-3420, 4 VAC 25-40-3430, 4 VAC 25-40-3450, 4 VAC 25-40-3460, 4 VAC 25-40-3620, 4 VAC 25-40-3660, 4 VAC 25-40-3690, 4 VAC 25-40-3700, 4 VAC 25-40-3710, 4 VAC 25-40-3720, 4 VAC 25-40-3830, 4 VAC 25-40-3840, 4 VAC 25-40-3890, 4 VAC 25-40-3930, 4 VAC 25-40-3980, 4 VAC 25-40-3990, 4 VAC 25-40-4060, 4 VAC 25-40-4090, 4 VAC 25-40-4100, 4 VAC 25-40-4110, 4 VAC 25-40-4140, 4 VAC 25-40-4160, 4 VAC 25-40-4220, 4 VAC 25-40-4230, 4 VAC 25-40-4260, 4 VAC 25-40-4280, 4 VAC 25-40-4290, 4 VAC 25-40-4320, 4 VAC 25-40-4330, 4 VAC 25-40-4350, 4 VAC 25-40-4430, 4 VAC 25-40-4440, 4 VAC 25-40-4460, 4 VAC 25-40-4540, 4 VAC 25-40-4590, 4 VAC 25-40-4650, 4 VAC 25-40-4750, 4 VAC 25-40-4770, 4 VAC 25-40-4910, 4 VAC 25-40-4920, 4 VAC 25-40-4970, 4 VAC 25-40-4980, 4 VAC 25-40-5060, 4 VAC 25-40-5070, 4 VAC 25-40-5120, 4 VAC 25-40-5170, 4 VAC 25-40-5180, 4 VAC 25-40-5200, 4 VAC 25-40-5210, 4 VAC 25-40-5230, 4 VAC 25-40-5290, 4 VAC 25-40-5310, 4 VAC 25-40-5320, 4 VAC 25-40-5330, 4 VAC 25-40-5340, 4 VAC 25-40-5370, 4 VAC 25-40-5400, 4 VAC 25-40-5450, 4 VAC 25-40-5470, 4 VAC 25-40-5550, 4 VAC 25-40-5580, 4 VAC 25-40-5590, 4 VAC 25-40-5630, 4 VAC 25-40-5660, 4 VAC 25-40-5670 and 4 VAC 25-40-5710; adding 4 VAC 25-40-25, 4 VAC 25-40-145, 4 VAC 25-40-385, 4 VAC 25-40-388, 4 VAC 25-40-895, 4 VAC 25-40-1685, 4 VAC 25-40-1785, 4 VAC 25-40-2015, 4 VAC 25-40-2915, 4 VAC 25-40-3325, 4 VAC 25-40-3328, 4 VAC 25-40-3475, 4 VAC 25-40-3478, 4 VAC 25-40-3595, 4 VAC 25-40-3855, 4 VAC 25-40-3955, 4 VAC 25-40-3958, 4 VAC 25-40-5750, 4 VAC 25-40-5760, 4 VAC 25-40-5770 and 4 VAC 25-40-5780; repealing 4 VAC 25-40-20, 4 VAC 25-40-30, 4 VAC 25-40-60, 4 VAC 25-40-80, 4 VAC 25-40-320, 4 VAC 25-40-730, 4 VAC 25-40-750, 4 VAC 25-40-940, 4 VAC 25-40-960, 4 VAC 25-40-1300, 4 VAC 25-40-1310, 4 VAC 25-40-1490, 4 VAC 25-40-1940, 4 VAC 25-40-2260, 4 VAC 25-40-2510, 4 VAC 25-40-3230, 4 VAC 25-40-5040, 4 VAC 25-40-5050, 4 VAC 25-40-5680, 4 VAC 25-40-5690, 4 VAC 25-40-5720, 4 VAC 25-40-5730 and 4 VAC 25-40-5740).

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

Public Hearing Date: February 12, 1998 - 10 a.m.

Public comments may be submitted until March 6, 1998.

(See Calendar of Events section for additional information)

Basis: The Department of Mines, Minerals and Energy derives its authority to promulgate safety and health regulations from §§ 45.1-161.3, 45.1-161.294, and 45.1-161.305 of the Code of Virginia.

Purpose: The regulation is essential to protect workers and the public by preventing accidents and fatalities in work that is inherently dangerous. Improper actions by operators and miners are a significant cause of injuries, fatalities, citizen complaints, and property damage. Last year, for example, a man was killed when he fell from a conveyer. The accident could have been prevented if the operator had provided a hand railing or if the worker had worn a safety harness. The regulation also safeguards the public safety and welfare in the vicinity of mineral mines. Improper use of explosives can cause injuries, fatalities or property damage on properties adjacent to mineral mines.

The amendments implement requirements of the Mine Safety Act and incorporate recommendations from the Executive Order 15 review and from the work committee which reviewed the proposed regulation.

Substance: The regulation was modified to reflect the changes in the Mine Safety Act of 1994, the recommendations of the legislative study committee which reviewed the regulation, and the changes made in the mineral mine safety law made in 1997. For example, requirements addressed in law are deleted from the regulation and referenced instead.

The regulation clarifies the intent of the existing regulation from communication memorandums issued by the division director. Existing regulations that address such items as placement of fire extinguishers, materials that can be stored in magazines, and results of electrical testing have been changed or expanded to clarify intent of the division and the work group.

It also makes the regulation less burdensome by offering operators options for compliance in lieu of specific requirements, which may reduce costs. Several regulations have been changed to allow operators a choice of compliance methods such as barricading access by use of boulders instead of fencing during temporary cessation of mining activities.

At the same time, it improves accountability for the operator and miners in areas like training and equipment inspection. The preshift inspection of equipment to be operated has been expanded to include both mobile and stationary equipment. Reduction in costs for operators have been achieved by:

1. Adding "blast site" definition which allows production to continue in pit a safe distance away from shot being loaded;
2. Allowing operators to designate competent persons to perform certain tasks required by regulations; and
3. Allowing production activities to continue at accident scene where no hospitalization is expected if certain data is collected and provided to the Division of Mineral Mining.

Major revisions were made to the section on permits and licenses, certification, the duties of the mine operator, and appeals procedures. The proposed regulation references

Code of Virginia requirements for refuse piles, water and silt retaining dams to clarify that these apply to mineral mines. In other sections, safety measures are included for working with energy sources and hearing protection is to be made available if requested.

Another change in the proposed regulation is that the director may lower ground vibration levels from blasting on mineral mine sites if necessary to prevent damage. This enables the agency to respond to citizen complaints about blasting without decreasing the current requirements for all operators.

In addition, repairs and maintenance are not to be performed on mobile equipment until it is tagged out. Reflective tape is to be worn by miners working underground or at night on the surface. Documents which were incorporated by reference were updated to reflect current sources.

There are new requirements in underground mineral mines when mining in hazardous geological conditions, inspection of the roof by sounding and visually, and for a certified foreman to inspect a gassy mine to see if the power can be turned on safely. Also, requirements are included for mining near gas and oil wells as this was not covered by the current regulation.

A few of the state regulations differ from federal regulations. These were recommended for regulatory development by the legislative study committee which reviewed and revised the Mine Safety Act and by the General Assembly. In addition, all of the recommendations were made by the industry and labor representatives which served on the regulatory review committee. Regulations which differ from federal regulations include such areas as blasting and lock out tag out requirements. These are not covered by federal rules.

Issues: The proposed amendments are advantageous to the public because they increase safety on and around the mine site and protect property. They address problems raised by citizens, e.g., blasting, and safety needs which were illuminated in recent accidents and fatalities. In addition, some of the revisions will clear up ambiguities in the current regulation and law and provide for more consistency with federal Mine Safety and Health Administration (MSHA) regulations. The regulation reflects current (i) mining safety practices; (ii) changes in laws and corresponding regulations, and (iii) references. They are also better organized, clearer, and more concise.

The primary disadvantages of this regulation are that those regulated will have to maintain some additional records, hold fire drills more often, certified persons will need to be used for electrical work and signage will need to be used near flammable materials. A test meter must be used for evaluating the level of oxygen in the air, hearing protection needs to be provided if requested, and reflective tape needs to be worn in some circumstances. There are no disadvantages to the agency or to the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed

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

Summary of the proposed regulation. The proposed regulation amends the current Mineral Mining Safety and Health Regulation to incorporate new requirements pursuant to 1994 and 1997 statutory revisions of the Mineral Mine Safety Laws of Virginia, and labor and industry recommendations. This regulation specifies safety standards for surface and underground mineral mines in such areas as: air quality, electricity, explosives, fire prevention and control, ground control, materials handling, mobile equipment, and personal protection.

Those proposed amendments likely to have an economic effect are as follows:

- Training records would have to be kept on file for two years, or 60 days after termination of employment;
- The requirement that employees with "less than one year of experience" must work under the supervision of an experienced miner would be changed to "less than six months of experience";
- Preshift inspection of mobile equipment would be required;
- The requirement that operators "effectively close or fence" abandoned mines would be changed to "effectively close or barricade" in instances where operations are only temporarily suspended;
- Machinery and certain power supplies would be required to be "tagged out" during repairs;
- Safety requirements regarding the operation of mobile cranes would be expanded;
- Rope requirements would be amended to make them consistent with national standards;
- Ground control standards would be amended to require that unconsolidated material beyond ten feet of open pit mines "shall be sloped to the angle of repose";
- The requirement that "all employees" be trained in firefighting and that firefighting drills be conducted "once each calendar year" would be changed to "all employees assigned to firefighting responsibilities" with drills conducted "every six months";

- Requirements regarding control of employee exposure to harmful airborne contaminants would be changed to reflect statutory changes enacted in 1994;

- Mine operators would be required to "provide hearing protection upon request";

- Ground vibration standards would be changed to allow operators greater flexibility and to allow the Director of DMME to specify "lower allowable ground vibration and airblast levels" than those specified in the regulation, "if necessary to prevent damage";

- Work on electrical systems would have to be done "by, or under the supervision of, a certified electrical repairman or other appropriately licensed electrical repairman";

- Standards for ground support in underground mines would be changed to require operators to suspend mining operations "upon encountering suspected hazardous geological conditions" until "a ground control plan has been approved by the director";

- Standards for transportation of miners would be amended to incorporate statutory changes enacted in 1994; and

- New standards would be added regarding mining near gas or oil wells.

Estimated economic impact. The proposed amendments to the current regulation will likely have two main economic effects; they will: (i) impact the regulatory compliance costs faced by mineral mine operators, and (ii) enhance mine safety.

Compliance costs. Some of the proposed amendments entail a reduction in regulatory stringency (i.e., reducing the length of time that new employees must work under the supervision of an experienced miner from one year to six months) or an increase in the flexibility that operators have to meet regulatory requirements (i.e., allowing operators to close off mines with either fences or barricades in instances where operations are only temporarily suspended, and allowing greater flexibility in ground vibration standards). These amendments will likely generate decreases in the regulatory compliance costs faced by mine operators. Although it would be cost prohibitive for DPB to determine the precise amount of these decreases, they would appear in most cases to be modest.

Other proposed amendments will increase regulatory stringency (i.e., increased standards for maintaining training records, pre-shift inspection of mobile equipment, increased standards for ground control around open pit mines, enhanced standards regarding employee exposure to harmful airborne contaminants, required provision of hearing protection, restricting electrical work to certified electricians, and increased standards regarding transportation of miners), thereby increasing the regulatory compliance costs borne by operators. Because many of the proposed amendments reflect current industry practice, however, it is likely that in

most cases the incremental increase in compliance costs will be minimal.

Safety. The intent, and the likely primary effect, of most of the proposed amendments to the current regulation will be to decrease the risk of mine accidents and fatalities. Mining is a dangerous occupation. According to the U.S. Department of Labor's Mine Safety and Health Administration, there were 62 fatal and 12,016 nonfatal accidents reported in U.S. underground and surface mines in 1996. Of these, two of the fatal accidents (3.2%) and 549 of the nonfatal accidents (4.6%) occurred in Virginia. By amending the regulation to: require greater accountability of mine operators with respect to training and equipment inspection; expand safety requirements regarding mobile cranes and employee exposure to harmful airborne contaminants; require provision of hearing protection on request; require cessation of operations when hazardous geological conditions are encountered; and incorporate new standards for conducting mining operations near gas or oil wells, the future incidence of such fatal and non-fatal accidents is likely to be reduced. Although it would be cost prohibitive for DPB to precisely estimate the magnitude of the benefit associated with this reduction in health and safety risk, it is likely to be substantial, particularly as it relates to reducing the risk of loss of human life.

Businesses and entities particularly affected. The proposed regulation particularly affects Virginia's mineral miners, mineral mine operators, and the general public.

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

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

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

Summary of analysis. DPB anticipates that the proposed amendments to the current Mineral Mining Safety and Health Regulation will likely have two main economic effects; they will: (i) cause a negligible increase in the regulatory compliance costs faced by mineral mine operators, and (ii) decrease the risk of mine accidents and fatalities in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has no objection to the economic impact statement prepared by the Department of Planning and Budget.

#### Summary:

*The Division of Mineral Mining in the Department of Mines, Minerals and Energy is promulgating amendments to its safety and health requirements to protect the safety of persons on mineral mine sites and the public and property in the vicinity of mineral mines. Improper actions by operators and mineral miners are a significant cause of accidents, fatalities, citizen complaints and property damage.*

*The amendments incorporate new requirements added to the Mine Safety Act in 1994 and 1997, clarify the intent of existing regulations from communication memorandums issued by the director of the Division of Mineral Mining, revise and clarify the regulation, and add several provisions needed by industry. The regulation provides operators with options for compliance which can reduce costs. It also improves accountability for both operator and miners in areas such as training and inspection of equipment.*

*The amendments include numerous changes, addressing general safety requirements at surface and underground mines, ground control, fire prevention and control, air quality and physical agents, explosives, mobile equipment, personal protection, travelways, electricity, materials handling, guards, mining near gas and oil wells, and reporting requirements.*

#### PART I.

#### GENERAL ADMINISTRATIVE PROVISIONS-SURFACE AND UNDERGROUND.

#### 4 VAC 25-40-10. Definitions.

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

"~~Abandoned mine~~" means a mine in which all work has stopped on the mine premises and where an office with a responsible person in charge is no longer maintained at the mine.

"~~Abandoned workings~~" means deserted mine areas in which further work is not intended.

"~~Acceptable~~" means tested and found to be appropriate for a specific purpose by a nationally recognized agency.

"~~ACGIH~~" means the American Conference of Governmental Industrial Hygienists.

"~~Active workings~~" means ~~areas at, in, or around a mine or plant where persons work or travel.~~

"~~Approved~~" means ~~accepted by the Division of Mineral Mining.~~

"~~Asbestos~~" means ~~chrysotile, amosite, crocidolite, anthophyllite, asbestos, tremolite asbestos, and actinolite asbestos.~~

"~~Authorized person~~" means ~~a person approved or assigned by mine management to perform a specific type of duty or duties or to be at a specific location or locations in the mine.~~

"~~Angle of repose~~" means ~~the maximum slope or angle at which material remains stable.~~

"~~Auxiliary fan~~" means a fan used to deliver air to a working place off the main airstream, generally used with ventilation tubing.

"~~Blasting Blast area~~" means the area of the mine in which concussion or flying material can reasonably be expected to

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cause injury, but in no case less than four times the depth of the boreholes in feet during detonation.

"Blast site" means the 50-foot perimeter around boreholes being loaded, or 30 feet if demarcated by a barricade, and the 180° free-face area for a distance of at least four times the average depth of the boreholes being loaded.

~~"Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.~~

"Bridle" means a cable or chain used to support a work platform in a raised position with more than three connection points.

"Burden" means the distance in feet between rows of boreholes or between the open face and boreholes.

~~"Certified" means holding a valid certification card issued by the Board of Examiners.~~

"Company official" means a member of the company supervisory or technical staff.

~~"Competent person" means a person approved by the director having abilities and experience that fully qualify the person to perform the duty to which he is assigned.~~

"Department" means the Department of Mines, Minerals and Energy.

"Director" means the *Director of the Division of Mineral Mining Division-Director*.

"Distribution box" means an apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feedline, each cable circuit being connected through individual overcurrent protective devices.

"Division" means the Division of Mineral Mining.

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

~~"Experienced person" means a person with one or more years of mining experience.~~

"Face or bank" means that part of any mine where excavating is progressing or was last done.

"Flash point" means the minimum temperature at which sufficient vapor is released to form a flammable vapor-air mixture.

"Free-face" means the face area of a quarry bench to be blasted.

"Flyrock" means any uncontrolled material generated by the effect of a blast that would be potentially hazardous to personnel persons, or to property not owned or controlled by the operator.

~~"Fuse" means a short protective device.~~

~~"Grounded" means a conducting connection between an electric circuit or equipment and the on site source from which the electric circuit originates which is effectively connected to the earth.~~

"Heavy duty mobile equipment" means any equipment used for loading, hauling, or grading and not normally intended for highway use.

"Hoist" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising persons and material.

~~"Igniter cord" means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning and is used for lighting a series of safety fuses in the desired sequence.~~

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Loaded" means containing explosives, blasting agents, or detonators.

"Main fan" means a fan that controls the entire airflow of the mine or the airflow of one of the major air circuits.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Mine opening" means any opening or entrance from the surface into a mine.

~~"Mine operator" means any individual, corporation or corporate officer, firm, joint venture, partnership, business trust, association, any group or combination acting as a unit, or any legal entity which is engaged in mining.~~

~~"Mineral mining" means the surface or underground mining of any mineral other than coal.~~

"Misfire" means the partial or complete failure of a blast to detonate as planned.

MSHA" means the Mine Safety and Health Administration.

"Occupational injury" means any injury to a miner which occurs at a mine for which medical treatment is administered, or which results in death or loss of consciousness, inability to perform all job duties on any day after an injury, temporary assignment to other duties, or transfer to another job as specified in the 30 CFR Part 50.2.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

~~"Permissible" means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines, and is maintained in the condition approved by the U.S. Department of Interior, Bureau of Mines.~~

"Potable" means fit for human consumption, and, where required by Code of Virginia, approved by the Virginia Department of Health.

"Powder chest" means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

"Primer" means a cartridge or package of explosive explosives which contains a detonator or detonating cord.

"Refuse" means mineral processing waste, tailings, silts, sediments, or slimes.

"Rollover protection" means a framework, safety canopy or similar protection for the operator when equipment overturns and which is acceptable for use on that particular type of equipment.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and water-proofing compounds, which burns at a uniform rate, used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety hazard" means any condition, function, or circumstance which may reasonably be expected to cause or assist an accident.

"Scaled distance (Ds)" means the actual distance (D) in feet divided by the square root of the maximum explosive weight (W) in pounds that is detonated per delay period for delay intervals of eight milliseconds or greater; or the total weight of explosive in pounds that is detonated within an interval less than eight milliseconds.

"Scaling" means removal of insecure material from a face or highwall.

~~"Serious fire" means a fire that requires more than 30 minutes to extinguish.~~

~~"Serious personal injury" means any injury requiring at least one day of hospital confinement.~~

"Shaft" means a vertical or inclined shaft, slope, incline, or winze.

"Stemming" means that inert material placed in a borehole after the explosive charge for the purpose of confining the explosion gases in the borehole or that inert material used to separate the explosive charges (decks) in decked holes.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected.

"Suitable" means that which fits and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Switch" means a device used to complete or disconnect an electrical circuit.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Wet drilling" means the continuous application of water through the control hole of hollow drill steel to the bottom of the drill hole.

~~"Working place" means any place in or about a mine where work is being performed.~~

#### 4 VAC 25-40-20. ~~Permits and licenses. (Repealed.)~~

~~A. No person shall conduct mining activities without first obtaining a mining permit and license from the department. All new licenses issued on or after July 1, 1988, shall be issued for a one-year period and be due for renewal on their anniversary date. Licenses due for renewal on January 1, 1989, shall be extended to the renewal date of the corresponding surface mining and reclamation permit and shall be renewed on the anniversary date of that permit on a schedule consistent with § 45.1-181 of the Code of Virginia.~~

~~B. Application for a new license or renewal of a license shall be on a form prescribed by the department and shall be accompanied by a fee as calculated by the department.~~

~~C. Mine operators granted a mining permit and license shall operate their mine in compliance with all applicable laws and regulations adopted by the department.~~

~~D. All surface mining operations shall have one complete inspection at least every 180 days. All underground mining operations shall have a complete inspection at least every 90 days. An underground mine operator who meets all of the qualifications prescribed in § 45.1-5 [Repealed] of the Code of Virginia shall automatically be considered for a reduced number of inspections each year. The maximum number of reductions and inspections shall not exceed 50% of the normal inspections.~~

#### 4 VAC 25-40-25. ~~Purpose and authority.~~

~~The purpose of this regulation is to provide for the protection of persons and property on and around mineral mines. The regulation works with the Virginia Mineral Mine Safety Act, Title 45.1 of the Code of Virginia (as shown in Mineral Mine Safety Laws of Virginia, 1997 edition). Refer to the Act for other definitions and requirements related to this regulation.~~

#### 4 VAC 25-40-30. ~~Violations (Repealed).~~

~~A. Violations or unsafe conditions detected by the mine inspector during an inspection or investigation shall be reported to the mine operator on the mine inspection report form. A copy of the report shall also be posted on the employee bulletin board or other prominent place on the premises where it can be conveniently read by employees.~~

~~B. Mine operators shall correct all violations and unsafe conditions specified on the mine inspection report form. If a violation or unsafe condition cannot be corrected immediately, and the mine inspector has granted a compliance period, the mine operator shall take necessary measures to ensure the safety and health of any person affected by the condition.~~



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~~C. The mine inspector shall, and is hereby authorized to, order any mine or section thereof cleared of all persons, except those necessary to eliminate the dangerous condition where, in his opinion, there is imminent or serious danger to life or health of any person. Such order shall remain in effect until the imminent or serious danger has been eliminated and the area or equipment re-inspected by the mine inspector.~~

## 4 VAC 25-40-40. Certification.

~~A. Any person who is responsible for supervising mining activities or blasting activities shall be certified by the Board of Mineral Mining Examiners and governed by the Certification Requirements for Mineral Mining, 4 VAC 25 Chapter 35. Applicants for certification shall possess experience and abilities deemed necessary by the Board of Mineral Mining Examiners and must pass a written examination with a grade of 85 or better. Applicants shall pay an examination fee of \$10.~~

~~B. A person certified as mine foreman or blaster shall ensure that all activities under his supervision are conducted in a safe manner and in compliance with applicable laws and regulations adopted by the department. Failure to carry out such duty may result in revocation of certification by the board.~~

## 4 VAC 25-40-50. Duties of mine operators.

~~Duties of the mine operator shall include, but not be limited to, the following Reporting of accidents and injuries by the operator.~~

~~1. Report any accident involving serious personal injury or death to any person on the mine property. The report shall be made to the division by the quickest available means, and the scene of the accident shall not be disturbed until an investigation is conducted by the division; For accidents where the injured person is transported to a hospital, but confinement is not expected, the operator may either preserve the scene or collect relevant physical data and photographs as specified by the division. The division shall be notified immediately upon learning that the injured person has been admitted to the hospital for medical treatment. Head injuries that result in loss of consciousness at the site shall be reported immediately.~~

~~2. Report any serious fire in or about the mine to the division by the quickest available means;~~

~~3. Report any unplanned explosion in or about the mine to the division by the quickest available means;~~

~~4. Report any dangerous condition at the mine that cannot be corrected within the working shift. The report shall be made to the division by the certified official in charge;~~

~~5. 2. Keep on file a report of all accidents and occupational injuries occurring on the mine property for review, by the division mine inspector. Such records shall be kept for three five years;~~

~~6. Cooperate with the certified mine foreman and blaster in the discharge of their duties;~~

~~7. Employ only certified persons to supervise mining and blasting activities;~~

~~8. Notify the division at least 10 days prior to abandoning the mine, resuming mining activities after being idle for at least 30 days or abandonment, changing the name or ownership of a mine, or opening a new mine; and~~

~~9. Provide the division with information specifying the total tons of minerals mined for the preceding 12 months ending December 31. Such information shall be reported on a form provided by the division and must be received not later than 45 days after the end of the calendar year. Renewal of license shall require proper submission of annual report.~~

## 4 VAC 25-40-60. Duties of mine inspectors. (Repealed.)

~~The mine inspector shall:~~

~~1. Proceed immediately to the scene of any serious accident, serious fire, or mine explosion;~~

~~2. Take charge of mine rescue and recovery operations whenever a mine fire, unplanned explosion, or other serious accident occurs; and~~

~~3. Have the power to compel the attendance of witnesses and to administer oaths or affirmations when investigating accidents, fires, or unplanned explosions.~~

## 4 VAC 25-40-70. Approval procedure.

~~A. When approval by the Director of the Division of Mineral Mining or the director is required, the mine operator shall submit written proposed standards for the person, equipment, material, or practice required by the regulation to the Division of Mineral Mining office.~~

~~B. The director will review the submittal, request additional material or corrections as required and notify the mine operator in writing of his determination within 30 days.~~

## 4 VAC 25-40-80. Appeal procedure. (Repealed.)

~~A. A mine operator may appeal any violation or order to the director by verbal or written notification within three days of the issuance of the violation or order.~~

~~B. Upon notification or receipt of the appeal, the director, or the authorized representative, will conduct a conference with the mine operator in accordance with § 9-6-14:11 of the Code of Virginia.~~

~~C. The director will notify the operator in writing within 30 days of the decision to uphold, modify or cancel the violation or order.~~

## 4 VAC 25-40-90. Documents incorporated by reference.

~~A. ACGIH, 1996 Threshold Limit Values and Biological Exposure Indices for 1987-1988 may be obtained from published by the American Conference of Governmental~~

Industrial Hygienists, 6500 Glenway Avenue, Building D7, Cincinnati, OH 45211-4438.

B. American Table of Distances for Storage of Explosives, 1986, may be obtained from 1991 edition, published by the Institute of Makers of Explosives, Suite 310, 1120 Nineteenth Street, N.W., Washington, DC 20036-3605.

C. NFPA, National Electrical Code, 1987 1996 edition, may be obtained from published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

D. Virginia Department of Labor and Industry, Boiler and Pressure Vessel Safety Division, Boiler and Pressure Vessel Rules and Regulations, 1974, Amendments Effective 1986, may be obtained from amended 1995 by the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219.

E. Bureau of Mines Instruction Guide 19, Mine Emergency Training, U. S. Department of Labor, 1972 edition.

F. Blasting Guidance Manual, U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement, 1987 edition.

G. The American National Standard for Wire Rope for Miners, M11.1-1980, published by the American National Standards Institute.

H. Addresses for references may be obtained from the division.

## PART II.

### GENERAL SAFETY PROVISIONS-SURFACE AND UNDERGROUND.

#### 4 VAC 25-40-100. Employee indoctrination training.

New or reassigned employees shall be indoctrinated trained in state and company safety regulations and be properly task trained prior to being assigned a task or duty. Records of training shall be kept in writing at the mine site for two years or for 60 days after termination of employment.

#### 4 VAC 25-40-110. Inexperienced employees.

Employees with less than one year six months of mining experience shall work with or under the direction of an experienced person miner.

#### 4 VAC 25-40-120. When foreman required.

When three or more persons are working in a mine, a certified mine foreman shall be in-charge employed who shall ensure that all activities under their supervision are conducted in a safe manner in compliance with applicable laws and regulations adopted by the department. The director may designate an approved competent person to perform the duties of a certified surface foreman except for the preshift examination.

#### 4 VAC 25-40-130. Examination by foreman.

The certified mine foreman shall examine each working place active workings at the beginning of each shift. Any hazardous or unsafe condition shall be corrected prior to personnel starting work in the affected area. If the hazardous or unsafe condition cannot be corrected immediately, the affected area shall be barricaded and posted with warning signs. A record of the daily inspection shall be kept for one year.

#### 4 VAC 25-40-140. First aid training for foreman.

The certified mine foreman in-charge shall be trained in first aid and possess a valid first aid certificate issued by an approved agency or organization.

#### 4 VAC 25-40-145. Inspection of mobile and stationary equipment.

Mobile and stationary equipment that is to be used during a shift shall be inspected by the equipment operator. Equipment safety defects shall be reported to the certified mine foreman. Defects that affect the safety or health of persons shall be corrected before the equipment is used.

#### 4 VAC 25-40-180. Emergency communication systems.

An approved operational communication system acceptable to the director shall be provided and maintained at the mine for obtaining assistance in the event of an emergency.

#### 4 VAC 25-40-200. Illumination requirements.

Illumination sufficient to provide safe working conditions shall be provided at all work-areas active workings, structures, and travelways.

#### 4 VAC 25-40-210. Cleanliness.

All work-areas active workings, structures, and travelways shall be kept clean and orderly.

#### 4 VAC 25-40-220. Water supplies.

Potable water with a sanitary dispensing method shall be provided at all working-areas active workings.

#### 4 VAC 25-40-250. Use of intoxicating substances.

Intoxicating beverages and narcotics shall not be permitted on the mine property. Employees shall not use intoxicating beverages, narcotics or other substances on the mining site that will impair their ability to perform their assigned task. Employees using substances, whether prescription or over-the-counter, that may impair their ability to perform their assigned task shall notify the person in charge of the mining site prior to starting their shift.

#### 4 VAC 25-40-270. Refuse piles, water and silt retaining dams.

A. Refuse piles, water and silt retaining dams shall be of substantial construction and inspected at regular intervals. New dams or modifications to existing dams shall be designed and constructed by or under the direction of a

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~~licensed, professional engineer that meet the size criteria of § 45.1-225.2 of the Code of Virginia shall be designed, constructed, maintained, inspected and abandoned in accordance with §§ 45.1-225.2 through 45.1-225.5 of the Code of Virginia.~~

B. ~~Water and silt retaining dams that do not meet the size criteria of § 45.1-225.1 of the Code of Virginia shall be designed, constructed and abandoned in accordance with the Minerals Other Than Coal Surface Mining Law (§ 45.1-180 et seq. of the Code of Virginia).~~

C. ~~Refuse shall be placed only in locations approved by the director.~~

#### 4 VAC 25-40-300. Closure of roads or openings.

Upon abandonment of a mine, the operator shall effectively close or fence all roads or openings ~~which persons could enter, or pits where hazardous conditions exist and warning signs shall be posted.~~ Upon temporary cessation of mining activities as provided for in § 45.1-181 of the Code of Virginia the operator shall effectively close or barricade access roads and hazardous areas.

#### 4 VAC 25-40-310. Starting machinery.

Machinery or equipment shall not be started prior to ~~insuring~~ ensuring that affected persons are in the clear. If the machinery or equipment is not visible from the starting switch, an audible warning signal shall be given.

#### 4 VAC 25-40-320. Equipment defects. (Repealed.)

~~Machinery or equipment defects that adversely affect the safety or health of persons shall be corrected prior to use.~~

#### 4 VAC 25-40-350. Repairing machinery.

Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments. *Energy sources, other than those related to electricity or internal combustion, which pose a hazard to miners, shall be tagged out and signed by the individuals doing the work, and locked out if practical, by each authorized person exposed to the hazard. Tags or locks shall be removed only by the persons who installed them or by an authorized person, after ensuring that affected persons are in the clear.*

#### 4 VAC 25-40-385. Mobile crane requirements.

A. *The rated capacity of the crane at the radius at which the lift will be made shall be divided by four and this limit shall not be exceeded.*

B. *A full-cycle operational test lift shall be made prior to lifting of employees. The platform shall carry twice the intended load during the test lift.*

C. *All lifts shall be made in accordance with the manufacturer's lifting recommendations.*

D. *The stability of the footing shall be verified during the full-cycle operational test.*

E. *The load line on which the platform is suspended will have controlled load lowering. The free-fall option shall not be used with suspended work platforms.*

F. *The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake, to prevent accidental withdrawal of the clutch.*

G. *Any boom crane used to hoist personnel shall be equipped with a brake or brakes which shall be capable of holding the work platform at any point.*

H. *Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is ensured. The lifting bridle on working platforms suspended from cranes shall be secured by a shackle or attached by a closed hook which cannot open due to load position in the hook.*

#### I. Platform requirements.

1. *The platform and its components must be capable of supporting, without failure, at least four times the maximum intended load.*

2. *The platform shall be enclosed with a guardrail system including a top guardrail of approximately 42 inches, a midrail, and a toe-board capable of keeping personnel and materials secured.*

a. *The number of employees to be hoisted shall be kept to a minimum and in no case shall the number exceed four.*

b. *Employees using the platform shall be considered to weigh 250 pounds each.*

c. *The platform shall not be used during high winds and electrical storms or other adverse weather conditions which could endanger employees on the platform.*

d. *A safety cable shall be attached from the hook to the work platform which would be capable of supporting the suspended load in an upright position in the event of a failure of the main lifting bridle.*

e. *Personnel shall not ride on the work platform with supplies, materials, or tools other than small hand tools.*

f. *A standard code of hoisting signals shall be used, one person shall be designated to give hoisting signals.*

#### 4 VAC 25-40-388. Rope requirements.

A. *Unless damage or deterioration is removed by cut-off, wire ropes shall be removed from service when any of the following conditions exist:*

1. *The number of broken wires exceeds either:*

a. *Five percent of the total number of wires; or*

b. Fifteen percent of the total number of wires within any strand.

2. On a regular lay rope, more than one broken wire in the valley between strands in one rope lay length;

3. A loss of more than one-third of the original diameter of the outer wire;

4. Rope deterioration from corrosion;

5. Distortion of the rope structure;

6. Heat damage from any source; or

7. Diameter reduction due to wear that exceeds 6.0% of the baseline diameter measurement;

**B. Load end attachments.**

1. Wire rope shall be attached to the load by a method that develops at least 80% of the nominal strength of the rope.

2. Except for terminations where use of other materials is a design feature, zinc (spelter) shall be used for socketing wire ropes. Design feature means either the manufacturer's original design or a design approved by a registered professional engineer; and

3. Load end attachment methods using splices are prohibited.

C. Drum end attachment. For drum end attachment, wire rope shall be replaced when:

1. More than one broken wire at an attachment;

2. Improper installation of an attachment;

3. Slippage at an attachment; or

4. Evidence of deterioration from corrosion at an attachment.

D. Wire rope attachments shall be replaced when cracked, deformed, or excessively worn.

E. Safety devices attached to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion, weakening and breaking of the hoist rope.

**PART III.**

**GROUND CONTROL-SURFACE AND UNDERGROUND.**

**4 VAC 25-40-390. Stability requirements.**

The mine operator shall use a mining method which will ensure ground, wall, bench and bank stability, including benching and sloping at the angle of repose as necessary.

**4 VAC 25-40-400. Open pit mine rims.**

Rims of open pit mines pits shall be stripped back of loose, unconsolidated material and trees for at least 10 feet, and unconsolidated material beyond 10 feet shall be sloped to the angle of repose. Areas that were developed prior to the

effective date of this regulation may be barricaded and posted with warning signs in lieu of meeting this requirement.

**4 VAC 25-40-440. Installation of ~~rockbolts~~ rock bolts.**

When mechanical measures, such as ~~rockbolts~~ rock bolts, must be used to stabilize ground movement, they shall be installed in accordance with a plan approved by the director.

**4 VAC 25-40-450. Correction of unsafe conditions.**

The certified mine foreman ~~in-charge~~ designated by the mine operator shall examine ~~working areas~~ active workings for unsafe conditions at least at the beginning of the shift and after blasting. Any unsafe condition found shall be corrected prior to employees starting or resuming work in the affected area.

**4 VAC 25-40-460. Examination for unsafe conditions.**

All personnel shall examine their ~~working area~~ active workings for unsafe conditions prior to starting work and frequently thereafter. Any unsafe condition found shall be corrected or reported to the designated certified mine foreman ~~in-charge~~.

**PART IV.**

**FIRE PREVENTION AND CONTROL-SURFACE AND UNDERGROUND.**

**4 VAC 25-40-490. Smoking near flammable and combustible materials.**

No person shall smoke or use an open flame within 25 feet of locations used to store or handle flammable or combustible liquids.

**4 VAC 25-40-500. Warning and evacuation procedures.**

Mine Operators shall establish approved acceptable procedures for fire warning, emergency evacuation, and firefighting.

**4 VAC 25-40-510. Flammable and combustible liquid storage tanks.**

Areas surrounding flammable and combustible liquid storage tanks shall be kept free of combustible materials for at least 25 feet in all directions and posted with readily visible fire hazard warning signs.

**4 VAC 25-40-520. Storage of flammable materials.**

Flammable and combustible materials shall be stored in acceptable containers approved by the National Fire Protection Association (NFPA) or other approved rating agency.

**4 VAC 25-40-530. Distance of storage tanks from mine opening.**

Flammable and combustible liquid or gas storage tanks shall not be located within 100 feet of any underground mine opening.

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## 4 VAC 25-40-540. Storage buildings or areas.

Building or areas used for storage of flammable or combustible materials shall be:

1. Of fire resistant construction;
2. ~~Well-ventilated~~ *Well-ventilated*;
3. Kept clean and orderly;
4. Posted with fire hazard warning signs; and
5. Provided with means to confine or contain accidental spills.

## 4 VAC 25-40-550. Shut-off valves.

Fuel lines shall be equipped with shut-off valves at the source. Such valves shall be readily accessible and maintained in operating ~~conditions~~ *condition*.

## 4 VAC 25-40-590. Battery charging areas.

Battery charging areas shall be ~~well-ventilated~~ *well-ventilated* and posted with warning signs prohibiting smoking or open flames within 25 feet.

## 4 VAC 25-40-630. Training and practice drills.

All employees assigned to firefighting responsibilities by the operator shall be trained in firefighting ~~and emergency evacuation procedures~~ and practice drills shall be conducted at least ~~once each calendar year~~ *every six months*.

## 4 VAC 25-40-660. Removing flammable and combustible gases from containers.

Prior to applying heat, cutting, or welding on any pipe or container that has contained a flammable or combustible material:

1. The pipe or container shall be drained, thoroughly cleaned and ventilated; and
2. The pipe or container shall be filled with an inert gas or material.

## 4 VAC 25-40-670. Fire extinguishers.

~~Fire extinguishers shall be provided in all mobile equipment with an enclosed cab.~~

A. *Whenever a fire or its effects could impede escape from self-propelled equipment, a fire extinguisher shall be on the equipment.*

B. *Whenever a fire or its effects would not impede escape from the equipment but could affect the escape of other persons in the area, a fire extinguisher shall be on the equipment or within 100 feet of the equipment.*

## 4 VAC 25-40-690. Fire-resistant ~~structures~~ buildings near underground openings.

Buildings and other structures within 100 feet of underground mine openings shall be ~~fire-resistant~~ *fire resistant*.

## 4 VAC 25-40-710. Dust or gases.

Dust or gases which may be explosive or combustible shall be tested and controlled in an ~~approved~~ *acceptable* manner.

### PART V.

## AIR QUALITY AND PHYSICAL AGENTS-SURFACE AND UNDERGROUND.

## 4 VAC 25-40-720. Employee exposure limits to airborne contaminants.

With respect to airborne contaminants, the following shall apply:

~~1. When deemed necessary by the director, mine operators shall conduct approved surveys to determine employee exposure to airborne contaminants;~~

~~2. Employee exposure to airborne contaminants based on a time-weighted average sample, shall not exceed Threshold Limit Values (TLV'S) specified by the ACGIH in Threshold Limit Values and Biological Exposure Indices for 1987-88, except as otherwise provided; and~~

~~3. 1. Employees shall be withdrawn from areas where airborne contaminants given a "C" designation in Threshold Limit Values and Biological Exposure Indices for 1987-88 by the ACGIH are present in concentrations that exceed specified TLV'S.~~

~~2. Control of employee exposure to harmful airborne contaminants shall be by feasible engineering control methods. If such control measures are not available, an approved program shall be implemented by the operator. Miners exposed for short periods to gas, dust, fumes and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workers or to reduce the hazard shall be taken.~~

## 4 VAC 25-40-730. Drilling requirements. (Repealed.)

~~Drills shall be equipped with wet suppression or dry collection dust control devices and such devices shall be used when drilling.~~

## 4 VAC 25-40-750. Employee exposure to contaminants. (Repealed.)

~~Control of employee exposure to harmful airborne contaminants shall be by feasible engineering control methods. If such control measures are not available, an approved program shall be implemented by the mine operator.~~

## 4 VAC 25-40-770. Employee exposure to noise limits.

*Except for surface mines which are inspected by MSHA, employee exposure to noise shall not exceed the federal limit adopted for ~~noncoal~~ mineral mines. If exposure exceeds the federal limit, the director may require the mine operator to employ feasible engineering and administrative control measures. Operators shall provide hearing protection upon request.*

PART VI.  
EXPLOSIVES-SURFACE AND UNDERGROUND.

**4 VAC 25-40-780. Storage of explosive materials.**

A. Detonators and explosives, other than blasting agents, shall be stored in ~~acceptable~~ magazines accepted by the Institute of ~~Manufacturers~~ Makers of Explosives (~~IME~~) or other approved agency.

B. Detonators shall not be stored in the same magazine with explosives.

C. Explosives magazines shall be:

1. Located in accordance with the ~~1986 edition of the~~ American Table of Distances for ~~Storage of Explosives~~;
2. Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire;
3. Constructed substantially of noncombustible material or covered with fire-resistant material;
4. Reasonably bullet resistant;
5. Electrically bonded and grounded if constructed of metal;
6. Made of nonsparking material on the inside, including floors;
7. Provided with adequate and effectively screened ventilation openings near the floor and ceiling;
8. Kept locked securely when unattended;
9. Posted with suitable danger signs so located that a bullet passing through the sign will not strike the magazine;
10. Used exclusively for storage of explosives or detonators and ~~kept free of all extraneous blasting-related materials~~;
11. Kept clean and dry in the interior and in good repair;
12. Unheated, unless heated in a manner that does not create a fire or explosion hazard. Electrical heating devices shall not be used inside a magazine; and
13. Located at least 300 feet away from any underground mine opening, occupied building, public road, or private road not used in connection with the mine.

D. An accurate inventory log of explosives stored in the magazine shall be maintained ~~and posted inside the magazine on-site~~.

E. Any theft or unaccounted loss of explosives shall be reported immediately by telephone to local police, state police, the U.S. Department of Treasury Bureau of Alcohol, Tobacco and Firearms (~~ATF~~), and the Division of Mineral Mining.

F. Smoking or open flames shall be prohibited within 50 feet of explosives magazines or blasting agents storage facilities.

G. Areas surrounding magazines and facilities for the storage of blasting agents shall be kept clear of combustible materials, except live trees over 10 feet tall, for a distance of 50 feet in all directions.

H. Prior to repairs of a magazine which may cause a fire or explosion, the contents shall be removed to a safe location and guarded.

I. Explosives stored in magazines shall be:

1. Arranged so that the oldest stock is used first;
2. Separated by brand and type;
3. Stored with their top sides up; and
4. Stacked in a stable manner not over ~~six~~ eight feet high.

J. When stored with other explosives, ammonium nitrate fuel oil blasting agents shall be physically separated to prevent contamination.

K. Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner by a certified blaster.

**4 VAC 25-40-790. Transportation.**

A. Vehicles used to transport explosives shall be:

1. In good mechanical condition;
2. Posted with warning signs;
3. Provided with suitable fire extinguishers;
4. Provided with a nonsparking cargo area equipped with sides and tailgate;
5. Kept free of extraneous materials in the cargo area;
6. Operated at safe speeds over routes that expose the minimum number of personnel; and
7. Operated with the minimum number of persons required to safely transport the explosives.

B. Explosives and detonators shall be transported in separate vehicles unless they are separated by four inches of hardwood or the equivalent.

C. When explosives or detonators are transported by an ~~electrically powered~~ *electrically-powered* vehicle, the cargo area shall be electrically insulated and covered.

D. Vehicles containing explosives shall not be left unattended or taken into a shop or building for any reason.

E. No person shall smoke while transporting explosives.

F. Explosives, detonators, or blasting agents shall not be transported on ~~man trips~~ *mantrips*.

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G. Explosives and detonators shall be transported in substantial, nonconductive, closed containers. Containers shall not be stacked higher than the sides or tailgate of the vehicle.

#### 4 VAC 25-40-800. Use of explosives.

A. A certified blaster shall be in direct charge of blasting activities.

B. Persons who assist in blasting activities shall be under the direct supervision of the certified blaster in charge and shall be alerted to the hazards involved.

C. Black powder or safety fuse shall not be used without approval from the ~~division~~ director. Special approvals shall specify use restrictions and procedures necessary for safe storage, transportation, and use.

D. The design and loading of a blast shall provide sufficient burden, spacing, and stemming to prevent flyrock or other dangerous effects.

E. Boreholes shall not be drilled where there is a danger of intersecting a loaded or misfired hole.

F. No person shall smoke or use an open flame within 50 feet of explosives or detonators.

G. Prior to bringing explosives and detonators to the blast site:

1. Weather conditions shall be monitored to ensure safe loading and firing;
2. The blast site shall be inspected for hazards;
3. The boreholes shall be inspected and cleared of obstructions; and
4. Personnel and equipment, except those used in loading the shot, shall be removed from the ~~blasting area~~ blast site.

H. Boreholes to be blasted shall be loaded as near to the blasting time as practical. Loaded shots shall be blasted as soon as possible upon completion of loading *and connection to the initiation device*. Surface blasting shall be conducted during daylight hours only.

I. Explosives shall be kept a safe distance from detonators until they are made into a primer.

J. Primers shall not be made up or assembled in advance of the borehole being loaded.

K. Only wooden or other nonsparking implements shall be used to punch holes in an explosive cartridge.

L. Detonators shall be inserted completely and securely into explosive cartridges used as primers. Priming shall be sufficient to detonate the explosive column in the borehole.

M. Primers shall be inserted into the borehole slowly to prevent accidental detonation from impact, and tamping shall not be done directly on the primer.

N. Tamping poles shall be constructed of wood and or nonsparking materials.

O. Unused explosives, detonators, and blasting agents shall be returned to the magazine or storage facility upon completion of loading activities and prior to firing the blast.

P. Equipment and machinery used to load or stem boreholes shall not be operated over loaded boreholes for any reason. Areas containing loaded boreholes shall be guarded or barricaded to prevent unauthorized entry.

Q. Blast warning signals shall be established and posted at the mine. Audible warning signals shall be given prior to firing a blast.

R. All personnel shall be removed from the ~~blasting blast~~ area prior to *connection to the initiation device and the firing of a blast*.

S. Blasting personnel shall fire shots from a safe location.

T. A post-blast examination of the ~~blasting blast~~ area shall be made by the certified blaster in charge. Other personnel shall not return to the blasting area until an all clear signal is received from the certified blaster.

#### 4 VAC 25-40-810. Record keeping.

A detailed record of each surface blast shall be prepared immediately by the certified blaster. Records shall be maintained for three years and subject to inspection by the division mine inspectors. Records shall contain the following information:

1. Name of company or contractor;
2. Location, date, and time of blast;
3. Name, signature, and certification number of blaster in charge.
4. Type of material blasted;
5. Number of holes, burden and spacing;
6. Diameter ~~and~~ depth *and condition* of ~~holes~~ boreholes;
7. Types of explosives used;
8. Total amount of explosives used;
9. Maximum amount of explosives per delay period of eight milliseconds or greater;
10. Method of firing and type of circuit;
11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting;
12. Weather conditions (including such factors as wind directions, etc.);
13. Height or length of stemming;
14. Whether mats or other protections were used;

- 15. Type of detonators used and delay periods used;
- 16. The person taking the seismograph reading shall accurately indicate exact location of seismograph, if used, and shall also show the distance of seismograph from blast;
- 17. Seismograph records, including seismograph readings, where required:
  - a. Name and signature of person operating seismograph;
  - b. Name of person analyzing the seismograph record; and
  - c. Seismograph reading.
- 18. Maximum number of holes per delay period of eight milliseconds or greater.

**4 VAC 25-40-820. Procedure where a misfire occurs during a blast.**

The following procedures shall apply following a misfire:

- 1. A. No person shall enter the blasting area for at least 15 minutes except in the case of safety fuse where special approvals apply;
- 2. B. Misfires shall be disposed of in a safe manner by the certified blaster; and
- 3. C. The blasting area shall be guarded or barricaded and posted with warning signs until the misfire has been cleared.

**4 VAC 25-40-830. When traffic to be stopped.**

Prior to blasting near a mine haul road or public highway, traffic shall be stopped at a safe distance.

**4 VAC 25-40-870. Streams and watercourses.**

Surface blasting shall be prohibited if effects are liable to change the course or channel of any stream without a variance issued by the division director.

**4 VAC 25-40-880. Ground vibration from surface blasting.**

A. Ground vibration, measured as peak particle velocity, resulting from surface blasting, shall not exceed the limits shown set forth below at any inhabited building not owned or leased by the operator, without approval of the director, Division of Mineral Mining. A seismographic record shall be provided for each blast.

Distance (D) to nearest inhabited building	Peak Particle Velocity inches per second	Scaled distance Ds (when not using a seismograph)
0 - 300	1.25	50
301 - 5,000	1.00	55
5,001 and beyond	0.75	65

B. If seismic monitoring of each blast is not conducted, blasting shall be in accordance with the following scaled distance formulas:

$$W = \left(\frac{D}{D_s}\right)^2 \quad D_s = \frac{D}{\sqrt{W}}$$

W = Maximum charge weight of explosives per delay period of 8.0 milliseconds or more.

D = Distance in feet from the blast site to the nearest inhabited building not owned or leased by the mine operator.

Ds = Scaled distance factor shown in table above.

C. The operator may use the alternative ground vibration limits shown below to determine the maximum allowable ground vibration. If these limits are used, a seismographic record including both particle velocity and vibration frequency levels shall be kept for each blast. Ground vibration levels and airblast levels are taken from the Blasting Guidance Manual.

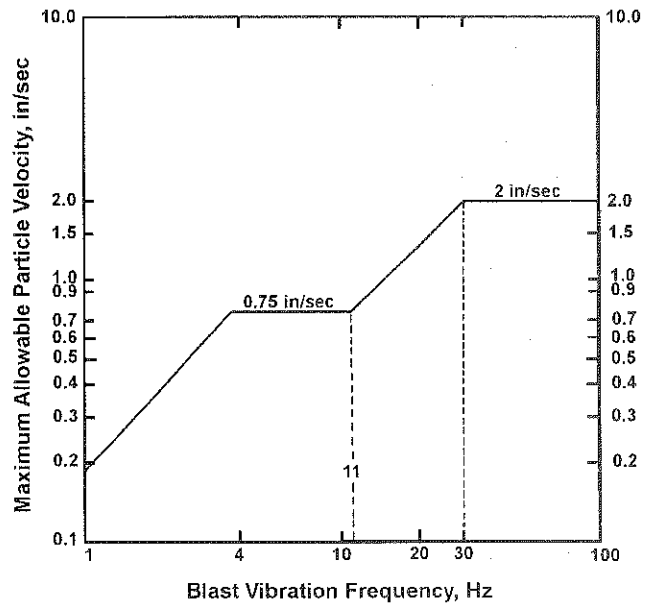


Figure 1 Alternative blasting level criteria (Source modified from figure B-1. Bureau of Mines R18507)

**4 VAC 25-40-890. Noise Airblast limits.**

Airblast resulting from surface blasting shall not exceed 129 decibels at any private building not owned or leased by the mine operator unless a higher level has been approved by the division an alternate level based on the sensitivity of the seismograph microphone as specified below is being used.

Lower Frequency Limit of Measuring system, in Hz	Max. Level in dB (±3dB)
1 Hz or lower--flat response*	134 peak
2 Hz or lower--flat response	133 peak



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6 Hz or lower--flat response 129 peak  
C-weighted slow response 105 peak dBC

*\*Only when approved by the director.*

#### 4 VAC 25-40-895. Lower vibration and airblast levels.

*If necessary to prevent damage, the director may specify lower allowable ground vibration and airblast levels than those provided by 4 VAC 25-40-880 and 4 VAC 25-40-890.*

#### 4 VAC 25-40-900. Total weight of explosives.

The total pounds of explosives and blasting agent in any blast shall not exceed 40,000 pounds without the written approval of the division director.

#### 4 VAC 25-40-910. Seismic testing and evaluation.

Seismic testing and evaluation to determine compliance with blasting regulations shall:

1. Utilize ~~approved~~ acceptable instrumentation which measures ~~both~~ ground vibration and airblast; and vibration frequency when applicable.
2. Be conducted and analyzed by a qualified seismologist person; and
3. Be conducted whenever directed by the division.

#### 4 VAC 25-40-920. Electric detonators.

A. When electric detonators are used, an acceptable "~~Blaster's Galvanometer~~" or "~~Blaster's Multimeter~~" *blaster's galvanometer or blaster's multi-meter* shall be used to test detonators, firing lines, series circuit, and total circuit resistance prior to firing.

B. Electric detonators of different brands shall not be used in the same blast.

C. Except when being tested with an acceptable instrument:

1. Electric detonators shall be kept shunted until they are connected into the series circuit;
2. Series circuits shall be kept shunted until they are connected onto the firing line; and
3. Firing line shall be kept shunted until immediately before blasting.

D. Blasting machines or other ~~approved~~ acceptable power sources shall be suitable for the number of electric detonators to be fired and for the type of circuits to be used.

E. When electric detonators are used, sources of stray current to the blasting area shall be de-energized. Blasting activities shall be stopped immediately if stray current or static electricity in amounts sufficient to cause a premature detonation are encountered.

#### 4 VAC 25-40-930. Nonelectric blasting.

A. When detonating cord manufactured with more than three grains per foot is used within 800 feet of inhabited

buildings, not owned or leased by the mine operator, trunk lines shall be covered with at least six inches of loose earth or other acceptable material.

B. All detonating cord knots shall be tight and all connections kept at right angles to the trunk lines.

C. Detonators and delay connectors shall not be attached to exposed detonating cord by the certified blaster until the ~~blasting~~ blast area is cleared.

D. Detonating cord blasting shall use a double trunk line or loop system to ensure complete detonation.

E. Detonating cord trunk lines, in multiple row blasts, shall make one or more complete loops, with crossties between loops at intervals not more than 200 feet.

F. When using a gas-charged initiation system, the certified blaster shall ensure that all components are fully charged prior to firing the blast. The ~~blasting~~ blast area shall be cleared of personnel prior to charging the components.

G. Shock tube and other nonelectric detonation systems shall be used in accordance with manufacturers' recommendations.

## PART VII.

### DRILLING-SURFACE AND UNDERGROUND.

#### 4 VAC 25-40-940. ~~Inspection of drilling area for hazards.~~ (Repealed.)

~~The drilling area shall be inspected for hazards by the certified foreman prior to personnel starting work. Any hazards found shall be eliminated prior to the start of drilling operations.~~

#### 4 VAC 25-40-960. ~~Dust control systems.~~ (Repealed.)

~~Drills shall be provided with wet suppression or dry collection dust control systems. Drillers shall use such control systems to control dust during drilling operations.~~

#### 4 VAC 25-40-970. Safe operation of drills.

Drillers shall inspect their work area for hazards prior to drilling; drills shall be operated from a safe position. *Any hazards found shall be eliminated before beginning drilling operations.*

#### 4 VAC 25-40-1030. Hands to be kept clear.

Drillers shall not hold or rest their hands on any ~~moving~~ rotating part of a drill.

#### 4 VAC 25-40-1060. ~~Moving hand-held~~ handheld drills.

Prior to moving handheld *pneumatic* drills from one working area to another the air shall be turned off and bled from the hose.

#### 4 VAC 25-40-1070. Handling of boulders.

Prior to drilling large boulders, drills shall be moved to a safe location and positioned securely in place.

**4 VAC 25-40-1090. Rotary jet piercing equipment.**

Prior to using rotary jet piercing equipment, the mine operator shall obtain ~~written permission approval~~ from the ~~division which~~ director who shall specify safety procedures to be used in operating this equipment.

PART VIII.

COMPRESSED AIR, GASES, AND BOILERS-SURFACE AND UNDERGROUND.

**4 VAC 25-40-1100. Boilers and pressure vessels.**

Boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the Boiler and Pressure Vessel Rules and Regulations, ~~1974, amended effective 1986, issued by the Boiler and Pressure Vessel Safety Division of the Virginia Department of Labor and Industry.~~ Mine Operators shall, upon request, provide proof that the boiler or pressure vessel meets the Boiler and Pressure Vessel Rules and Regulations. Boilers and pressure vessels shall be inspected ~~internally~~ by an inspector ~~approved~~ certified by the Virginia Department of Labor and Industry at the time periods specified in the Boiler and Pressure Vessel Rules and Regulations. Records of such inspections shall be kept.

**4 VAC 25-40-1130. ~~Compressor air~~ Compressor-air intakes.**

~~Compressor air~~ Compressor-air intakes shall be installed to ~~insure~~ ensure that only clean, uncontaminated air enters the compressors.

**4 VAC 25-40-1140. Draining compressed-air receivers.**

Compressed-air receivers shall be drained of moisture and oil at least once each day, oil, or carbon buildup in accordance with manufacturer's recommendations.

**4 VAC 25-40-1180. Safety devices.**

Safety devices on compressed-air systems shall be checked daily by the operator or his agent.

**4 VAC 25-40-1200. Improper uses.**

At no time shall compressed air be directed towards a person unless a diffuser limiting pressure to no more than 30 pounds per square inch is used.

**4 VAC 25-40-1210. Locking devices.**

Safety chains or suitable locking safety devices shall be used at connections to machines of high pressure high pressure hose lines of 3/4 inch inside diameter or larger, and between high pressure hose lines of 3/4 inch inside diameter or larger, where a connection failure would create a hazard.

**4 VAC 25-40-1220. Storage of oxygen cylinders.**

~~Oxygen cylinders~~ Oxygen cylinders shall not be stored near oil or grease.

**4 VAC 25-40-1250. Securing cylinders.**

Compressed air gas or liquid gas cylinders shall be safely secured in an upright position.

**4 VAC 25-40-1260. Valves and gauges to be protected.**

Valves and gauges on compressed gas cylinders shall be protected ~~from falling material~~ by covers when being transported, and stored, or if a hazard from falling material exists when used.

**4 VAC 25-40-1280. Boiler equipment and maintenance.**

Boilers shall be equipped and maintained as follows:

1. Boilers shall be equipped with guarded, well-maintained water gauges and pressure gauges placed so that they can be observed easily. Water gauges and pipe passages to the gauges shall be kept clean and free of scale and rust;
2. Boilers shall be equipped with automatic pressure-relief valves; valves shall be opened manually at least once a week to determine that they will function properly;
3. Boiler installations shall be provided with acceptable safety devices to protect against hazards of flame outs, fuel interruptions, and ~~low water~~ low water level; and
4. Blowoff valves shall be piped outside the building and shall have outlets so located or protected that persons passing by, near, or under them will not be scalded.

PART IX.

MOBILE EQUIPMENT-SURFACE AND UNDERGROUND.

**4 VAC 25-40-1300. ~~Inspection by operators.~~ (Repealed.)**

~~Equipment that is to be used during a shift shall be inspected by the equipment operator. Equipment safety defects shall be reported to the certified foreman in charge.~~

**4 VAC 25-40-1310. ~~Correction of defects.~~ (Repealed.)**

~~Equipment safety defects shall be corrected before the equipment used.~~

**4 VAC 25-40-1320. Brakes on mobile equipment.**

Powered mobile equipment shall be provided with adequate service brakes capable of stopping and holding the equipment with its typical load on the maximum grade it travels.

**4 VAC 25-40-1340. Requirements for starting or moving equipment.**

Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

**4 VAC 25-40-1350. Construction of operators' cabs.**

Operators' Cabs shall be constructed to permit operators to see without straining and shall be reasonably comfortable maintained to provide visibility for safe operation.

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### 4 VAC 25-40-1370. Safety equipment.

*Heavy duty* mobile equipment manufactured after June 30, 1969, shall be equipped with ~~approved~~ *acceptable* roll-over protection structures (ROPS) and ~~seatbelts~~ *seat belts*. Equipment operators shall use the ~~seatbelts~~ *seat belts* provided.

### 4 VAC 25-40-1490. ~~Loading of railroad cars or trucks.~~ (*Repealed.*)

~~Railroad cars or trucks shall be loaded in such manner as to minimize spillage while enroute to a dumping site.~~

### 4 VAC 25-40-1540. Traffic rules.

Traffic rules, including speed, signals, and warning signs, shall be ~~standardized at each mine and posted at each mine.~~

### 4 VAC 25-40-1550. Heating and cooling cabs.

~~Heavy duty~~ mobile equipment with cabs shall be equipped with heaters, air conditioners, or both, maintained in good condition, ~~where needed because of extreme weather conditions being operated in extreme weather conditions shall use control measures to limit exposure of the equipment operator to extreme heat and cold.~~

### 4 VAC 25-40-1560. Getting on or off equipment.

When an operator is present, persons shall notify him before getting on or off *heavy duty mobile* equipment.

### 4 VAC 25-40-1580. Backup alarms.

A. An automatic backup alarm which is audible above surrounding noise levels shall be provided on heavy duty mobile equipment which has an obstructed view to the rear.

B. An automatic reverse-activated strobe light may be used at night in lieu of an audible reverse alarm.

### 4 VAC 25-40-1590. Railroad equipment.

Railroad equipment shall be installed, ~~or maintained and operated by the operator~~ as follows:

1. Public and permanent railroad crossing shall be posted with warning signs or signals or shall be guarded when trains are passing and shall be planked or otherwise filled between the rails;
2. Operators shall sound warning before starting trains and when trains approach crossing, other trains on adjacent tracks, persons, and any place where vision is obscured;
3. Persons shall not go over, under, or between cars unless the train is stopped and the motorman has been notified and the notice acknowledged;
4. Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position;
5. Movement of two or more pieces of rail equipment operating independently on the same track shall be

regulated by an efficient signal block, telephone, or radio system; movements on complex haulage systems shall be adequately controlled if not under the supervision of a dispatcher;

6. Positive-acting ~~stopblocks~~ *stop-blocks*, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment;

7. Whenever a locomotive on one track is used to move equipment on a different track, a suitable chain, cable, or drawbar shall be used;

8. Persons in charge of trains shall ~~insure~~ *ensure* that tracks are clear and personnel are in safe locations prior to moving trains;

9. Cars shall not be coupled or uncoupled manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling;

10. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices;

11. Roadbeds, rails, joints, switches, frogs, and other elements on railroads shall be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage;

12. Switch throws shall be installed so as to provide adequate clearance for switchmen;

13. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged;

14. Railcars shall not be left on side tracks unless ample clearance is provided for traffic on adjacent tracks;

15. Parked railcars, unless held effectively by brakes, shall be blocked securely;

16. Railroad cars with ~~breaking~~ *braking* systems, ~~when in use,~~ shall be equipped with effective brake shoes *when in use*;

17. Where necessary, bumper blocks, or the equivalent, shall be provided at all track ~~dead-ends~~ *dead ends*; and

18. At least 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

### 4 VAC 25-40-1670. Towing equipment.

A tow bar *and safety chain* shall be used to tow heavy equipment *that is not being operated under its own power.* ~~A safety chain shall be used in conjunction with the tow bar.~~

### 4 VAC 25-40-1685. Repairs or maintenance.

*Repairs or maintenance shall not be performed on mobile equipment until tagged out. The power shall be off and the mobile equipment shall be blocked against hazardous*

motion, except where power or motion is necessary to make adjustments.

PART X.  
PERSONAL PROTECTION-SURFACE AND UNDERGROUND.

4 VAC 25-40-1690. First aid materials.

Approved Suitable first aid materials shall be provided. First aid materials shall be adequate for the number of employees and accessible to all work areas.

4 VAC 25-40-1740. Safety belts or harnesses.

A safety belt or harness with a line shall be worn when persons work where there is danger of falling; ~~when bins, tanks, or other dangerous areas are entered, a safety harness shall be worn and a second person shall tend the lifeline.~~ Also see 4 VAC 25-40-2550.

4 VAC 25-40-1780. Wearing of rings.

Finger rings shall not be worn while working in or around a mine or plant operating or working on equipment or tools.

4 VAC 25-40-1785. Light reflecting personal protection material.

Reflective tape or material shall be worn on the hats or clothing of persons working underground or during hours of darkness.

PART XI.  
TRAVELWAYS-SURFACE AND UNDERGROUND.

4 VAC 25-40-1810. Safe access.

Safe means of access shall be provided and maintained to all working places work locations.

4 VAC 25-40-1880. Debris to be cleared.

~~Ladderways~~ Ladders, stairways, walkways, and ramps shall be kept free of loose rock and extraneous materials.

4 VAC 25-40-1940. Unguarded conveyors. (Repealed.)

~~Unguarded conveyors with walkways shall be equipped with emergency stop devices along their full length.~~

4 VAC 25-40-2010. Scaffolds and working platforms.

Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with ~~teeboards toeboards~~ toeboards when necessary.

4 VAC 25-40-2015. Installation of electrical circuits; supervision of electrical work.

A. Electrical equipment and circuits shall be installed in accordance with the standards in the National Electrical Code, unless provided for in this part.

B. All work on electric systems performed in accordance with the National Electrical Code and this part shall be done by, or under the supervision of, a certified electrical repairman or other appropriately licensed electrical repairman.

PART XII.  
ELECTRICITY-SURFACE AND UNDERGROUND.

4 VAC 25-40-2040. Trailing cables of mobile equipment.

Individual overload protection and ~~short circuit~~ short circuit protection shall be provided for the trailing cables of mobile equipment.

4 VAC 25-40-2080. Making connections under load.

Trailing cable and ~~power cable~~ power cable connections to junction boxes shall not be made or broken under load.

4 VAC 25-40-2100. Avoiding power lines.

Telephone and electric signal wires shall be protected from contacting energized ~~powerlines~~ power lines.

4 VAC 25-40-2140. De-energizing electrical equipment.

Electrical equipment shall be de-energized before work is done on such equipment. ~~Switches shall be locked out or other measures taken which shall prevent the equipment from being energized without the knowledge of the individuals working on it.~~ Electrically-powered equipment shall be de-energized before mechanical work is done on such equipment. Power switches shall be locked out or other measures taken which shall prevent the equipment from being energized without the knowledge of the individual working on it. Suitable warning notices shall be posted at the power switch and signed by the individuals doing the work. Such locks, tags or ~~preventative~~ other devices, shall be removed only by the ~~persons~~ person who installed them or by an authorized ~~person~~ personnel after ensuring that affected persons are in the clear.

4 VAC 25-40-2170. Clearance around equipment.

At least three feet of clearance shall be provided around all parts of stationary electric equipment or ~~switchgear~~ switch gear where access or travel is necessary.

4 VAC 25-40-2180. Nonconductive materials electrical safety mats.

Dry, wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand and which are kept at the same potential as the grounded, metal, noncurrent-carrying parts of the power switches to be operated may be used.

4 VAC 25-40-2210. Guarding connections and grids accessible equipment.

Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

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# Proposed Regulations

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## 4 VAC 25-40-2220. Grounding equipment.

All metal enclosed, electrically-operated circuits or equipment shall be grounded *back to the on-site source from which the electric circuit originates, and which is effectively connected to the earth* or provided with equivalent protection.

## 4 VAC 25-40-2250. Testing after installation or repair.

Continuity and resistance of grounding systems shall be tested immediately after installation, repair, and modification; and annually thereafter. A record of the resistance measured ~~during the most recent tests in each equipment ground conductor, grounding electrode conductor, and the earth around the grounding electrode shall be made, and the most recent test record shall be made~~ available ~~on a~~ upon request by the director or his ~~duly authorized representative division mine inspector.~~

## 4 VAC 25-40-2260. ~~When inspections required.~~ (Repealed.)

~~Electric equipment and wiring shall be inspected by a competent person as often as necessary to assure safe operating conditions.~~

## 4 VAC 25-40-2270. Correcting dangerous conditions.

*Electric equipment and wiring shall be inspected by a competent person as often as necessary to ensure safe operating conditions.* When a potentially dangerous condition is found, it shall be corrected before equipment or wiring is energized.

## 4 VAC 25-40-2280. ~~Dusttight or watertight construction~~ *Dust-proof and water-proof electrical equipment.*

Electric motors, switches, and controls exposed to damaging dust or water shall be of ~~dusttight~~ *dust tight* or watertight construction.

## 4 VAC 25-40-2300. ~~Hand-held~~ *Handheld* electric tools.

~~Hand-held~~ *Handheld* electric tools shall not be operated in excess of 130 volts.

## 4 VAC 25-40-2340. Fuse replacement tools.

Fuse tongs or ~~hot line~~ *hot line* tools shall be used when fuses are removed or replaced in electrical circuits.

## 4 VAC 25-40-2390. Lightning grounds.

~~Lightning arrester~~ *Lightning-arrester* grounds on trolley tracks shall be connected to earth at least ~~40~~ 25 feet from the track ~~or underground mine return circuit opening.~~

## 4 VAC 25-40-2400. Overhead ~~powerlines~~ *power lines*.

Surface overhead ~~powerlines~~ *power lines* shall be installed and maintained as specified by the National Electrical Code, 1987 edition.

## 4 VAC 25-40-2410. Incompatible line installations.

Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried

on poles supporting ~~powerlines~~ *power lines*, they shall be installed as specified by the National Electrical Code, ~~1987~~ edition.

## 4 VAC 25-40-2420. Safety in electrical storms.

Persons shall not stand on the ground in the vicinity of an ~~electrically-powered~~ *electrically-powered* shovel or other similar heavy equipment during an electrical storm.

## 4 VAC 25-40-2440. Protecting ~~powerlines~~ *power lines*.

~~Powerlines~~ *Power lines*, including trolley wires, and telephone circuits, shall be protected against short circuits and lightning.

## 4 VAC 25-40-2450. Bare ~~powerline~~ *power lines* precautions.

Where metallic tools or equipment can come in contact with bare ~~powerlines~~ *power lines*, the lines shall be guarded or de-energized.

## 4 VAC 25-40-2480. Lightning ~~arresters~~ *arrester* for telephone circuits.

A lightning ~~arresters~~ *arrester* shall be provided where telephone circuits enter a mine; mine telephone extensions in surface buildings shall be provided with a lightning arrester for each circuit entering the building.

## 4 VAC 25-40-2490. Lighting ~~arresters~~ *arrester* for power circuits.

Each exposed power circuit that leads underground shall be equipped with a lightning ~~arresters~~ *arrester* of an acceptable type at or near the point where the circuit enters the mine.

## 4 VAC 25-40-2500. Moving equipment near ~~powerlines~~ *power lines*.

*Electric wiring shall be installed in a manner to prevent fire and contact hazards.* When equipment must be moved or operated near energized ~~powerlines~~ *power lines* and the clearance is less than 10 feet, the lines shall be de-energized *or a warning sign posted* or other precautionary measures shall be taken. *Also see 4 VAC 25-40-3890.*

## 4 VAC 25-40-2510. ~~Installation of electric wiring.~~ (Repealed.)

~~Electric wiring shall be installed in a manner to prevent fire and contact hazards.~~

### PART XIII.

### MATERIALS HANDLING-SURFACE AND UNDERGROUND.

## 4 VAC 25-40-2530. Protective *Personal protection* equipment.

Acceptable protective clothing, respiratory protection, gloves, and goggles or face shields, accepted by the National Institute for Occupational Safety and Health (NIOSH) or other approved agency, shall be worn by persons ~~handling~~ *exposed to* chemical substances that are corrosive, flammable, reactive, or toxic.

**4 VAC 25-40-2540. Storage of materials.**

Materials shall be stored and stacked in a manner which minimizes stumbling or ~~fall of material~~ fall of material hazards.

**4 VAC 25-40-2550. ~~Areas where entrapment may occur~~ Confined space hazard.**

~~Persons working in bin A safety harness attached to an attended life line shall be worn by persons before they enter bins, hoppers, silos, tanks, surge, or storage piles shall not enter an area where they are exposed to entrapment by the eaving or sliding of loose, unconsolidated material. No person~~ Persons shall enter the above areas until the supply and discharge of materials has ceased and the supply and discharge equipment is locked out. No person shall enter an area where they are exposed to entrapment by the caving or sliding of loose, unconsolidated material. Also see 4 VAC 25-40-1740.

**4 VAC 25-40-2590. Taglines Tag lines.**

Taglines Tag lines shall be attached to suspended loads that require steadying or guidance.

**4 VAC 25-40-2610. Dropping elevated materials.**

Materials shall not be dropped from an ~~elevation~~ excessive height unless the drop area is guarded or sufficient warning is given.

**4 VAC 25-40-2650. Overhead crane equipment.**

~~Operator carrying~~ Overhead cranes with operator cabs shall be provided with:

1. Bumpers at each end of each rail;
2. Automatic switches to halt uptravel of the blocks before they strike the hoist;
3. Effective audible warning signals within easy reach of the operator; and
4. A means to ~~lockout~~ lock out the disconnect switch.

**4 VAC 25-40-2660. Overhead crane bridges.**

No person shall work from or travel on the bridge of an overhead crane unless the bridge is provided with substantial ~~footwalks~~ foot-walks with ~~toeboards~~ toe-boards and railing the length of the bridge.

PART XIV.  
GUARDS.

**4 VAC 25-40-2680. ~~Moving machine~~ Accessible moving parts.**

Gears, sprockets; ~~chains; drive, head, tail, and takeup pulleys;~~ chain drives, flywheels, couplings; shafts; ~~sawblades; fan inlets;~~ saw and fan blades, and other similar exposed moving machine parts which ~~may be contacted by persons, and which may cause injury to persons,~~ are within seven feet reach by persons shall be guarded to prevent accidental contact.

**4 VAC 25-40-2700. ~~Pulley guards. Conveyor guarding;~~ conveyor belts and idlers.**

~~Guards on conveyor drive, head pulley, and tail pulley shall extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and pulley.~~ A. Equipment guarding on conveyor drives, head pulleys, tail pulleys, and take-up pulleys that are within seven feet reach shall extend a sufficient distance to prevent a person from reaching behind, over, or under the guard and becoming caught in the moving parts. Other accessible, moving parts on the conveyor shall be guarded to prevent accidental contact.

B. Conveyor belts and idlers that are accessible from walkways shall be guarded or provided with emergency stop cords or railings positioned to prevent a person from falling on or against the moving belts or idlers.

**4 VAC 25-40-2720. ~~Unguarded conveyors. Use of stop cords.~~**

~~Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length. When emergency stop cords are used on conveyors with walkways, the cord shall extend along the full length of the conveyor.~~

**4 VAC 25-40-2750. Maintenance of guards.**

Guards shall be sufficiently strong and maintained to ~~provide required protection~~ prevent contact with moving parts. Guards shall not be required where the exposed moving parts are at least seven feet away from walking or working surfaces.

**4 VAC 25-40-2760. ~~Where guards to be provided. Flying or falling material protection.~~**

Guards or shields shall be provided in areas where flying or falling materials present a hazard.

PART XV.

SAFETY AND HEALTH REGULATIONS-UNDERGROUND ONLY.

Article 1.  
Ground Control.

**4 VAC 25-40-2770. Ground support.**

A. Upon encountering suspected hazardous geological conditions, the operator shall suspend mining activities in the area until a ground control plan has been approved by the director.

B. Ground support shall be used if the operating experience of the mine, or any particular area of the mine, indicates that it is required. If it is required, support, including timbering, rock bolting, or other methods shall be consistent with the nature of the ground and the mining method used. Also see 4 VAC 25-40-440.

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## **4 VAC 25-40-2790. ~~When ground conditions to be examined.~~ Inspection of work area.**

Miners shall examine and test the back, face, and ribs of their working ~~places~~ *areas, visually and by sounding*, at the beginning of each shift and frequently thereafter. ~~Supervisors~~ *Competent persons* shall examine the ground conditions during daily visits to ~~insure~~ *ensure* that proper testing and ground control practices are being followed. Loose ground shall be taken down or adequately supported before any other work is done. Ground conditions along haulageways and travelways shall be examined periodically and scaled or supported as necessary.

## **4 VAC 25-40-2800. Scaling bar to be provided.**

A scaling bar of proper length and blunt on one end shall be provided where manual scaling may be required. Picks or other short tools shall not be used for scaling when this use places ~~the~~ *the* user in danger of falling material.

## **4 VAC 25-40-2810. Timbers to be blocked or wedged.**

Timbers used for support of ground in active working ~~places~~ *areas* shall be blocked or wedged tightly. Loosened or dislodged timbers shall be promptly repaired or replaced.

## **4 VAC 25-40-2820. Installation of ground support in shafts.**

When necessary, permanent or temporary ground support shall be installed near enough to the bottom of the shaft during shaft sinking to prevent falls of rocks from the sides of the shaft.

## **4 VAC 25-40-2850. Acceptable rock-bolting materials.**

Only rock-bolting materials acceptable to the ~~Mine Safety and Health Administration~~ *MSHA* or other approved agency shall be used.

## **4 VAC 25-40-2870. Rock-bolt torque tests.**

Rock bolts used as a means of ground support and which require torquing shall be torqued to a value within the range determined from information obtained by tests in the strata in which the ~~rock-bolt~~ *rock-bolt* assembly is used. In no case shall the applied torque cause a bolt tension that would exceed the yield point or anchorage capacity of the rock-bolt assembly being used.

## **4 VAC 25-40-2880. Rock-bolt anchorage tests.**

When rock bolts are used as a means of ground support, anchorage test procedures shall be established and tests shall be conducted to determine the anchorage capacity of rock-bolt installations. The results shall be in writing and made available to the director of ~~Division of Mineral Mining~~ or his duly authorized representative.

## *Article 2.*

### *Fire Prevention and Control.*

## **4 VAC 25-40-2910. ~~Fire alarm~~ Fire alarm systems.**

~~Fire alarm~~ *Fire alarm* systems adequate to warn all employees shall be provided and maintained in operating condition.

## **4 VAC 25-40-2915. No smoking near flammable materials.**

*Signs shall be posted which prohibit smoking or an open flame within 25 feet of places where flammable materials are stored.*

## **4 VAC 25-40-2920. Use of flammable materials underground.**

No gasoline, benzene, kerosene, or other flammable ~~oil~~ *petroleum products* shall be used in powering machinery underground without prior approval of the director of ~~the~~ *Division of Mineral Mining*.

## **4 VAC 25-40-2930. Use of ~~liquified~~ liquefied petroleum gases.**

The use of ~~liquified~~ *liquefied* petroleum gases shall be limited to maintenance work.

## **4 VAC 25-40-2980. ~~Underground fires~~ Open flame restrictions.**

Fires shall not be built underground; open flame torches and candles shall not be left underground.

## **4 VAC 25-40-3000. Fire doors to be provided.**

A. Fire doors shall be provided at shaft stations or other appropriate locations where necessary to prevent the spread of smoke or gas; the doors shall be equipped with latches operable from both sides. To confine or prevent the spread of toxic gases from a fire originating in an underground shop where maintenance work is routinely done on mobile equipment, one of the following measures shall be taken:

1. Use of control doors or bulkheads;
2. Routing of the mine shop air directly to an exhaust system;
3. Reversal of mechanical ventilation; or
4. Use of an automatic fire suppression system in conjunction with an alternate escape route.

The alternative used shall at all times provide at least the same degree of safety as control doors or bulkheads.

B. If used as an alternative, control doors and bulkheads shall:

1. Be constructed to serve as a barrier to fire, the effects of fire, and air leakage at each opening to the shop; and
2. Be constructed and maintained as follows:

a. So that, once closed, it will not reopen as a result of a differential in air pressure;

b. So that it can be opened from either side by one person or be provided with a personnel door that can be opened from either side;

c. To be clear of obstruction;

d. Provided with a means of remote or automatic closure unless a person specifically designated to close the door in the event of a fire can reach the door within three minutes;

e. If located 20 feet or more from exposed timber or other combustible material, the control doors or bulkheads shall provide protection at least equivalent to a door constructed of no less than one-quarter inch of plate steel with channel or angle-iron reinforcement to minimize warpage. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance and in physical strength; and

f. If located less than 20 feet from exposed timber or other combustibles, the control door or bulkhead shall provide protection at least equivalent to a door constructed of two layers of wood, each a minimum of three quarters of an inch in thickness. The ~~woodgrain~~ *wood grain* of one layer shall be perpendicular to the ~~woodgrain~~ *wood grain* of the other layer. The wood construction shall be covered on all sides and edges with no less than 24-gauge sheet steel. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance and in physical strength. Roll down steel doors with a fire resistance rating of 1½ hours or greater, but without an insulation core, are acceptable, provided that an automatic sprinkler or deluge system is installed that provides even coverage of the door on both sides.

C. If routing of mine shop air to exhaust system is used as an alternative, routing the mine shop exhaust air directly to an exhaust system shall be done so that no person would be exposed to toxic gases in the event of a shop fire.

D. If mechanical ventilation is used as an alternative, reversal of mechanical ventilation shall be accomplished by a main fan. If the main fan is located underground:

1. The cable or conductors supplying power to the fan shall be routed through areas free of fire hazards; or

2. The main fan shall be equipped with a second, independent power cable or set of conductors from the surface. The power cable or conductors shall be located so that an underground fire disrupting power in one cable or set of conductors will not affect the other; or

3. A second fan capable of accomplishing ventilation reversal shall be available for use in the event of failure of the main fan; and

4. The mechanical ventilation shall provide rapid air reversal that allows persons underground time to exit in fresh air by the second escapeway or find a place of refuge and be done according to predetermined conditions and procedures.

E. If automatic fire suppression system and escape route is used as an alternative, the automatic fire suppression system and alternate escape route shall:

1. Be located in the shop area;

2. Be of the appropriate size and type for the particular fire hazards involved;

3. Be inspected at weekly intervals and properly maintained; and

4. In the case of the escape route, bypass the shop area so that the route will not be affected by a fire in the shop area.

#### **4 VAC 25-40-3030. Welding or cutting near combustible materials.**

When welding or cutting near combustible material, the surrounding area shall, if practical, be wet down thoroughly before and after work is done. A fire patrol of the area shall be maintained afterward for so long as necessary to ~~assure~~ *ensure* that no danger of fire exists as determined by a responsible supervisor. In addition, when welding or cutting in shafts, winzes or raises, barriers, bulkheads or other protective measures shall be used to prevent injury to anyone working or traveling below.

#### **4 VAC 25-40-3050. Mine rescue stations.**

A mine rescue station equipped with at least 10 sets of approved and properly maintained two-hour, self-contained, breathing apparatus, adequate supplies, and spare parts shall be maintained at mines employing 75 or more persons underground or, in lieu thereof, the mine shall be affiliated with a central mine rescue station.

#### **4 VAC 25-40-3070. Rescue apparatus.**

Mine rescue apparatus acceptable to the ~~Mine Safety Health Administration (MSHA)~~ *MSHA* or other approved agency shall be properly maintained for immediate use. The equipment shall be tested at least once a month and records kept of the test.

#### **4 VAC 25-40-3080. Rescue crews to be provided.**

At any mine employing 75 or more persons underground, at least two rescue crews (10 persons) shall be trained at least annually in the use, care, and limitations of self-contained breathing and firefighting apparatus and in mine rescue procedures. Smaller mines shall have at least one person so trained for each 10 persons employed underground. *These persons shall complete, at minimum, an approved course of instruction as prescribed by MSHA's Office of Educational Policy and Development in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. The instruction*



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shall be given by division-personnel or by persons approved to give such instruction.

#### 4 VAC 25-40-3110. Mine evacuation drills.

Mine evacuation drills shall be held for each shift once every six months. These evacuation drills shall involve all employees each shift and shall include:

1. Activation of the ~~fire alarm~~ fire alarm system; and
2. Evacuation of all persons from their work areas to the surface or to designated central evacuation points at some time other than a shift change.

Records of such drills, showing the time and date, shall be kept for at least two years after each drill.

#### 4 VAC 25-40-3120. Instruction in escape plans.

All employees involved in the escape and evacuation plan for an underground operation shall be instructed at least once each calendar year on current escape and evacuation plans, ~~fire alarm~~ fire alarm signals, and applicable procedures to be followed in case of fire or other emergency. New employees shall receive such instructions before going underground. Whenever an employee is assigned to work in another area of the mine, he shall be instructed on the escapeway for that area at the time of such assignment. However, employees who normally work in more than one area of the mine shall be instructed at least once each calendar year in the location of escapeways for all areas of the mine in which they normally work or travel. Whenever a change is made in escape and evacuation plans and procedures for any area of the mine, all affected employees shall be instructed of such change. Records of instruction shall be kept for two years.

#### Article 3.

#### Air Quality, Radiation and Physical Agents.

#### 4 VAC 25-40-3160. Oxygen content in mines.

Air in all active workings areas shall contain at least 19.5% volume oxygen as measured by an acceptable oxygen analyzer.

#### 4 VAC 25-40-3170. ~~Installation of fans.~~ Ventilation.

Main fans shall be installed on the surface; if it is necessary to locate them underground, they shall be in fire-resistant areas and shall be provided with remote controls.

#### 4 VAC 25-40-3220. Mine atmosphere test instruments.

Instruments shall be provided to test the mine atmosphere quantitatively for carbon monoxide, nitrogen dioxide, and other gases that occur in the mine. Tests shall be conducted as frequently as necessary by the operator to ~~assure~~ ensure that the required quality of air is maintained.

#### 4 VAC 25-40-3230. ~~Flame safety lamps.~~ (Repealed.)

~~Flame safety lamps or other acceptable devices shall be used to test for oxygen deficiency.~~

#### 4 VAC 25-40-3240. Access to unventilated inadequately ventilated areas.

~~Unventilated~~ Access to inadequately ventilated areas shall be sealed, or barricaded and posted against entry.

#### 4 VAC 25-40-3280. Ventilation door closing.

When ventilation control doors are opened as a part of the normal mining cycle, they shall be closed as soon as possible to reestablish normal ventilation to ~~working places~~ active areas.

#### 4 VAC 25-40-3290. Sampling for radon gas.

Mine atmospheres shall be sampled to determine if hazardous concentrations of radon gas are present. Where potentially hazardous concentrations are found, or known sources of radon exist, each active work area shall be sampled as often as necessary by a competent person.

#### 4 VAC 25-40-3300. Maximum annual exposure.

No person shall be permitted to receive an exposure to radon gas in excess of four working level months (WLM) in any calendar year.

#### 4 VAC 25-40-3310. Maximum concentrations.

Persons shall not be exposed to air containing concentrations of radon gas exceeding 1.0 working level (WL) in active workings areas.

#### 4 VAC 25-40-3320. Changes in permissible exposures.

If levels of permissible exposures to concentrations of radon gas differ from those prescribed in ~~Parts V or XV~~ this chapter that are recommended by the Environmental Protection Agency and approved by the President of the United States, no employee shall be permitted to receive exposures in excess of those levels after the effective dates established by the director.

#### Article 4.

#### Explosives.

#### 4 VAC 25-40-3325. Storage and use of explosives.

See 4 VAC 25-40-3475 on gassy mines for blasting requirements.

#### 4 VAC 25-40-3328. Certified underground blaster.

Shots shall be fired by a certified underground blaster.

#### 4 VAC 25-40-3330. Construction of underground storage magazines.

~~Box type underground distribution~~ Main storage magazines used to store explosives or detonators near working faces shall be constructed with only nonsparking material inside and equipped with covers or doors and shall be located out of the line of blasts, 25 feet from roadways, power lines and in a reasonably dry place protected from roof and rib falls.

**4 VAC 25-40-3340. Use of storage magazines.**

Box-type ~~underground~~ distribution, main storage magazines shall be used to store detonators or explosives other than blasting agents near working faces and shall be located not less than 50 feet from the face.

**4 VAC 25-40-3350. ~~Secondary~~ Day-box magazines.**

~~Secondary~~ underground and ~~box-type~~ underground magazines *A. Day boxes shall be suitably labeled suitably.*

*B. Contents not used during the shift shall be returned to the main magazine at the end of each shift.*

**4 VAC 25-40-3420. Leaving blasting area; reentering blasting area.**

*A. In areas where dangerous accumulations of water, gas or mud could be encountered, persons shall be removed to safe places before blasting.*

*B. Blasting areas shall not be reentered after firing for a minimum time limit of 30 minutes and not until the concentration of smoke, dust, and fumes has been reduced to safe limits.*

**4 VAC 25-40-3430. Misfires to be reported.**

Misfires shall be reported to the certified foreman. The blast area shall be ~~dangered off until misfired holes are disposed of. Where explosives other than black powder have been used, misfired holes shall be disposed of as soon as possible by one of the following methods: barricaded and posted with warning signs until the misfire has been disposed of by a certified underground blaster.~~

- ~~1. Washing the stemming and charge from the borehole with water;~~
- ~~2. Re-attempting to fire the holes if leg wires are exposed; or~~
- ~~3. Inserting new primers after the stemming has been washed out.~~

**4 VAC 25-40-3450. Isolating explosives from static electricity.**

Explosives, detonators, and blasting lines shall be isolated from sources of static electricity and stray currents and from ~~extraneous electric contact sources.~~

**4 VAC 25-40-3460. Electric blasting.**

Where electric blasting is to be performed, electric circuits ~~to~~ and equipment in the immediate area to be blasted shall be deenergized before explosives or detonators are brought into the area; the power shall not be turned on again until after the shots are fired.

**4 VAC 25-40-3475. Blasting in gassy mines.**

*Blasts in gassy mines shall be initiated electrically, and multiple shot blasts shall be initiated with millisecond delay detonators. Permissible blasting units of capacity suitable for the number of holes in a round to be blasted shall be used*

*unless the round is fired from the surface when all persons are out of the mine.*

**4 VAC 25-40-3478. Stemming.**

*Boreholes shall be stemmed as prescribed for the explosives used.*

*Article 5.  
Drilling.*

*Article 6.  
Loading, Hauling, and Dumping.*

**4 VAC 25-40-3590. ~~Man-trip~~ Mantrip cars.**

Supplies, materials, and tools other than small ~~handtools~~ hand tools shall not be transported with persons in ~~man-trip~~ mantrips cars. ~~Man-trip~~ Mantrips cars shall be operated independently of ore and supply trips.

**4 VAC 25-40-3595. Transportation of miners.**

*A. Each mantrip shall be operated independently of any loaded trip of minerals or other material.*

*B. All miners, except the motorman and trip rider, shall ride inside the cars.*

*C. Miners shall remain seated while in moving mantrip cars, shall not board or leave moving mantrip cars, and shall proceed to and from mantrips in an orderly manner.*

**4 VAC 25-40-3620. Hazardous chute lips.**

Warning devices, ~~barricades~~ barricades or conspicuous markings shall be installed when chute lips create a hazard to personnel.

**4 VAC 25-40-3660. Loosening ~~hangups~~ hang-ups.**

Persons attempting to loosen ~~hangups~~ hang-ups shall wear and use safety belts with ~~taglines~~ tag lines or ropes to prevent their falling into the chute; if working near the chute opening, a bar sufficient in length to protect ~~him~~ the person from dislodged material shall be used.

**4 VAC 25-40-3680. Design of shelter holes.**

Shelter holes shall be at least four feet wide; marked conspicuously with lights ~~or~~, reflective signs ~~or~~, reflective tape ~~or~~, reflectors or luminous paint; provide a minimum of 40 inches clearance from the farthest projection of moving equipment; and shall not be used for storage of timber, tools, or other materials unless a 40-inch clearance is maintained.

**4 VAC 25-40-3690. ~~Triplights~~ Trip lights.**

~~Triplights~~ Trip lights or approved reflectors shall be used on the rear of pulled trips and on the front of pushed trips.

**4 VAC 25-40-3700. Operation of ~~man-trip~~ mantrips cars.**

~~Man-trip~~ Mantrips cars shall be operated at speeds consistent with the condition of tracks and equipment used.

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## 4 VAC 25-40-3710. Discharge and boarding points.

Where ~~man-trip mantrips~~ cars are used, discharge and boarding points shall be designated. Persons shall not board or leave moving ~~man-trip mantrips~~ cars.

## 4 VAC 25-40-3720. ~~Man-trip~~ Mantrip passengers.

~~Man-trip cars~~ Mantrip passengers shall ride on the side of the car opposite the trolley wire when the trolley wire is not centrally located unless covered man cars are provided.

## 4 VAC 25-40-3830. Refuge areas.

Refuge areas shall be:

1. Of fire-resistant construction, preferably in untimbered areas of the mine;
2. Large enough to accommodate readily the normal number of persons in the particular area of the mine;
3. Constructed so they can be made gas-tight; and
4. Provided with compressed air lines, waterlines, suitable ~~handtools~~ hand tools, and stopping materials.

## 4 VAC 25-40-3840. Development of escape and evacuation plan.

A specific escape and evacuation plan, and revisions thereof, suitable to the conditions and mining system of the mine and showing assigned responsibilities of all key personnel in the event of an emergency shall be developed by the operator and set out in written form. A copy of the plan and revisions thereof shall be available to the director or an authorized representative. Also copies of the plans and revisions thereof shall be posted at locations convenient to all persons on the surface and underground. Such a plan shall be updated as necessary and shall be reviewed jointly by the operator and the director or his authorized representative at least once every six months from the date of the last review. The plan shall include:

1. Mine maps or diagrams showing directions of principal air flow, location of escape routes and locations of existing telephones or other voice communication devices (see 4 VAC 25-40-3120 and 4 VAC 25-40-3850);
2. A firefighting plan;
3. Surface procedure to follow in an emergency, including the notification of proper authorities, preparing rescue equipment and other equipment which may be used in rescue and recovery operations; and
4. A statement of the availability of emergency communication and transportation facilities, emergency power and ventilation and location of rescue personnel and equipment.

## 4 VAC 25-40-3855. Communications.

Telephone service or equivalent two-way communication facilities shall be provided from underground working areas to the surface.

## Article 7. Electricity.

## 4 VAC 25-40-3890. ~~Bare power conductors wires and cables.~~

~~Trolley wires and bare power conductors shall be guarded at trip loading and unloading points and at shaft stations. Where such trolley wires and bare power conductors are less than 6½ feet above the rail, they shall be guarded at all points where persons work or pass regularly beneath. Wires and cables not encased in armor shall be supported by well-installed insulators and shall not touch combustible materials, roof, or ribs; however, this requirement shall not apply to ground wires, grounded power conductors, and trailing cables.~~

## 4 VAC 25-40-3930. Disconnecting switches.

Disconnecting switches that can be opened safely under load shall be provided underground at all primary power circuits near shafts, levels, and boreholes. *Disconnecting switches shall be installed underground in all main power circuits within approximately 500 feet of the bottoms of shafts and boreholes, and at other places where main power circuits enter the mine.*

## 4 VAC 25-40-3955. Fire precautions in transportation of mining equipment.

A. *Prior to moving or transporting any unit of off-track mining equipment in areas of the active workings where energized trolley wires or trolley feeder wires are present:*

1. *The unit of equipment shall be examined by a certified person to ensure that accumulation of oil, grease, and other combustible materials have been removed from such unit of equipment; and*
2. *A qualified person shall examine the trolley wires, trolley feeder wires, and the associated automatic circuit interrupting devices to ensure that proper short circuit protection exists.*

B. *A record shall be kept of the examinations and shall be made available, upon request, to the director.*

C. *Off-track mining equipment shall be moved or transported in areas of the active workings where energized trolley wires or trolley feeder wires are present only under the direct supervision of a certified person who shall be physically present at all times during moving or transporting such equipment.*

D. *The frames of off-track mining equipment being moved or transported in accordance with this section shall be covered on the top and on the trolley wire side with fire-resistant material, where appropriate, as determined by the director.*

E. *Electrical contact shall be maintained between the mine track and the frames of off-track mining equipment being moved in-track and trolley entries, except that rubber-tired equipment need not be grounded to a transporting vehicle if*

no metal part of such rubber-tired equipment can come into contact with the transporting vehicle.

F. To avoid accidental contact with power lines the equipment being transported or trammed shall be insulated or assemblage removed, if necessary, if the clearance to the power lines is six inches or less.

G. Sufficient prior notice shall be given the department so that a mine inspector may travel the route of the move before the actual move is made, if he deems it necessary.

H. A minimum vertical clearance of 12 inches shall be maintained between the farthest projection of the unit of equipment which is being moved and the energized trolley wires or trolley feeder wires at all times during the movement or transportation of such equipment. If the height of the seam of minerals does not permit 12 inches of vertical clearance to be so maintained, the following additional precautions shall be taken:

1. Electric power shall be supplied to the trolley wires or trolley feeder wires only from out by the unit of equipment being moved or transported. Where direct current electric power is used and such electric power can be supplied only from the equipment being moved or transported, power may be supplied from such equipment if a miner with the means to cut off the power, and in direct communication with persons actually engaged in the moving or transporting operation, is stationed out by the equipment being moved;

2. The settings of automatic circuit interrupting devices used to provide short circuit protection for the trolley circuit shall be reduced to not more than one-half of the maximum current that could flow if the equipment being moved or transported were to come into contact with the trolley wire or trolley feeder wire;

3. At all times the unit of equipment is being moved or transported, a miner shall be stationed at the first automatic circuit breaker out by the equipment being moved. Such miner shall be in direct communication with persons actually engaged in the moving or transporting operation, and capable of communicating with the authorized person on the surface required to be on duty;

4. Where trolley phones are utilized to satisfy the requirements of subsection C of this section, telephones or other equivalent two-way communication devices that can readily be connected with the mine communication system shall be carried by the miner stationed at the first automatic circuit breaker out by the equipment being moved and by a miner actually engaged in the moving or transporting operation; and

5. No person shall be permitted to be in by the unit of equipment being moved or transported, in the ventilating current of air that is passing over such equipment, except those persons directly engaged in moving such equipment. The provisions of this section shall not apply to units of mining equipment that are transported in mine

cars, provided that no part of the equipment extends above or over the sides of the mine car.

#### **4 VAC 25-40-3958. Use of track as electrical power conductor.**

The following standards shall apply where track is used as a power conductor:

1. Both rails of main line tracks shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than 200 feet. If the rails are paralleled with a feeder circuit of like polarity, such paralleled feeder shall be bonded to the track rails at intervals of not more than 1,000 feet.

2. At least one rail on secondary track haulage roads shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than 200 feet.

3. Track switches on entries shall be well-bonded.

4. Rails shall not be used as power conductors in rooms.

#### **Article 8. Personal Protection.**

#### **4 VAC 25-40-3980. Welding operations.**

Welding operations shall be shielded and well-ventilated well-ventilated.

#### **4 VAC 25-40-3990. Self-rescue devices to be made available.**

A one hour self-rescue device approved by the ~~Division of Mineral Mining~~ MSHA shall be made available by the operator to all personnel underground. The self-rescue devices shall be maintained in a good condition by a daily visual check and weighing of the devices every six months, with maintenance records kept.

#### **Article 9. Safety Program.**

#### **4 VAC 25-40-4060. ~~Personnel instruction.~~ Mine emergency and self-rescue training.**

A. On an annual basis all persons who are required to go underground shall be instructed in an approved course contained in ~~U.S. Department of Labor, the Bureau of Mines Instruction Guide 19, "Mine Emergency Training" (September 1972).~~ The instruction shall be given by ~~Division of Mineral Mining personnel or by persons approved to give such instruction.~~

B. On an annual basis all persons who go underground shall be instructed in the use of the individual self-rescuer provided to them. The instruction shall be given by ~~division of Mineral Mining~~ personnel or by persons who are approved by the ~~Division of Mineral Mining~~ MSHA to give such instructions; provided, however, that if a ~~division of Mineral Mining~~ instructor or an approved instructor is not immediately

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available, such instruction of new employees in self-rescuers may be conducted by competent persons.

*Article 10.  
Personnel Hoisting.*

**4 VAC 25-40-4090. Connecting driving mechanisms to ~~personal~~ personnel hoists.**

Belts, ropes, or chains shall not be used to connect driving mechanisms to ~~personal~~ personnel hoists.

**4 VAC 25-40-4100. Brakes on ~~personal~~ personnel hoists.**

Any hoist used to hoist persons shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

**4 VAC 25-40-4110. ~~Personal~~ Personnel hoist clutches.**

The operating mechanism of the clutch of every ~~personal~~ personnel hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake, to prevent accidental withdrawal of the clutch.

**4 VAC 25-40-4140. Overtravel prevention on ~~personal~~ personnel hoists.**

All ~~personal~~ personnel hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed *over-speed* devices.

**4 VAC 25-40-4160. Overtravel by ~~pass~~ bypass switches.**

When an overtravel ~~by pass~~ bypass switch is installed, the switch shall function so as to allow the conveyance to be moved through the overtravel position when the switch is held in the closed position by the hoist person. The overtravel ~~by pass~~ bypass switch shall return automatically to the open position when released by the hoist person.

**4 VAC 25-40-4220. ~~Engine-powered~~ Engine-powered hoists.**

Where any diesel or similar ~~fuel injection~~ fuel injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

**4 VAC 25-40-4230. Standards for wire ropes.**

The ~~United States of America Standards Institute specifications cited in "Wire Rope for Mines" M11.1-1960, or the latest revision thereof, American National Standard for Wire Rope for Miners~~ shall be used as a guide in the selection, installation, and maintenance of wire ropes used for hoisting, except in those instances where the recommendations cited herein are more stringent.

**4 VAC 25-40-4260. ~~End-attachment replacement.~~ Wire rope examination.**

A. Wire rope attachments shall be replaced when cracked, deformed, or excessively worn.

B. At least once every 14 calendar days, each wire rope in service shall be visually examined along its entire active length for visible structural damage, corrosion, and improper lubrication or dressing. In addition, visual examination for wear and broken wires shall be made at stress points, including the area near attachments, where the rope rests on sheaves, where the rope leaves the drum, at drum crossovers, and at change of layer regions. When any visible condition that results in a reduction of rope strength is present, the affected portion of the rope shall be examined on a daily basis.

C. Before any person is hoisted with a newly installed wire rope or any wire rope that has not been examined in the previous 14 calendar days, the wire rope shall be examined in accordance with subsection B of this section.

D. At least once every six months, nondestructive tests shall be conducted of the active length of the rope, or rope diameter measurements shall be made:

1. Wherever wear is evident;
2. Where the hoist rope rests on sheaves at regular stopping points; and
3. Where the hoist rope leaves the drum at regular stopping points and at drum crossover and change of layer regions.

E. At the completion of each examination required by subsections B, C and D of this section, the person making the examination shall certify by signature and date that the examination has been made. If any condition listed in subsection D of this section is present, the person conducting the examination shall make a record of the condition and the date. Certifications and records of examinations shall be retained for one year.

F. The person making the measurements or nondestructive tests as required by subsection D of this section shall record the measurements or test results and the date. This record shall be retained until the rope is retired from service.

**4 VAC 25-40-4280. ~~Attaching ropes to loads.~~ Load end attachment.**

The rope shall be attached to the load by the thimble and clip method, the socketing method, or other approved method. If the socketing method is employed, zinc or its equivalent shall be used. The use of Babbitt metal or lead for socketing wire ropes is prohibited. If the thimble and clip method is used, the following shall be observed:

1. The rope shall be attached to the load by passing one end around an oval thimble that is attached to the load bending the end back so that it is parallel to the long or "live" end of the rope and fastening the two parts of the rope together with clips;
2. The u-bolt of each clip shall encircle the short or "dead" end of the rope and the distance between clips

shall not be less than the figures given in the accompanying table;

3. As a minimum, the following number of clips or equivalent shall be used for various diameters of six-strand 19-wire plow steel ropes:

(Follow manufacturer's recommendations for other kinds of wire, rope and clips).

Diameter of rope, inches	Number of clips	Center to center Spacing of clips inches
3/4	4	4-1/2
7/8	4	5-1/4
1	4	6
1-1/8	5	6-3/4
1-1/4	5	7-1/2
1-3/8	6	8-1/4
1-1/2	6	9
1-5/8	6	9-3/4
1-3/4	7	10-1/2
1-7/8	8	11-1/4
2	8	12
2-1/8	8	13
2-1/4	8	14

Follow manufacturer's recommendations for other kinds of wire, rope and clips.

4. For all ropes less than 3/4 inch in diameter, at least four clips or equivalent shall be used; and

5. When special conditions require the attachment of a sling to the hoisting cable to handle equipment in the shaft, the sling shall be attached by clips or equivalent in accordance with the table in subdivision 3 of this section.

**4 VAC 25-40-4290. New ropes.**

New ropes shall be broken in in accordance with according to the manufacturer's recommendations.

**4 VAC 25-40-4320. Headframes and sheaves.**

Headframes and sheaves shall be designed and constructed to withstand pulls by the hoists greater than the breaking strengths of the hoist ropes.

**4 VAC 25-40-4330. Clearance requirements.**

Headframes shall be high enough to provide at least 15 feet of clearance between the bottom of the sheave or drum and the uppermost part of the highest rope connection of the conveyance when the conveyance is at its uppermost person-landing area.

**4 VAC 25-40-4350. Platforms.**

Platforms with toeboards toe-boards and handrails shall be provided around elevated head sheaves.

**4 VAC 25-40-4430. Use of manually-operated hoists.**

When a manually-operated hoist is used, a qualified hoist person approved by the director shall remain within hearing

of the telephone or signal device at all times while any person is underground.

**4 VAC 25-40-4440. Use of automatic hoists.**

When automatic hoisting is used, a competent hoist person approved by the director shall be in attendance on the premises while any person is underground.

**4 VAC 25-40-4460. Competency of hoist persons.**

Only competent hoist persons approved by the director shall operate the hoist except in cases of emergency and in the training of new hoist persons.

**4 VAC 25-40-4540. Persons in charge.**

Authorized persons shall be in charge of all man-trips mantrips.

**4 VAC 25-40-4590. When skips to shall be empty.**

When combinations of cages and skips are used, the skips shall be empty while persons are being transported.

**4 VAC 25-40-4650. Where buckets to be stopped on raising.**

Buckets shall be stopped after being raised three feet when persons are hoisted from the bottom; a second hoisting signal shall be given after the bucket has been stabilized. Hoisting shall be at a minimum speed and the bellcord bell cord shall be attended constantly until the crosshead has been engaged.

**4 VAC 25-40-4750. Qualifications of persons giving signals.**

Any person responsible for receiving or giving signals for cages, skips, and man-trips mantrips when persons or materials are being transported shall be familiar with the posted signaling code.

**4 VAC 25-40-4770. Stopblocks Stop blocks or derail switches.**

Positive stopblocks stop blocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

**4 VAC 25-40-4910. Lubrication of ropes.**

Ropes shall be kept well-lubricated from end to end as recommended by the manufacturer.

**4 VAC 25-40-4920. Cutting of ropes for inspections.**

On other than friction hoists, ropes shall be cut off and reconnected to the conveyance as often as necessary to assure ensure adequate inspection of rope condition and to distribute wear of the rope. At least six feet shall be cut from the rope above the highest connection; this portion shall be examined carefully for corrosion, damage, wear, and fatigue by the rope manufacturer or a competent an acceptable agency.

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## 4 VAC 25-40-4970. Testing on each shift.

Hoist persons shall examine their hoists and shall test overtravel, ~~deadman~~ *dead man* controls, position indicators, and braking mechanisms at the beginning of each shift.

## 4 VAC 25-40-4980. Testing with empty conveyances.

Empty conveyances shall be operated up and down shafts at least one round trip before hoisting persons after any shaft or equipment repairs and before regular ~~man trips~~ *mantrips* are hoisted or lowered.

## 4 VAC 25-40-5040. ~~Removing persons before blasting.~~ (Repealed.)

~~In areas where dangerous accumulations of water, gas, mud, or fire atmosphere could be encountered, persons shall be removed to safe places before blasting.~~

## 4 VAC 25-40-5050. ~~Communications to be provided.~~ (Repealed.)

~~Telephone service or equivalent two-way communication facilities shall be provided from underground working areas to the surface.~~

### Article 11. Gassy Mines.

## 4 VAC 25-40-5060. Gassy mines.

A mine shall be deemed gassy and thereafter operated as a gassy mine if:

1. Flammable gas emanating from the ~~orebody of ore~~ *ore body* or the strata surrounding the ~~orebody ore~~ *ore body* has been ignited in the mine;
2. A concentration of 0.25% or more, by air analysis, of flammable gas emanating only from the ~~orebody ore~~ *ore body* or the strata surrounding the ~~orebody as ore~~ *ore body* has been detected not less than 12 inches from the back, face, or ribs in any open workings; or
3. The mine is connected to a gassy mine.

## 4 VAC 25-40-5070. Effect of detection of flammable gases.

Flammable gases detected only while ~~unwatering~~ *draining* mines or flooded sections of mines, or during other mine reclamation operations, shall not be used to permanently classify a mine gassy. During such periods that any flammable gas is present in the mine, the ~~affected gassy~~ *area* of the mine shall be operated in accordance with appropriate standards in ~~4 VAC 25-40-5060 thru 4 VAC 25-40-5720~~ *of this chapter article*.

## 4 VAC 25-40-5120. Installation of main fans.

Main fans shall be:

1. Installed on the surface;
2. Powered electrically from a circuit independent of the mine power circuit. Internal combustion engines shall be

used only for standby power or where electrical power is not available;

3. Installed in fireproof housing provided with fireproof air ducts;

4. Offset not less than 15 feet from the nearest side of the mine opening and equipped with ample means of pressure relief unless:

- a. The opening is not in direct line with forces which would come out of the mine should an explosion occur; and
- b. Another opening not less than 15 feet nor more than 100 feet from the fan opening is equipped with a ~~weakwall~~ *weak wall* stopping or explosion doors in direct line with the forces which would come out of the mine should an explosion occur;

5. Installed to permit prompt reversal of airflow; and

6. Attended constantly or provided with automatic devices to give alarm when the fans slow down to stop. Such devices shall be placed so they will be seen or heard by responsible persons.

## 4 VAC 25-40-5170. Failure of ventilation.

When there has been a failure of mine ventilation other than a failure of a main fan as described in 4 VAC 25-40-5160, the operator shall:

1. Withdraw all persons from the ~~affected unventilated~~ *active workings areas*; and
2. De-energize the power in ~~affected unvented~~ *active workings areas*. The power shall not be restored or persons permitted to reenter the affected active ~~workings areas~~ *workings areas* until a ~~competent person~~ *certified foreman* has determined that the flammable gas concentration in such active ~~workings areas~~ *workings areas* is less than 1.0%.

## 4 VAC 25-40-5180. Inspection after ventilation failure.

When ventilation is not restored in a reasonable time, all persons shall be removed from the ~~affected areas~~ *affected*; after ventilation has been restored, the areas affected shall be examined by a certified foreman for gas and other hazards and made safe before power is restored and before persons, other than the examiners and other authorized persons, return to the areas affected.

## 4 VAC 25-40-5200. Operation of booster fans.

Booster fans shall be:

1. Operated by permissible drive units maintained in permissible condition;
2. Operated only in air containing less than 1.0% flammable gas; and
3. Kept in continuous ~~operations~~ *operation* when persons are in active ~~workings areas~~ *workings areas* of the mine affected by such fans.

**4 VAC 25-40-5210. Equipping booster fans.**

Booster fans shall be:

1. Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground;
2. Equipped with a device that automatically de-energizes the power in ~~affected unventilated~~ active workings areas should the fan system malfunction; and
3. Equipped with two sets of controls capable of starting, stopping, and reversing the fans. One set of controls shall be located at the fans. A second set of controls shall be at another location remote from the fans.

**4 VAC 25-40-5230. Inspection of auxiliary fans.**

Auxiliary fans shall be inspected by ~~competent~~ persons approved by the director at least twice each shift.

**4 VAC 25-40-5290. Intake air for pumps and compressors.**

~~Electrically—operated~~ *Electrically-operated* pumps, compressors, and portable substations shall be in intake air.

**4 VAC 25-40-5310. Adjustments in ventilation.**

If flammable gas in excess of 1.0% by volume is detected in the air not less than 12 inches from the back, face and rib of an underground ~~working—place~~ active area, or in air returning from a ~~working—place or—places~~ area or areas, adjustments shall be made in the ventilation immediately so that the concentration of flammable gas in such air is reduced to 1.0% or less.

**4 VAC 25-40-5320. Detection of flammable gas.**

If 1.5% or higher concentration of flammable gas is detected in air returning from an underground ~~working—place~~ or ~~places~~ area or areas, the persons shall be withdrawn and the power cut off to the portion of the mine endangered by such flammable gas until the concentration of such gas is reduced to 1.0% or less.

**4 VAC 25-40-5330. Use of air passing by opening of unsealed abandoned area to ventilate.**

Air that has passed by an opening of any unsealed abandoned area and contains 0.25% or more of flammable gas shall not be used to ventilate working areas. Examinations of such air shall be conducted during the ~~pre-shift~~ *pre-shift* examinations required by 4 VAC 25-40-5510 of this chapter.

**4 VAC 25-40-5340. Use of air passing through abandoned panels to ventilate.**

Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any working ~~place~~ area in such mine. No air which has been used to ventilate any area from which the

pillars have been removed shall be used to ventilate any working ~~place~~ area in such mine, except that such air, if it does not contain 0.25% by volume or more of methane, may be used to ventilate enough advancing working ~~places~~ areas immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

**4 VAC 25-40-5370. ~~Seal—fittings.~~ Fitting of seals for atmosphere sampling and pressure measurement.**

One or more seals of every sealed area shall be fitted with a pipe and a valve or cap to permit sampling of the atmosphere and measurement of the pressure behind such seals.

**4 VAC 25-40-5400. Line brattices.**

Line brattices or other suitable devices shall be installed from the last open crosscut to a point near the face to ~~assure~~ *ensure* positive air flow to the face of every active underground working ~~place~~ area, unless the director or his authorized representative permits an exception to this requirement.

**4 VAC 25-40-5450. ~~Stopping in—crosscuts.~~ Construction specifications for stoppings.**

Stoppings in crosscuts between intake and return airways, ~~on—entries~~ other than room entries, shall be built of solid, substantial material; exposed surfaces shall be made of fire-resistant material, or if the material mined is combustible, stoppings shall be made of incombustible material.

**4 VAC 25-40-5470. Installation of air locks.**

The main ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of trips or persons does not cause interruptions of air currents. Where air locks are ~~impracticable~~ *impractical*, single doors may be used if they are attended constantly while the areas of the mine affected by the doors are being worked, unless they are operated mechanically or are self-closing.

**4 VAC 25-40-5550. Frequency and method of examinations.**

Examinations for dangerous conditions including tests for flammable gas with an acceptable device shall be made at least once each week, and at intervals of not more than seven days, by the certified foreman, except during weeks in which the mine is idle for the entire week.

The certified foreman shall:

1. Examine and make tests:
  - a. In the return of each split where it enters the main return;
  - b. On accessible pillar falls;
  - c. At seals;
  - d. In the main return;
  - e. In at least one entry of each intake and return airway in its entirety;



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f. In idle workings; and

g. In abandoned workings, insofar as conditions permit;

2. Mark his initials and the date at the places examined;
3. Report dangerous conditions promptly to the mine operator or other designated person; and
4. Record the results of the examination with ink or indelible pencil in a book kept for that purpose at a designated place on the surface of the mine.

#### 4 VAC 25-40-5580. Airflow to be maintained.

Airflow shall be maintained in all intake and return air courses of a mine. When multiple main fans are used, such ventilation systems shall not develop neutral areas (areas without perceptible air movement).

#### 4 VAC 25-40-5590. Fan installation doors.

In mines ventilated by a combination of multiple blowing or multiple exhausting fans, each main fan installation shall be equipped with ~~non-combustible~~ *noncombustible* doors designed and positioned so that, in the event of failure of a main fan, these doors will automatically close to prevent air reversal through the fan. The doors shall be located so that they are not in direct line with forces which would come out of the mine, should an explosion occur.

#### 4 VAC 25-40-5630. Permissible distribution boxes required.

Only permissible distribution boxes shall be used in working places ~~and other places~~ *areas and other areas* where dangerous quantities of flammable gas may be present or may enter the air current.

#### 4 VAC 25-40-5660. Permissible or approved explosives.

Only permissible or other types of explosives approved by the director shall be used in gassy mines.

#### 4 VAC 25-40-5670. Written list of conditions.

~~The division of Mineral Mining and the director, in granting approval referred to in 4 VAC 25-40-5660 of this chapter, shall provide the operator with a written list of conditions for using the specific explosives covered by the approval and adapted to the mining operation.~~

#### 4 VAC 25-40-5680. Initiating blasts. (Repealed.)

~~Blasts in gassy mines shall be initiated electrically, and multiple shot blasts shall be initiated with millisecond delay detonators. Permissible blasting units of capacity suitable for the number of holes in a round to be blasted shall be used unless the round is fired from the surface when all persons are out of the mine.~~

#### 4 VAC 25-40-5690. Stemming boreholes. (Repealed.)

~~Boreholes shall be stemmed as prescribed for the explosives used.~~

#### 4 VAC 25-40-5710. Limitations on firing shots.

Shots or rounds shall not be fired in places where flammable gas can be detected with a permissible flame safety lamp, or where 1.0% or more of flammable gas can be detected by any other ~~Division of Mineral Mining~~ *MSHA* approved device or method, at a point not less than 12 inches from the back, face and rib. *See Article 4 (4 VAC 25-40-3325 et seq.) of this part for blasting requirements.*

#### 4 VAC 25-40-5720. Certified blasters. (Repealed.)

~~Shots shall be fired by a certified blaster.~~

#### PART XVI.

#### MISCELLANEOUS SURFACE AND UNDERGROUND MINING NEAR GAS AND OIL WELLS.

#### 4 VAC 25-40-5730. Personnel hoisting cranes. (Repealed.)

~~Personnel hoisting crane requirements are as follows:~~

- ~~1. The rated capacity of the crane at the radius at which the lift will be made shall be divided by four, and this limit shall not be exceeded.~~
- ~~2. A full cycle operational test lift shall be made prior to lifting of employees. The platform shall carry twice the intended load during the test lift.~~
- ~~3. All lifts shall be made in accordance with the manufacturer's lifting recommendations.~~
- ~~4. The stability of the footing shall be verified during the full cycle operational test.~~
- ~~5. The load line on which the platform is suspended will have control load lowering. The free fall option shall not be used with suspended work platforms.~~
- ~~6. The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake, to prevent accidental withdrawal of the clutch.~~
- ~~7. Any boom crane used to hoist personnel shall be equipped with a brake or brakes which shall be capable of holding the work platform at any point.~~
- ~~8. Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is ensured. The lifting bridle on working platforms suspended from cranes shall be secured by a shackle or attached by a closed hook which cannot open due to load position in the hook.~~
- ~~9. Platforms and their components must be capable of supporting, without failure, at least four times the maximum intended load. The platform shall be enclosed with a guardrail system including a top guardrail of approximately 42 inches, a midrail and a toeboard capable of keeping personnel and materials secured. Also:~~

~~a. The number of employees to be hoisted shall be kept to a minimum and in no case shall the number exceed four;~~

~~b. Employees using the platform shall be considered to weigh 250 pounds each;~~

~~c. The platform shall not be used during high winds, electrical storms, snow, or other adverse weather conditions which could endanger employees on the platform;~~

~~d. A safety cable shall be attached from the hook to the work platform which would be capable of supporting the suspended load in an upright position in the event of a failure of the main lifting bridle;~~

~~e. Personnel shall not ride on work platform with supplies, materials, or tools other than small hand tools; and~~

~~f. A standard code of hoisting signals shall be used; one person shall be designated to give hoisting signals.~~

**4 VAC 25-40-5740. Wire rope requirements. (Repealed.)**

~~A. Unless damage or deterioration is removed by cutoff, wire ropes shall be removed from service when any of the following conditions exist:~~

- ~~1. The number of broken wires exceeds either:
 
  - ~~a. Five percent of the total number of wires; or~~
  - ~~b. Fifteen percent of the total number of wires within any strand;~~~~
- ~~2. On a regular lay rope, more than one broken wire in the valley between strands in one rope lay length;~~
- ~~3. A loss of more than one third of the original diameter of the outer wire;~~
- ~~4. Rope deterioration from corrosion;~~
- ~~5. Distortion of the rope structure;~~
- ~~6. Heat damage from any source; or~~
- ~~7. Diameter reduction due to wear that exceeds 6.0% of the baseline diameter measurement;~~

~~B. For load end attachments:~~

- ~~1. Wire rope shall be attached to the load by a method that develops at least 80% of the nominal strength of the rope;~~
- ~~2. Except for terminations where use of other materials is a design feature, zinc (spelter) shall be used for socketing wire ropes. Design feature means either the manufacturer's original design or a design approved by a registered professional engineer; and~~
- ~~3. Load end attachment methods using splices are prohibited.~~

~~C. For drum end attachments, wire rope shall be replaced when:~~

- ~~1. More than one broken wire at an attachment;~~
- ~~2. Improper installation of an attachment;~~
- ~~3. Slippage at an attachment; or~~
- ~~4. Evidence of deterioration from corrosion at an attachment.~~

~~D. Wire rope attachments shall be replaced when cracked, deformed, or excessively worn.~~

~~E. Safety devices attached to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.~~

**4 VAC 25-40-5750. Notice of intent to mine near gas or oil wells.**

~~A. Before removing minerals, or extending any mine workings or mining operations within 500 feet of any permitted gas or oil well, or gas or oil well being drilled, the operator of such mine shall give notice by certified mail to the well operator, the gas and oil inspector and the director, and shall forward with the notice an accurate map or maps, on a scale of 400 feet to the inch showing its mine workings and projected mine workings beneath the tract of land or within 500 feet of the gas or oil well.~~

~~B. After giving notice and furnishing the map, the operator may proceed with mining operations as shown on the map, but shall not remove minerals or conduct any mining operations nearer than 200 feet to any permitted well or well that is being drilled without the consent of the director.~~

**4 VAC 25-40-5760. Application for mining near gas or oil wells.**

~~A. Application may be made at any time to the director by the operator for an approval to conduct mining operations within 200 feet of any permitted gas or oil well, or gas or oil well being drilled, on forms furnished by the director and containing such information as the director may require.~~

~~B. The application shall be accompanied by a map or maps as specified in Chapter 16 (§ 45.1-180 et seq.) of Title 45.1 of the Code of Virginia showing all mining operations or workings projected within 200 feet of the well.~~

~~C. Notice of the application shall be sent by certified mail to the well operator and the gas and oil inspector. The notice shall inform the well operator of the right to object to the proposed mining activity. Objections must be filed with the director within 15 days after notice is received by the objecting person.~~

~~D. The director may, prior to considering the application, make or cause to be made any inspections or surveys which he deems necessary, and may, if no objection is filed by the well operator or the gas and oil inspector within 15 days after the notice is received, grant the request of the operator to~~

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conduct the mining operations as projected, or with such modifications as he may deem necessary.

E. If the well operator or gas and oil inspector files objections, a hearing will be held under the same procedures as set forth in § 9-6.14:11 of the Code of Virginia.

F. If the applicant for an approval to mine within 200 feet of a gas or oil well submits proof in writing that none of the persons required to be notified under this section has any objection to the projected mining activity, then the director may waive the notice requirement under this section and grant the request of the operator to conduct the projected mining activity, provided all other conditions have been met.

#### 4 VAC 25-40-5770. Mining plan.

When mining within 200 feet of a gas or oil well, the mine operator shall submit a plan showing projected pillars of minerals to be left unmined around each well. The pillars shall be situated so that each well is centered within a pillar. The excavated areas adjacent to any pillar may not exceed 20 feet in width without prior approval from the director. In no circumstances may the narrowest pillar dimension be less than twice the width of the excavated area.

#### 4 VAC 25-40-5780. Approval to mine near plugged gas or oil well.

A. Applications may be made at any time to the director by the operator for a permit to mine through a plugged gas or oil well on forms furnished by the director and containing such information as the director may require. The application shall be accompanied by a map or maps as specified showing all mining operations or workings projected through the area of the well.

B. Notice of such application shall be sent by certified mail to the well operator and, in the case of mining through a well, to the gas and oil inspector. The notice shall inform the well operator and the gas and oil inspector of the right to object to the proposed mining activity. The objections must be filed with the director within 15 days after notice is received. The application also shall contain information necessary to establish that:

1. The well has been adequately plugged for the purpose of safely mining through, and
2. No oil, gas or fluids can migrate into the mine workings.

C. The director may, prior to considering the application, make or cause to be made, any inspections or surveys which he deems necessary and may, if no objection is filed by the well operator or the gas and oil inspector within 15 days after notice is received, grant the request of the operator to conduct the mining operations as projected, or with such modifications as he may deem necessary.

D. If the well operator or gas and oil inspector files objections, a hearing will be held under the same procedures as set forth in § 9-6.14:11 of the Code of Virginia.

E. If the applicant for a permit to mine through a gas or oil well submits proof in writing that none of the persons required to be notified under this section has any objection to the projected mining activity, then the director may waive the notice requirement under this section and grant the request of the operator to conduct the project mining activity, provided all other conditions have been met.

VA.R. Doc. No. R97-10; Filed December 15, 1997, 3:25 p.m.

## TITLE 13. HOUSING

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

**Title of Regulation:** 13 VAC 10-40-10 et seq. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (amending 13 VAC 10-40-100, 13 VAC 10-40-110, 13 VAC 10-40-120, 13 VAC 10-40-130, 13 VAC 10-40-140, 13 VAC 10-40-190 and 13 VAC 10-40-210; adding 13 VAC 10-40-230).

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

#### Summary:

The proposed amendments (i) authorize the executive director to establish flexible alternative mortgage programs; (ii) provide which existing regulations shall not apply to such flexible alternative mortgage loan programs; (iii) establish criteria for eligibility for such flexible alternative mortgage loan programs including, but not limited to, requirements concerning maximum gross income, residency status, property guidelines, maximum mortgage amount, loan-to-value ratios, underwriting criteria, homeownership education, maximum seller contributions, allowable sources of funds for down payment and closing costs, loan assumption, private mortgage insurance, cash reserves, loan servicing, payment of points and reduced interest rates; (iv) change RECD to Rural Development throughout the regulations; and (v) make other technical and clarification changes.

**Agency Contact:** J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

#### 13 VAC 10-40-100. Maximum gross income.

A. As provided in 13 VAC 10-40-50 A 6 the gross income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S.

Department of the Treasury. Because the income limits of the authority imposed by this section apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of 13 VAC 10-40-50 A 6 are automatically met if an applicant's gross income does not exceed the applicable limits set forth in this section.

For the purposes hereof, the term "gross income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

B. For all loans, except loans to be guaranteed by the Rural Economic and Community Development ("RECD"), the maximum gross income shall be a percentage (based on the number of persons expected to occupy the dwelling upon financing of the mortgage loan) of the applicable median family income (as defined in § 143(f)(4) of the Internal Revenue Code of 1986, as amended) (the "median family income") as follows:

Number of Persons to Occupy Dwelling	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	85%
3 or more persons	100%

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate on which the interest rate has been reduced due to financial support by the authority:

Number of Persons to Occupy Dwelling	Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)
2 or fewer persons	65%
3 or more persons	80%

The executive director may from time to time establish maximum gross incomes equal to the following percentages of applicable median family income (as so defined) with respect to such mortgage loans as he may designate if he determines that such maximum gross family incomes will enable the authority to assist the state in achieving its economic and housing goals and policies:

Percentage of applicable median family income (regardless of whether residence is new construction, existing or substantially rehabilitated)

Number of Persons to Occupy Dwelling	
2 or fewer persons	95%
3 or more persons	110%

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum gross income limits under this subsection B expressed in dollar amounts for each area of the state, as established by the executive director, and the number of persons to occupy the dwelling. Any changes to the dollar amounts of such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any such changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.

C. With respect to a loan to be guaranteed by RECD *Rural Development*, the maximum income shall be the lesser of the maximum gross income determined in accordance with subsection B of this section or RECD *Rural Development* income limits in effect at the time of the application.

**13 VAC 10-40-110. Calculation of maximum loan amount.**

Single family detached residence and townhouse (fee simple ownership) - Maximum of 97% (or, in the case of an FHA, VA or RECD *Rural Development* loan, such other percentage as may be permitted by FHA, VA or RECD *Rural Development*) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of an FHA, VA or RECD *Rural Development* loan, such other percentage as may be permitted by FHA, VA or RECD *Rural Development*) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) The value of personal property included in the appraisal shall not be deducted from the appraised value.

In the case of an FHA, VA or RECD *Rural Development* loan, the FHA, VA or RECD *Rural Development* insurance fees or guarantee fees charged in connection with such loan (and, if an FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA, VA or RECD *Rural Development* requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

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### 13 VAC 10-40-120. Mortgage insurance requirements.

Unless the loan is an FHA, VA or RECD *Rural Development* loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on each loan the amount of which exceeds 80% of the lesser of sales price or appraised value of the property to be financed. Such insurance shall be issued by a company acceptable to the authority. The originating agent is required to escrow for annual payment of mortgage insurance, unless an alternative payment plan is approved by the authority. If the authority requires FHA, VA or RECD *Rural Development* insurance or guarantee, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the originating agent's name and purchased by the authority once the FHA Certificate of Insurance, VA Guaranty or RECD *Rural Development* Guarantee has been obtained. In the event that the authority purchases an FHA or, VA or RECD *Rural Development* loan, the originating agent must enter into a purchase and sale agreement on such form as shall be provided by the authority. For assumptions of conventional loans (i.e., loans other than FHA, VA or RECD *Rural Development* loans), full private mortgage insurance as described above is required unless waived by the authority.

### 13 VAC 10-40-130. Underwriting.

A. In general, to be eligible for authority financing, an applicant must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the mortgage debt and adequately maintain the financed property.

1. An applicant must document the receipt of a stable current income which indicates that the applicant will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.
2. An applicant must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.
3. An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.

4. An applicant must document that sufficient funds will be available for required down payment and closing costs.

a. The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.

b. Sweat equity, the imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.

5. Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there is a substantial increase in such expenses, the applicant must demonstrate his ability to pay the additional expenses.

6. All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.

B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in order to satisfy the authority's underwriting requirements for conventional loans. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. The following rules apply to the authority's employment and income requirement.

a. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See 13 VAC 10-40-50 C.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. The following rules apply to income derived from sources other than primary employment.

(1) When considering alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) When considering social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment. Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. The following rules apply to an applicant's credit:

a. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references and history are considered to be important requirements in order to obtain an authority loan.

b. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. The authority has complete discretion to decline a loan when a bankruptcy is involved.

c. An applicant is required to submit a written explanation for all judgments and collections. In most cases, judgments and collections must be paid before an applicant will be considered for an authority loan.

3. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

4. An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest (at the rate determined by the authority), tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly debt payments with more than six months duration (and payments on debts lasting less than six months, if making such payments will adversely affect the applicant's ability to make mortgage loan payments in the months following loan closing) do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements. If either of the percentages set forth are exceeded, compensating factors may be used by the authority, in its sole discretion, to approve the mortgage loan.

5. Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose unless approved in advance by the authority. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

6. A gift letter is required when an applicant proposes to obtain funds as a gift from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available.

C. The following rules are applicable to FHA loans only.

1. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 hereof remain in effect due to treasury restrictions or authority policy.

# Proposed Regulations

2. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

D. The following rules are applicable to VA loans only.

1. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements (including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100) remain in effect due to treasury restrictions or authority policy.

2. The funding fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

3. VA certificates of reasonable value (CRV's) are acceptable in lieu of an appraisal.

E. The following rules are applicable to **RECD Rural Development** loans only.

1. The authority will normally accept **RECD Rural Development** underwriting requirements and property standards for **RECD Rural Development** loans. However, the applicant must satisfy the underwriting criteria set forth in subsection A of this section and most of the authority's basic eligibility requirements including those described in 13 VAC 10-40-30 through 13 VAC 10-40-100 remain in effect due to treasury restrictions or authority policy.

2. The **RECD Rural Development** guarantee fee can be included in loan amount provided the final loan amount does not exceed the authority's maximum allowable sales price.

F. With respect to FHA and VA loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see 13 VAC 10-40-180 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain FHA

requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on FHA guidelines then in effect (see also subsection C or D *above of this section*, as applicable).

G. Unlike the program described in subsection E *above of this section* which permits a direct buydown of the borrower's monthly payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

## 13 VAC 10-40-140. Loan assumptions.

A. VHDA currently permits assumptions of all of its single family mortgage loans provided that certain requirements are met. For all loans closed prior to January 1, 1991, except FHA loans which were closed during calendar year 1990, the maximum gross income for the person or family assuming a loan shall be 100% of the applicable median family income. For such FHA loans closed during 1990, if assumed by a household of three or more persons, the maximum gross income shall be 115% of the applicable median family income (140% for a residence in a targeted area) and if assumed by a person or a family of less than three persons, the maximum gross income shall be 100% of the applicable median family income (120% for a residence in a targeted area). For all loans closed after January 1, 1991, the maximum gross income for the person or family assuming loans shall be the highest percentage, as then in effect under 13 VAC 10-40-100 A, of applicable median family income for the number or persons to occupy the dwelling upon assumption of the mortgage loan, unless otherwise provided in the deed of trust. The requirements for each of the two different categories of mortgage loans listed below (and the subcategories within each) are as follows:

1. The following rules apply to assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

(1) Maximum gross income requirement in 13 VAC 10-40-140 A

(2) 13 VAC 10-40-50 C (Principal residence requirement)

(3) 13 VAC 10-40-130 (Authority underwriting requirements)

(4) 13 VAC 10-40-50 B (Three-year requirement)

(5) 13 VAC 10-40-60 B (Acquisition cost requirements)

(6) 13 VAC 10-40-120 (Mortgage insurance requirements).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17,

1981, the requirements of the following sections hereof must be met:

- (1) Maximum gross income requirement in 13 VAC 10-40-140 A
- (2) 13 VAC 10-40-50 C (Principal residence requirements)
- (3) 13 VAC 10-40-130 (Authority underwriting requirements)
- (4) 13 VAC 10-40-120 (Mortgage insurance requirements).

2. The following rules apply to assumptions of FHA, VA or RECD Rural Development loans.

a. For assumptions of FHA, VA or RECD Rural Development loans financed by the proceeds of bonds issued on or after December 17, 1981, the following conditions must be met:

- (1) Maximum gross income requirement in this 13 VAC 10-40-140 A
- (2) 13 VAC 10-40-50 C (Principal residence requirement)
- (3) 13 VAC 10-40-50 B (Three-year requirement)
- (4) 13 VAC 10-40-60 B (Acquisition cost requirements).

In addition, all applicable FHA, VA or RECD Rural Development underwriting requirements, if any, must be met.

b. For assumptions of FHA, VA or RECD Rural Development loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA, VA or RECD Rural Development underwriting requirements, if any, must be met.

B. Upon receipt from an originating agent or servicing agent of an application package for an assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the originating agent or servicing agent of such determination in writing. The authority will further advise the originating agent or servicing agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance, submission of an escrow transfer letter and execution of a Recapture Requirement Notice (VHDA Doc. R-1).

### 13 VAC 10-40-190. Property guidelines.

A. For each application the authority must make the determination that the property will constitute adequate security for the loan. That determination shall in turn be

based solely upon a real estate appraisal's determination of the value and condition of the property. In addition, manufactured housing (mobile homes), both new construction and certain existing, may be financed only if the loan is insured 100% by FHA (see subsection C of this section).

B. The following rules apply to conventional loans.

1. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road; provided, however, that the authority may, on a case-by-case basis, approve financing of property located on a private road acceptable to the authority if the right to use such private road is granted to the owner of the residence pursuant to a recorded right-of-way agreement providing for the use of such private road and a recorded maintenance agreement provides for the maintenance of such private road on terms and conditions acceptable to the authority (any other easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority, provided further that cisterns will be considered on a case-by-case basis to determine whether the cistern will be adequate to serve the property.

2. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. The following rules apply to FHA, VA or RECD Rural Development loans.

1. Both new construction and existing housing financed by an FHA, VA or RECD Rural Development loan must meet all applicable requirements imposed by FHA, VA or RECD Rural Development.

2. Manufactured housing (mobile homes) being financed by FHA loans must also meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.



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## 13 VAC 10-40-210. Condominium requirements.

A. For conventional loans, the originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

B. For FHA, VA or ~~RECD~~ Rural Development loans, the authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, by VA, in the case of a VA loan or be ~~RECD~~ Rural Development, in the case of an ~~RECD~~ a Rural Development loan.

## 13 VAC 10-40-230. Flexible alternative mortgage loan programs.

A. The executive director may establish flexible alternative mortgage loan programs. 13 VAC 10-40-10 through 13 VAC 10-40-220 shall apply to such flexible alternative mortgage loan programs, with the following modifications:

1. The following requirements shall not apply: (i) the new mortgage requirement; (ii) the requirements as to the use of the property in a trade or business; (iii) the requirements as to acquisition cost and sales price of the property to be financed; (iv) the requirement that the applicant shall not have had a present ownership interest in his principal residence within the preceding three years; (v) the net worth requirement; (vi) the requirements for the payment by the seller of an amount equal to 1.0% of the loan in 13 VAC 10-40-160 D2; and (vii) the lot size restriction in 13 VAC 10-40-50 C3;
2. The gross income of the applicant or applicants shall not exceed 120% of the applicable median family income without regard to household size;
3. A nonpermanent resident alien who signs the note as a coborrower with either a U.S. citizen or a permanent resident alien shall be an eligible borrower under 13 VAC 10-40-30 C, provided that such nonpermanent resident alien meets all other eligibility criteria set forth in this chapter as modified by this section;
4. At the time of closing, the applicant must occupy or intend to occupy within 60 days (90 days in the case of new construction) the property to be financed as his principal residence;
5. The property to be financed must be one of the following types: a single family residence (attached or detached), a unit in a condominium which is approved for financing by FNMA or FHLMC or satisfies the requirements for such financing, or a doublewide manufactured home permanently affixed to the land;
6. The land, residence and all other improvements on the property to be financed must be expected to be used by the borrower primarily for residential purposes;
7. Personal property which is related to the use and occupancy of the property as the principal residence of

the borrower and is customarily transferred with single family residences may be included in the real estate contract, transferred with the residence and financed by the loan; however, the value of such personal property shall not be considered in the appraised value;

8. The principal amount of the mortgage loan shall not exceed the limits established by FNMA or FHLMC for single family residences;

9. Loan proceeds may be used to refinance the applicant's existing mortgage loan or loans on the property, provided the applicant receives no proceeds of the authority's loan;

10. Mortgage insurance shall not be required, except that in the case of manufactured homes mortgage insurance shall be required in accordance with this chapter;

11. The maximum combined loan-to-value ratio (including any other loans to be secured by the property at the time of closing) shall be 97%;

12. The applicant or applicants must have a history of receiving stable income from employment or other sources with a reasonable expectation that the income will continue in the foreseeable future; typically, verification of two years' stable income will be required; and education or training in a field related to the employment of the applicant or applicants may be considered to meet no more than one year of this requirement;

13. The applicant must establish a credit history satisfactory to the authority and, in particular, must satisfy the following: (i) no bankruptcy or foreclosure within the preceding three years; no housing payment past due in the preceding 24 months; no more than one payment past due for 30 days or more on any other debt or obligation within the preceding 12 months; no outstanding collection, judgment or past due account; and a minimum credit score of 620 if the loan-to-value ratio is 95% or less or 660 if the loan-to-value ratio exceeds 95% or (ii) no previous bankruptcy or foreclosure; no outstanding collection or judgment or more than one 30-day past due account within the past 12 months; no previous delinquent housing payment; minimum of three sources of credit with satisfactory payment histories at least two years old; no more than nine accounts currently open; and no more than three new accounts opened in the past 12 months (in establishing guidelines to implement the flexible alternative mortgage loan programs, the authority may refer to the credit requirements in clause (i) of this subdivision as the "alternative" credit requirements and the requirements in clause (ii) of this subdivision as the "standard" credit requirements);

14. Homeownership education approved by the authority shall be required for any borrower who is a first time homeowner if the loan-to-value ratio exceeds 95%;

15. Seller contributions for closing costs and other amounts payable by the borrower in connection with the purchase or financing of the property shall not exceed 4.0% of the contract price;

16. Sources of funds for the down payment and closing costs payable by the borrower shall be limited to the borrower's funds, gifts or unsecured loans from relatives, grants from employers or nonprofit entities not involved in the transfer or financing of the property, and unsecured loans on terms acceptable to the authority (payments on any unsecured loans permitted under this subdivision 16 shall be included in the calculation of the debt/income ratios described below), and documentation of such sources of funds shall be in form and substance acceptable to the authority;

17. The maximum debt ratios shall be 35% and 43% in lieu of the ratios of 32% and 40%, respectively, set forth in 13 VAC 10-40-130 B4;

18. Cash reserves at least equal to two months' loan payments must be held by the applicant if the loan-to-value ratio exceeds 95%; cash reserves at least equal to one month's loan payment must be held by the applicant if the loan-to-value ratio is greater than 90% and is less than or equal to 95%; and no cash reserves shall be required if the loan-to-value ratio is 90% or less;

19. The payment of points (a point being equal to 1.0% of the loan amount) in addition to the origination fee shall be charged as follows: if the loan-to-value ratio is 90% or less, one-half of one point shall be charged; if the loan-to-value ratio is greater than 90% and is less than or equal to 95%, one point shall be charged; and if the loan-to-value ratio exceeds 95%, one and one-half point shall be charged.

In addition to the above, a reduction of one-half of one point will be made to applicants meeting the credit requirements in clause 13 (i) above with a credit score of 700 or greater; and

20. The interest rate which would otherwise be applicable to the loan shall be reduced by .25% for each of the following features which are applicable to the loan:

- a. Loan-to-value ratio of 80% or less; and
- b. Loan term of 20 years or less.

B. The documents relating to requirements of the federal tax code governing tax-exempt bonds shall not be required.

C. For assumptions of loans, the above requirements for occupancy of the property as the borrower's principal residence, the above income limit, and the underwriting criteria in the regulations as modified by this section must be satisfied.

D. The authority may require that any or all loans financed under such alternative mortgage programs be serviced by the authority.

Except as modified hereby, all of the requirements, terms and conditions set forth in 13 VAC 10-40-10 through 13 VAC 10-10-40-220 shall apply to the flexible alternative mortgage loan programs.

**NOTE:** Documents and forms referred to herein as exhibits have not been adopted by the authority as a part of the rules and regulations for single family mortgage loans to persons and households of low and moderate income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the foregoing rules and regulations for single family mortgage loans to persons and households of low and moderate income. Copies of such documents and forms are available upon request at the offices of the authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

VA.R. Doc. No. R98-150; Filed December 16, 1997, 11 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 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**NOTICE:** Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating certain regulations. However, the Commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-70-10 et seq. Pertaining to the Harvesting of Clams (amending 4 VAC 20-70-150).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: January 1, 1998.

#### Preamble:

*This regulation establishes rules and procedures governing licensing, use of gear, and times for harvesting soft shell clams and hard shell clams from public, leased, and unassigned grounds of the Commonwealth.*

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

#### **4 VAC 20-70-150. Penalty.**

A. Except as provided in subsections B and C of this section, as set forth below in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. As set forth in § 28.2-520 of the Code of Virginia, and reiterated in 4 VAC 20-70-110, any person using a hydraulic dredge to take hard shell clams from any tidal waters of the Commonwealth shall be guilty of a Class 1 misdemeanor.

C. As set forth in § 28.2-531 of the Code of Virginia, and reiterated in part in 4 VAC 20-70-50 A, 4 VAC 20-70-90, and 4 VAC 20-70-120 C, any person taking clams from public, unassigned, or leased ground during the hours from sunset to sunrise or on Sunday, and not otherwise excepted by § 28.2-531 of the Code of Virginia, shall be guilty of a Class 3 misdemeanor; provided, however, that any person violating the additional provisions of (i) no use of a hydraulic dredge on Saturday for the catching of soft shell clams from public or unassigned ground, imposed by 4 VAC 20-70-90, and (ii) no

use of a conventional dredge between the hours of one hour before sunset and one hour after sunrise for the catching of hard shell clams from public, unassigned, or leased grounds, imposed by 4 VAC 20-70-120, shall be subject to the penalty set forth in § 28.2-903 of the Code of Virginia.

VA.R. Doc. No. R98-146; Filed December 11, 1997, 10:08 a.m.

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Title of Regulation: 4 VAC 20-252-10 et seq. Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-10, 4 VAC 20-252-20, 4 VAC 20-252-50, 4 VAC 20-252-60, 4 VAC 20-252-70, 4 VAC 20-252-80, 4 VAC 20-252-120, 4 VAC 20-252-130, 4 VAC 20-252-140, 4 VAC 20-252-150, and 4 VAC 20-252-160; and adding 4 VAC 20-252-85).

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: January 1, 1998.

#### Preamble:

*This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The provisions of this regulation are intended to comply with all federal and interstate requirements for fishing for striped bass. This regulation also authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the conditions required for their culture.*

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

#### **4 VAC 20-252-10. Purpose.**

The purpose of this chapter is to provide for the continued sustained yield from the recovered striped bass stocks in Virginia and to limit the growth of the number of commercial participants in this fishery. The provisions pertaining to aquaculture serve to prevent the escape of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

*This regulation is not intended to create any property right in anyone, and the commission reserves the right to change this regulation at any time it deems it necessary because of biological conditions and to change the regulation in all other respects at any time it deems it necessary to carry out its statutory mission, except that, in order to promote the most effective allocation of tags, the initial allocation system will not be changed this calendar year.*

**4 VAC 20-252-20. Definitions.**

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

"*Chesapeake Bay and its tributaries*" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area ~~as defined by this section~~, and excluding the Potomac River tributaries as defined by this section.

"*Coastal area*" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"*Commission*" means the Marine Resources Commission.

"*Commercial fishing*" or "*fishing commercially*" or "*commercial fishery*" means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

"*Potomac River tributaries*" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the District of Columbia boundary.

"*Recreational fishing*" or "*fishing recreationally*" or "*recreational fishery*" means fishing by any person, whether licensed or exempted from license licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"*Share*" means a percentage of the striped bass commercial harvest quota of tags.

"*Spawning reaches*" means sections within the spawning rivers as follows:

1. James River from a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River from the Route 33 Bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River from the Route 33 Bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River from the Route 360 Bridge at Tappahannock upstream to the Route 1 Falmouth Bridge.

"*Striped bass*" means any fish of the species *Morone saxatilis*, including any hybrid of the species *Morone saxatilis*.

**4 VAC 20-252-50. Concerning recreational fishing: general.**

A. It shall be unlawful for any person fishing recreationally to take or to catch striped bass with any gear other than hook and line, rod and reel, or hand line.

B. It shall be unlawful for any person fishing recreationally to possess any striped bass while fishing in an area where or at a time when there is no open recreational striped bass season. Striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person fishing recreationally to possess striped bass in excess of the possession limit applicable for the area and season being fished. Striped bass taken in excess of the possession limit shall be returned to the water immediately. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the applicable personal possession limit. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

D. It shall be unlawful to combine possession limits when there is more than one area or season open at the same time.

E. It shall be unlawful for any person while actively fishing pursuant to a recreational fishery to possess any striped bass that are smaller than the minimum size limit or larger than the maximum size limit for the area and season then open and being fished. Any striped bass caught that does not meet the applicable size limit shall be returned to the water immediately.

F. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by hook and line, rod and reel, or hand line provided, however, this provision shall not apply to persons possessing a commercial hook-and-line license and a striped bass permit and meeting the other requirements of this chapter.

G. It shall be unlawful for any person fishing recreationally to transfer any striped bass to another person, while on the water or while fishing from a pier or shore.

H. It shall be unlawful for the captain of any charter boat or charter vessel to take hook-and-line, rod-and-reel, or hand line fishermen for hire unless the captain has obtained a permit from the commission and is the holder of a Coast Guard charter license.

I. Charter boat captains shall report to the commission, on forms provided by the commission, all daily quantities of striped bass caught and harvested, and daily fishing hours for themselves or their customers, respectively. The written report shall be forwarded to the commission no later than 15 days following the last day of any open season. In addition, charter boat captains engaging in the Bay and Coastal Spring Trophy-size Striped Bass Recreational Fishery and the

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# Final Regulations

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Potomac River Tributaries *Spring Trophy-size Striped Bass Recreational Fishery* shall provide the report required by 4 VAC 20-252-60 and 4 VAC 20-252-70, respectively. Failure to provide these reports is a violation of this chapter.

#### **4 VAC 20-252-60. Bay and Coastal *Spring Trophy-size Striped Bass Recreational Fishery.***

A. The open season for ~~this~~ *the Bay and Coastal Spring Trophy-size Striped Bass Recreational Fishery* shall be May 1 through May 15, inclusive; provided, however, the season may be adjusted as set forth in subsection E of this section.

B. The area open for this fishery shall be the coastal area and the Chesapeake Bay and its tributaries, except the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers.

C. The minimum size limit for this fishery shall be 32 inches total length.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined by 4 VAC 20-252-70, shall have a target take of 30,000 total fish coming from both the Virginia and Maryland portions of the Chesapeake Bay and any tributaries of the Chesapeake Bay and the Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the commission. There will be separate forms for persons and for charter boats or vessels.

#### **4 VAC 20-252-70. Potomac River Tributaries *Spring Trophy-size Striped Bass Recreational Fishery.***

A. The open season for the Potomac River Tributaries *Spring Trophy-size Striped Bass Recreational Fishery* shall correspond to the open season as established by the Potomac River Fisheries Commission for the mainstem Potomac River *Spring Trophy-size Fishery*.

B. The area open for this fishery shall be those tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the Route 301 Bridge.

C. The minimum size limit for this fishery shall be 32 inches total length.

D. The possession limit for this fishery shall be one fish per person.

E. This fishery, combined with the fishery defined by 4 VAC 20-252-60 shall have a target take of 30,000 total fish coming from both the Virginia and Maryland portions of the

Chesapeake Bay and any tributaries of the Chesapeake Bay and Potomac River, and includes the area under the jurisdiction of the Potomac River Fisheries Commission. The season for this fishery shall be closed when it is determined that this total target has been reached.

F. Persons engaging in this fishery shall report the retention of any striped bass to the commission. Filing the report shall be the responsibility of the person retaining the striped bass, or, in the case of any charter boat or vessel, the captain of the charter boat or vessel. These reports are due 15 days after the close of this fishery and shall be on forms provided by the Commission. There will be separate forms for persons and for charter boats or vessels.

#### **4 VAC 20-252-80. Bay *Spring/Summer Striped Bass Recreational Fishery.***

A. The open season for the Bay *Spring/Summer Striped Bass Recreational Fishery* shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 18 inches total length, and the maximum size limit for this fishery shall be 28 inches total length.

D. The possession limit for this fishery shall be two fish per person.

#### **4 VAC 20-252-85. Potomac River Tributaries *Spring/Summer Striped Bass Recreational Fishery.***

A. *The open season for the Potomac River Tributaries Spring/Summer Striped Bass Recreational Fishery shall correspond to the open spring season as established by the Potomac River Fisheries Commission for the mainstem Potomac River.*

B. *The area open for this fishery shall be the Potomac River tributaries.*

C. *The minimum size limit for this fishery shall be 18 inches total length.*

D. *The possession limit for this fishery shall correspond to the limit established by the Potomac River Fisheries Commission for the mainstem Potomac River.*

#### **4 VAC 20-252-120. Concerning commercial fishing: general.**

A. It shall be unlawful for any person to engage in the commercial fishery for striped bass without first having the necessary commercial fisherman's registration license and appropriate gear license as required by Title 28.2 of the Code of Virginia, and the special permit to fish for striped bass established in 4 VAC 20-252-130.

~~B. It shall be unlawful for any person fishing commercially to harvest striped bass by any method other than gill net, pound net, haul seine, fyke net, or commercial hook and line.~~

~~The harvest of striped bass by any person using any of these gear is presumed to be a commercial harvest.~~

~~C. B. It shall be unlawful for any person fishing commercially to possess any striped bass taken outside any open commercial season or area, or with gear inapplicable to the season and area, as specified in 4 VAC 20-252-140. Any striped bass caught contrary to this provision shall be returned to the water immediately.~~

~~D. C. It shall be unlawful for any person while actively fishing pursuant to a commercial fishery to possess any striped bass that is less than the minimum size limit applicable for the area and season then open and being fished. Any striped bass caught that does not meet the applicable minimum size limit shall be returned to the water immediately.~~

~~E. D. All striped bass in the possession of any person for the purpose of sale must be identified with a tamper evident sealed tag that has been approved and issued by the appropriate authority in the jurisdiction of capture. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.~~

~~F. E. When the striped bass are in the possession of any person, other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of harvest, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. If the striped bass product for sale is fillets, the bill of sale shall also specify the number of fillets.~~

**4 VAC 20-252-130. Entry limits, permits, and reports.**

~~A. There is established a special permit for engaging in the commercial fishery for striped bass, and it shall be unlawful for any person to engage in the commercial fishery for striped bass without first having obtained the permit from the commission. This permit will be for a specific gear, and it shall be unlawful for any person to engage in the commercial fishery for striped bass with any gear not so permitted, except that commercial hook and line may be used by any permittee. Permits will be issued in number and manner as set forth in subdivisions B 1 and B 2 of this section. To be qualified to receive a permit, the applicant must meet the conditions of subdivisions 1, 2, 3, and 4 of this subsection, and the conditions of either subdivision 5 a or b of this subsection. An applicant meeting the conditions of subdivisions 1, 2, 3, 4, and 5 a of this subsection shall be considered a priority applicant and qualified for a permit for specific gear as set forth in subdivision B 2 a of this section.~~

~~1. Applicants shall apply for permits by January 6, 1997, to be eligible to fish during the commercial season beginning February 1. Applicants not in accord with this time period will not be accepted.~~

~~Completed permit applications and supporting documents may be hand delivered, mailed, or faxed to the Marine Resources Commission, 2600 Washington Avenue, P.O. Box 756, Newport News, Virginia 23607. Complete applications must be received at this main office address of the Commission no later than 5 p.m. on the last day of the application period.~~

~~2. Applicants shall apply only for a permit for and use only a single type of commercial gear and will be restricted to that gear type in future years. For the 1997 fishing season, an applicant may apply for a permit for any allowed gear, provided the 1997 application will not result in a larger allocation of tags to the applicant than the 1996 application.~~

~~3. Applicants shall have reported all prior fishing activity in accordance with 4 VAC 20 610 10 et seq. such that the applicant is not under any sanction by the commission for noncompliance.~~

~~4. Applicants shall certify on a form provided by the commission that they harvested and sold at least \$5,000 worth of finfish or shellfish during 1995. Upon request of the commission any applicant or permittee shall present to the commission such records, sales receipts, or tax forms which may be used to verify that the applicant or permittee meets the above criteria. Failure to present sufficient records may result in a revocation of the striped bass permit.~~

~~5. Applicants shall meet either of the following conditions:~~

~~a. Applicants shall have held a valid striped bass commercial gear permit for 1996. Applicants meeting this condition and all prior listed conditions (subdivisions 1 through 4 of this subsection) shall be considered priority applicants.~~

~~b. All other applicants shall meet the requirements described in subdivisions 1 through 4 of this subsection.~~

~~6. The commission may grant exceptions to the limited entry conditions listed above based on hardship. Any person requesting an exception shall provide in writing an explanation of their hardship and all pertinent information relating to these conditions and the hardship. All requests for exceptions must be received at the commission by December 16. The commission shall withhold from distribution to those holding permits three percent of the commercial quota which shall be distributed to those individuals granted exceptions.~~

~~1. There shall be a limited number of permits for specific gear available for the commercial fishery for striped bass for 1997. The maximum number of permits for each specific gear shall be as follows:~~

<del>a. For gill nets</del>	<del>382</del>
<del>b. For pound nets</del>	<del>57</del>

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e. For haul seines	40
d. For fyke nets	7
e. For commercial hook and line	39

2. Permits shall be granted by the commission in the following manner and the maximum number of permits for a gear may be increased if necessary to comply with this manner.

a. A qualified priority applicant (meets the conditions of subdivisions A 1, 2, 3, 4, and 5 a of this section) for a permit for any gear shall be granted a permit for that gear. If the number of qualified priority applicants for a gear exceeds the maximum number of permits available for that gear then the maximum number of permits for that gear shall be increased to equal the number of qualified priority applicants, thus assuring that all qualified priority applicants receive a permit for the gear applied for.

b. In the event the number of qualified priority applicants for any gear take the maximum number of permits available for that gear, then all other qualified applicants (meets the conditions of subdivisions A 1 through 4 and 5 b of this section) from the 1996 waiting list shall be placed, using their relative ranked order, on the 1997 waiting list. Additional qualified applicants for the fishing year shall be placed by lottery on the waiting list in rank order following those qualified applicants from the 1996 waiting list. The 1997 waiting list shall be used to grant any permits in subsequent years, provided the applicant remains qualified.

c. In the event the number of qualified priority applicants for any gear is less than the maximum number of permits available for that gear, then the number of permits not issued for that gear shall be available to other qualified applicants in order of their rank on the 1997 waiting list for that gear.

Initially, permits for the commercial harvest of striped bass in 1998 shall be issued to each person who was permitted by the Marine Resources Commission to harvest striped bass commercially in 1997 and who meets the following conditions:

1. The person shall complete an application provided by the Marine Resources Commission and shall return the application in a timely manner so that it is received at the main office of the commission by 5 p.m. on January 9, 1998.
2. The person shall be a licensed registered commercial fisherman for 1998.
3. The person shall have reported all prior fishing activity in accordance with 4 VAC 20-610-10 et seq. and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.

B. In the event the number of qualified applicants in 1998 is less than 565, then permits shall be issued to other qualified applicants in order of their ranking on the 1997 waiting list. Any permit not claimed in 1998 by its 1997 holder shall be filled from the respective waiting list for the gear specified on that unclaimed 1997 permit.

C. Permits for the commercial harvest of striped bass in 1999 and each year thereafter shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4 VAC 20-252-160.

D. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.

E. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

F. All commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610-10 et seq.

G. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.

H. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

## 4 VAC 20-252-140. Commercial seasons, areas, and size limits.

Except as may be adjusted pursuant to 4 VAC 20-252-150, the open commercial striped bass fishing seasons, areas, and applicable size limits, by gear, shall be as follows:

1. In the Chesapeake Bay and its tributaries and the Potomac River tributaries, the open commercial season for pound net, gill net, haul seine, fyke net, and commercial hook and line shall be from February 1 through December 31, inclusive. The minimum size limit shall be 18 inches total length during the periods of February 1 through December 31. The maximum size limit shall be 28 inches from March 15 through June 15.

2. In the coastal area, the open commercial season for pound net, gill net, haul seine, fyke net, and commercial hook and line shall be February 1 through December 31, inclusive, and the minimum size limit shall be 28 inches total length.

## 4 VAC 20-252-150. Commercial harvest quota; conversion to striped bass tags.

A. All harvests of striped bass by gill net, pound net, haul seine, fyke net, and commercial hook and line shall be used in arriving at the total allowable level of commercial harvest.

~~B. A. The commercial harvest quota shall be determined annually by the Marine Resources Commission. For 1998, the total allowable level of all commercial harvest of striped bass for all open seasons and for all legal gear shall be 1,701,748 pounds of whole fish. At such time as the total commercial harvest of striped bass is projected to reach 1,701,748 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes. Such cessation of landing and possession of striped bass shall apply to all gears, even in the event some specific gear quotas may not have been reached. At such time as the harvest by any specific gear is projected to reach the total allowable level of commercial striped bass harvest for that gear, as set forth in subsections C, D, E, F, and G of this section, and announced as such, it shall be unlawful for any person to land or possess striped bass caught by that gear.~~

~~B. For the purposes of assigning individual shares, as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota to arrive at the commercial harvest quota of tags.~~

~~C. The total allowable level of commercial striped bass harvest by gill net shall be 68.6% of the total allowable sum of pounds of whole fish set forth in subsection B of this section. Initially, in 1998, the commercial striped bass quota of tags shall be distributed to qualified applicants based upon the gear type specified on the applicant's 1997 striped bass permit or his 1997 gear-specific waiting list. The total quota of striped bass tags shall be divided according to the gear categories as follows: 68.60% to those holding gill net permits, 24.50% to those holding pound net permits, 2.94% to those holding haul seine permits, 1.96% to those holding fyke net permits, and 2.0% to those holding commercial hook-and-line permits.~~

~~D. The total allowable level of commercial striped bass harvest by pound net shall be 24.5% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.~~

~~E. The total allowable level of commercial striped bass harvest by haul seine shall be 2.94% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.~~

~~F. The total allowable level of commercial striped bass harvest by fyke net shall be 1.96% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.~~

~~G. The total allowable level of commercial striped bass harvest by hook and line shall be 2.0% of the total allowable sum of pounds of whole fish set forth in subsection B of this section.~~

#### 4 VAC 20-252-160. Individual transferrable shares; ~~commercial catch limits and tagging.~~

~~A. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.~~

~~B. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.~~

~~A. Each person permitted under the provisions of 4 VAC 20-252-130 A or B to harvest striped bass commercially in 1998 shall receive an initial, equal gear-specific share of the commercial harvest quota of tags as described in 4 VAC 20-252-150 C. After the initial distribution, tags shall be distributed to permitted fishermen in amounts equal to the share they hold.~~

~~B. Shares of the commercial striped bass quota of tags held by any permitted fisherman may be transferred to any other person who is a licensed registered commercial fisherman; such transfer shall allow the transferee to harvest striped bass in a quantity equal to the share transferred. Any transfer of striped bass commercial shares shall be limited by the following conditions.~~

~~1. Commercial striped bass shares shall not be transferred in any quantity less than 25% of the original share allowed under subsection A of this section.~~

~~2. No licensed registered commercial fisherman shall hold shares totaling more than 2.0% of the total annual commercial striped bass harvest quota of tags.~~

~~3. No transfer of striped bass commercial harvest quota shares shall be authorized unless such transfer is documented on a form provided by the Marine Resources Commission, notarized by a lawful Notary Public, and approved by the commissioner.~~

~~C. The Commission will issue striped bass tags to permitted gill net, haul seine, fyke net and commercial hook and line fishermen prior to the start of the fishing season. Tags will be issued to pound net fishermen three times per year. The number of tags distributed shall be based upon the available poundage quota converted to number of fish from estimates of the gear specific average weight of striped bass harvested during the previous fishing period. Any increase in the commercial harvest quota beyond the 1998 quota shall be distributed such that one half of the increase is provided to current permit holders and one half is used to provide permits and tags to persons on the waiting list in accordance with the provision of this chapter. Transfers of striped bass commercial quota shares from one person to another may be permanent or temporary. Permanent transfers of commercial quota shares shall grant to the transferee that transferred share of the quota of tags for future years, and the transferor~~



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loses that same transferred share of the quota of tags in future years. Temporary transfers of striped bass commercial harvest quota shares shall allow the transferee to harvest that transferred share of the quota of tags during the year in which the transfer is approved. Thereafter, any share of the transferred striped bass commercial quota of tags reverts back to the transferor.

~~C. D. The commission will issue striped bass tags to permitted gill net, haul seine, fyke net and commercial hook and line striped bass commercial fishermen prior to the start of the fishing season. Tags will be issued to pound net fishermen three times per year. The number of tags distributed shall be based upon the available poundage quota converted to number of fish from estimates of the gear specific average weight of striped bass harvested during the previous fishing period. Any increases in the commercial harvest quota beyond the 1996 quota shall be distributed such that one half of the increase is provided to current permit holders and one half is used to provide permits and tags to persons on the waiting list in accordance with the provision of this chapter.~~

~~D. E. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. It shall be unlawful for any permittee to transfer any tag to another person. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from using crew to harvest his allotment of striped bass provided each crew member is a registered commercial fisherman licensed for use of commercial hook and line. The commissioner, when exceptional circumstances exist, may authorize in writing, the temporary transfer of tags from a permittee to another permittee.~~

A. F. At the place of capture, and as soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

~~B. G. It shall be unlawful to bring to shore any commercially caught striped bass that has not been marked by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession.~~

~~E. H. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.~~

~~F. I. Any tags issued and not used shall be returned to the commission by the permittee within 15 days after the close of the commercial fishery for the year.~~

VA.R. Doc. No. R98-148; Filed December 11, 1997, 10:07 a.m.

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**Title of Regulation:** 4 VAC 20-752-10 et seq. Pertaining to the Hampton Roads and Bayside Eastern Shore Blue Crab Management Areas (amending 4 VAC 20-752-20).

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** January 1, 1998.

**Summary:**

*This regulation establishes the Hampton Roads and Bayside Eastern Shore Blue Crab Management Areas and provisions to control the harvest of crabs from these areas. The amendment revises the northern boundary line of the Bayside Eastern Shore Blue Crab Management Area.*

**Agency Contact:** Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

**4 VAC 20-752-20. Blue crab management areas.**

The following management areas are established:

1. The Hampton Roads Blue Crab Management Area shall consist of all tidal waters inshore and upstream of a line formed by the extreme south and north ends of the westbound span of the Hampton Roads Bridge Tunnel.
2. The Bayside Eastern Shore Blue Crab Management Area shall consist of all tidal waters within a line beginning at buoy R"14" on the eastern side of the Chesapeake Channel at the Chesapeake Bay Bridge Tunnel, thence continuing northwesterly along the eastern side of Chesapeake Channel following the buoy line to buoy R"22," R"30," thence continuing in a ~~northeasterly~~ *easterly* direction and extending through Flashing Light "2" (SW of Old Plantation Creek) to the ~~mean low waterline, to the northernmost point of the northern concrete ship at Kiptopeke, thence due east to the mean low waterline,~~ thence continuing southerly following the mean low waterline to its intersection with the Chesapeake Bay Bridge Tunnel, thence following the north side of the Chesapeake Bay Bridge Tunnel to buoy R"14," the point of beginning.

VA.R. Doc. No. R98-147; Filed December 11, 1997, 10:09 a.m.

## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: 6 VAC 20-20-10 et seq. Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers (amending 6 VAC 20-20-10, 6 VAC 20-20-20, 6 VAC 20-20-30, 6 VAC 20-20-40, 6 VAC 20-20-50, 6 VAC 20-20-70, 6 VAC 20-20-80 and 6 VAC 20-20-90; adding 6 VAC 20-20-21, 6 VAC 20-20-25 and 6 VAC 20-20-61; repealing 6 VAC 20-20-60, 6 VAC 20-20-100 and 6 VAC 20-20-110).

Statutory Authority: § 9-170 of the Code of Virginia.

Effective Date: February 4, 1998.

#### Summary:

The amendments ensure that training provided to entry level law-enforcement officers relates directly to the knowledge, skills and abilities necessary for the performance of the requirements of the position at a minimum level of competence. As a result of the public hearings, amendments were adopted which specified that the individuals appointed to the newly created "Curriculum Review Committee" would be appointed by the Committee on Training of the Criminal Justice Services Board and provided for an increased implementation period from January 1, 1999 to July 1, 1999. Significant amendments to the existing regulations relate to the content required for entry level law-enforcement training which is based on a job task analysis conducted on the position; the number of minimum required hours for entry level law-enforcement training which increased from 315 to 580; the method by which training objectives, test criteria and lesson plan guides may be updated to reflect current training needs; and the academy approval processes for any academy formed after February 4, 1998.

Summary of Public Comments 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 George B. Gotschalk, Jr., Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219, telephone (804) 786-8001.

#### 6 VAC 20-20-10. Definitions.

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

"Academy director" means the chief administrative officer of a certified training academy.

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency.

"Approved training" means training approved by the department to meet minimum training standards.

~~"Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training criminal justice personnel.~~

"Board" means the Criminal Justice Services Board.

"Certified training academy" means a training facility in compliance with academy certification standards operated by the state or local units of government for the purpose of providing instruction of compulsory minimum training standards.

"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the Criminal Justice Services Board.

"Curriculum Review Committee" means the committee consisting of nine individuals representing the certified academies. Four members of the committee shall represent regional criminal justice academies, four members of the committee shall represent independent criminal justice academies, and one member shall represent the Department of State Police Training Academy. [ The Committee on Training shall appoint members of the Curriculum Review Committee. ]

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department or his designee.

~~"School director" means the chief administrative officer of an approved training school.~~

#### 6 VAC 20-20-20. Compulsory minimum training standards.

Pursuant to the provisions of § 9-170 (2) of the Code of Virginia, the department establishes ~~the following as the compulsory minimum training~~ these standards for compulsory minimum training for full-time and part-time law-enforcement officers as defined by § 9-169(9) of the Code of Virginia:

##### I. Core curriculum for all law enforcement officers.

~~The performance objectives constituting the core and subcore curricula are detailed in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training for Law Enforcement Officers" (June 1983).~~

~~1.0. The Role of Law Enforcement Performance Objectives 1.1 through 1.4.~~

~~2.0. Law Enforcement Within the Criminal Justice System Performance Objectives 2.1 through 2.4.~~

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~~3.0. Law Enforcement As a Profession — Performance Objectives 3.1 through 3.6.~~

~~4.0. Protection of Life — Performance Objectives 4.1 through 4.12.1.2 (See also firearms course descriptions).~~

~~5.0. Vehicle Operations — Performance Objectives 5.1 through 5.6.~~

~~6.0. Communication — Performance Objectives 6.1 through 6.5.7.~~

~~7.0. Interview and Interrogation Techniques — Performance Objectives 7.1 through 7.3.2.~~

~~8.0. Arrest Procedures and Techniques — Performance Objectives 8.1 through 8.7.~~

~~9.0. Patrol Techniques — Performance Objectives 9.1 through 9.26.2.~~

~~10.0. Search, Seizure and Evidence — Performance Objectives 10.1 through 10.5.8.~~

~~11.0. Basic Law — Performance Objectives 11.1 through 11.10.5.~~

~~12.0. Criminal Investigation — Performance Objectives 12.1 through 12.14.3.~~

~~13.0. Enforcement of Narcotics and Dangerous Drug Laws — Performance Objectives 13.1 through 13.2.11.~~

~~14.0. Handling Juvenile Matters — Performance Objectives 14.1 through 14.2.5.~~

~~15.0. Traffic Control and Enforcement — Performance Objectives 15.1 through 15.12.1.~~

~~16.0. Custody Procedures — Performance Objectives 16.1 through 16.4.~~

~~17.0. Crime Information and Communication Systems — Performance Objectives 17.1 through 17.4.~~

~~18.0. Surveillance Techniques — Performance Objectives 18.1 through 18.3.~~

~~II. General Sub Core Curriculum (Excluding Virginia State Police).~~

~~19.0. Court System — Performance Objectives 19.1 through 19.8.~~

~~20.0. Crime Prevention — Performance Objectives 20.1 through 20.6.~~

~~Total Core Curriculum Hours ————— 312~~

~~Total General Sub core Curriculum Hours ————— 3~~

~~Total ————— 315~~

~~III. Field Training.~~

~~A. Field training will include 60 hours of local training with selected experienced law enforcement officers. All departments or agencies will follow the format as set forth below in Section B. Field training must be completed and the~~

~~appropriate form forwarded to the department no later than 120 days after completion of the basic school.~~

~~B. Training — Local.~~

~~1. Departmental Policies, Rules and Regulations.~~

~~2. Departmental Procedures.~~

~~(a) Reports and Communications~~

~~(b) Operations of Department~~

~~3. Liaison with Commonwealth's Attorney, Judge, and Other Criminal Justice Agencies (Federal, State and Local)~~

~~4. Local Ordinances.~~

~~5. Operation of Departmental and/or Law Enforcement Vehicle.~~

~~6. Familiarization and Execution of Legal Documents.~~

~~7. Familiarization of Territory and Facilities.~~

~~8. Familiarization with Magistrates and Courts.~~

~~9. Administrative Handling of Mental Cases.~~

~~10. Local Juvenile Procedures.~~

~~11. Structure of Local Government.~~

~~12. Detention Facility and Booking Procedures.~~

**6 VAC 20-20-21. Performance outcomes and minimum hours required.**

*A. The performance outcomes are detailed in the document entitled "Performance Outcomes for Compulsory Minimum Training For Law Enforcement Officers," [ May December ] 1997, which is incorporated by reference and made a part of this chapter.*

*B. Academy training.*

*1. Category 1 - Professionalism, Performance Outcomes 1.1 through 1.5*

*2. Category 2 - Legal Issues, Performance Outcomes 2.A.1 through 2.C.1.f*

*3. Category 3 - Communications, Performance Outcomes 3.A.1 through 3.B.3*

*4. Category 4 - Patrol, Performance Outcomes 4.A.1 through 4.H.3*

*5. Category 5 - Investigations, Performance Outcomes 5.A.1 through 5.D.2*

*6. Category 6 - Defensive Tactics/Use of Force, Performance Outcomes 6.A.1 through 6.F.1*

*7. Category 7 - Weapons Use, Performance Outcomes 7.A.1 through 7.A.3.d*

*8. Category 8 - Driver Training, Performance Outcomes 8.A.1 through 8.A.7*

9. Category 9 - Physical Training, Performance Outcomes 9.A.1 through 9.B.9 (Optional)

ACADEMY TRAINING HOURS - 480 (excluding Category 9)

C. Field training.

Category 10 - Field Training, Performance Outcomes 10.A.1 through 10.J.6

FIELD TRAINING HOURS - 100

TOTAL MINIMUM TRAINING STANDARDS HOURS - 580 (excluding Category 9)

**6 VAC 20-20-25. Approval authority.**

A. The Criminal Justice Services Board shall be the approval authority for the training categories, hours and performance outcomes of the compulsory minimum training standards. Amendments to training categories, hours and performance outcomes shall be made in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. The Committee on Training of the Criminal Justice Services Board shall be the approval authority for the training objectives, criteria and lesson plan guides which support the performance outcomes. Training objectives, criteria and lesson plan guides supporting the compulsory minimum training standards and performance outcomes may be added, deleted or amended by the Committee on Training based upon written recommendation of a chief of police, sheriff, agency administrator, academy director or the Curriculum Review Committee.

Prior to approving changes to training objectives, criteria or lesson plan guides, the Committee on Training shall conduct a public hearing. Sixty days prior to the public hearing, the proposed changes shall be distributed to all affected parties for the opportunity to comment. Notice of change of training objectives, criteria and lesson plan guides shall be filed for publication in the Virginia Register of Regulations upon adoption, change or deletion. The department shall notify each certified academy in writing of any new, revised, or deleted objectives. Such adoptions, changes or deletions shall become effective 30 days after notice of publication in the Virginia Register.

**6 VAC 20-20-30. Applicability.**

A. Every person employed as a full-time or part-time law-enforcement officer, as defined by § 9-169 (9) of the Code of Virginia, subsequent to July 1, 1971, ~~must meet compulsory minimum training standards herein established unless provided otherwise in accordance with subsection B~~ shall satisfactorily complete the compulsory minimum training standards for law-enforcement officers.

B. The director may grant ~~a waiver~~ an exemption or partial ~~waiver of exemption~~ from the compulsory minimum training standards set forth in ~~6 VAC 20-20-20~~ 6 VAC 20-20-21 to a law-enforcement officer of any political subdivision of the

Commonwealth, who has had previous experience and training as a ~~law-enforcement officer~~ provided in § 9-173 of the Code of Virginia.

C. Any person not employed as a full-time or part-time law-enforcement officer on July 1, 1971, who remains out of law-enforcement for ~~a period of time in excess of more than~~ 24 months, upon reappointment as a full-time or part-time law-enforcement officer, ~~will~~ shall be required to comply with the compulsory minimum training standards unless provided otherwise in accordance with subsection B of this section.

**6 VAC 20-20-40. Time requirement for completion of training.**

A. Every law-enforcement officer who is required to ~~the~~ comply with the compulsory minimum training standards ~~must~~ shall satisfactorily complete such training within 12 months of the date of appointment as a law-enforcement officer.

B. The director, or his designee, may grant an extension of the time limit for completion of the compulsory minimum training ~~required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service, or special duty assignment required and performed in the public interest. The agency administrator must request such extension prior to expiration of any time limit.~~ standards under the following conditions:

1. Illness;
2. Injury;
3. Military service;
4. Special duty assignment required and performed in the public interest;
5. Administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime; or
6. Any other reason documented by the agency administrator. Such reason shall be specified and approval granted shall not exceed 90 days.

C. Law-enforcement officers who do not complete training within 12 months of employment as a law-enforcement officer, or who do not receive an extension of the time limit for completion of training, shall be subject to the provisions of § 9-181 of the Code of Virginia. The department shall notify the agency administrator of any officer not in compliance with the requirements of this section.

**6 VAC 20-20-50. How Compliance with compulsory minimum training standards may be attained.**

A. The compulsory minimum training standards shall be ~~attained accomplished by attending and satisfactorily completing an approved training school~~ satisfactory completion of the academy training objectives and criteria at a certified training academy and the successful completion of

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~~field training objectives unless otherwise provided by 6 VAC 20-20-30 B.~~

~~B. Officers attending an approved training school are required to attend all classes and should shall not be placed on duty or call except in cases of emergency.~~

~~C. All approved training schools which begin on or after July 1, 1984, shall be conducted in conformance with the Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers as amended by the board on July 6, 1983. However, the period July 6, 1983, through June 30, 1984, shall serve as a transition period wherein training schools may be approved by the department to conduct training according to the Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers as amended by the board on November 10, 1982, or according to the Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers as amended by the board on July 6, 1983. Every law enforcement officer satisfactorily completing training approved by the department under the rules as amended on November 10, 1982, or under the rules amended on July 6, 1983, shall be deemed to have complied with the compulsory minimum training standards for law enforcement officers.~~

~~C. The Criminal Justice Services Board will provide a [ one year ] transition period for implementation of this chapter. The transition period shall begin [ with the effective date of this chapter February 4, 1998 ]. During the transition period, certified training academies may conduct law-enforcement entry-level training using the performance objectives within the "Compulsory Minimum Training Standards for Law-Enforcement Officers," effective July 6, 1983, or the performance outcomes and training objectives. Accordingly, any certified training academy may institute a curriculum transition by replacing existing performance objectives with the revised performance outcomes and training objectives. Effective [ January July ] 1, 1999, all entry-level training programs shall meet the requirements of 6 VAC 20-20-21.~~

## **6 VAC 20-20-60. Approved training schools. (Repealed.)**

~~A. Law enforcement officers training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the performance objectives by number, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be granted for good cause shown by the school director.~~

~~B. Each school director will be required to maintain a file of all current lesson plans and supporting material for each~~

~~subject contained in the compulsory minimum training standards.~~

~~C. Schools which are approved will be subject to inspection and review by the director and/or staff.~~

~~D. The director may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.~~

~~E. The director may revoke the approval of any approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.~~

## **6 VAC 20-20-61. Certified training academies.**

~~A. To become a certified academy, a state or local unit of government must demonstrate a need which contains the following elements:~~

- ~~1. The inability to obtain adequate training from existing academies or a sufficient hardship which renders the use of other existing academies impractical.~~
- ~~2. Based upon a training needs assessment, a sufficient number of officers to warrant the establishment of a full-time training function for a minimum of five years.~~

~~B. In addition, the state or local unit of government must make the following commitments:~~

- ~~1. The provision of a full range of training to include entry-level training, in-service training, recertification training, specialized training and instructor certification.~~
- ~~2. The assignment of one position with primary responsibility as academy director and one clerical position to support training and training-related functions.~~
- ~~3. The maintenance of a training facility adequate to conduct training in accordance with academy certification standards.~~
- ~~4. The commitment of sufficient funding to adequately support the training function.~~

~~C. Process.~~

- ~~1. The state or local governmental unit shall submit a justification to the Committee on Training as described in subsection B of this section. The Committee on Training shall review the justification and make a recommendation to the department as to whether the establishment of an academy is warranted.~~
- ~~2. If the Committee on Training recommends the establishment of the proposed academy, the department~~

shall make a determination as to whether the establishment of the academy is warranted.

3. If the establishment of the academy is approved by the department, the proposed academy must successfully complete the academy certification process.

D. The certified training academy shall submit to the department its curriculum and other information as designated within time limitations established by the department.

E. Each academy director shall maintain a file of all current lesson plans and supporting material for training objectives and shall provide this information to the director upon request.

F. A certified training academy is subject to inspection and review by the director or his staff.

G. The department may suspend or revoke the certification of any certified training academy upon written notice, which shall contain the reason or reasons upon which the suspension or revocation is based, to the academy's director. The academy's director may request a hearing before the director. The request shall be in writing and shall be received by the department within 15 days of the date of the notice of the suspension or revocation. The academy's director may appeal the director's decision to the board.

## 6 VAC 20-20-70. Grading.

A. Each officer shall comply with the requirements of all the performance objectives set forth in 6 VAC 20-20-20 and the document entitled "Performance Objectives for Law Enforcement Officers" (September 1994). All approved training schools shall utilize testing procedures which indicate that every officer, prior to satisfactory completion of the training school, has met the requirements set forth in each performance objective specified in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training for Law Enforcement Officers" (June 1983). All certified training academies shall utilize testing procedures which indicate that every officer has satisfactorily completed the criteria in each training objective approved by the Committee on Training of the Criminal Justice Services Board. An officer may be tested and retested as may be necessary within the time limits of 6 VAC 20-20-40 of this chapter and in accordance with each academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met, including field training.

B. Approved law enforcement Certified training schools academies shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.

C. The school director shall complete a grade report on each officer on forms approved by the department.

~~D. The following firearms training will be required for each officer attending an approved school:~~

- ~~1. Nomenclature and care of service revolver~~
- ~~2. Safety (on the firearms range, on duty and off duty)~~
- ~~3. Legal responsibilities and liabilities of firearms~~
- ~~4. Service revolver (handling, firing principles)~~
- ~~5. Dry firing and application of basic shooting principles~~
- ~~6. Prequalification shooting (150 rounds, minimum)~~
- ~~7. Virginia Modified Double Action Course (70% minimum qualification required)~~
- ~~8. Qualification (70% minimum required) on one of the following record courses:~~
  - ~~a. Modified Tactical Revolver Course~~
  - ~~b. Modified Practical Pistol Course~~
  - ~~c. Virginia Modified Combat Course I~~
  - ~~d. Virginia Modified Combat Course II~~
- ~~9. Familiarization with the police shotgun (20 rounds required shoulder and hip position)~~

## 6 VAC 20-20-80. Failure to comply with rules and regulations.

~~Law enforcement officers~~ Any individual attending approved training schools a certified training academy shall comply with the rules and regulations promulgated by the department and any other rules and regulations within the authority of the school director. The school academy director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school academy director considers a violation of the rules and regulations detrimental to the welfare of the school academy, the school academy director may expel the officer individual from the school academy. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the director individual in accordance with the rules and regulations within the authority of the certified training academy.

## 6 VAC 20-20-90. Administrative requirements.

A. Reports will be required from the agency administrator and school academy director on forms approved by the department and at such times as designated by the director.

B. The agency administrator shall within 120 days forward a properly executed field training form to the department for each officer, within 12 months of employment.

C. The school academy director shall, within 30 days upon completion of an approved training school, comply with the following:

- ~~1. Prepare a grade report on each officer maintaining the original for the academy records and forwarding a copy to the agency administrator of the officer.~~

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~~2- 1. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session the compulsory minimum training standards.~~

~~2. Submit to the department the final curriculum with the training objectives, hours and instructor names listed.~~

D. The ~~school academy~~ director shall furnish each instructor with the applicable performance ~~objectives~~ *outcomes, criteria and lesson plan guides* for assigned subject matter.

**6 VAC 20-20-100. ~~Effective date. (Repealed.)~~**

~~These rules shall be effective on and after July 6, 1983, and until amended or repealed.~~

**6 VAC 20-20-110. ~~Adopted. (Repealed.)~~**

~~This chapter was adopted April 28, 1971; amended July 6, 1983.~~

**NOTICE:** The forms used in administering 6 VAC 20-20-10 et seq., Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers, are listed below. Any amended forms are reflected in the listing and are published following the listing.

Application for Exemption From Virginia Compulsory Minimum Training Standards, Form W-2, eff. 1/91.

Field Training: Law Enforcement, B-13, ~~eff. 10/83~~ rev. 1/98.

Criminal Justice Training Roster, Form 41, ~~eff. 1/93~~ rev. 4/94.

**DOCUMENT INCORPORATED BY REFERENCE**

Performance Outcomes for Compulsory Minimum Training for Law Enforcement Officers, ~~September~~ December 1997, Department of Criminal Justice Services.

B-13 (rev. 1-88)

Department of Criminal Justice Services  
Field Training: Law Enforcement



Officers Name \_\_\_\_\_ SSN: \_\_\_\_\_

Department: \_\_\_\_\_

Academy Attended: \_\_\_\_\_

Academy Completion Date: \_\_\_\_\_

Field Training Section	Performance Outcomes	Date Completed (mm/dd/yy)	Not Applicable (mm/dd/yy)	Field Training Instructor Initials
10.A. Department Policies, Procedures & Operations	Performance Outcomes Numbers 10.A.1 through 10.A.47			
10.B. Local Government Structure & Local Ordinances	Performance Outcomes Numbers 10.B.1 through 10.B.6			
10.C. Court Systems, Personnel, Functions, & Locations	Performance Outcomes Numbers 10.C.1 through 10.C.4			
10.D. Resources and Referrals	Performance Outcomes Numbers 10.D.1 through 10.D.3			
10.E. Records and Documentation	Performance Outcomes Numbers 10.E.1 through 10.E.9			
10.F. Administrative Handling of Mental Cases	Performance Outcomes Numbers 10.F.1 through 10.F.4			
10.G. Local Juvenile Procedures	Performance Outcomes Numbers 10.G.1 through 10.G.3			
10.H. Detention Facilities and Booking Procedures	Performance Outcomes Numbers 10.H.1 through 10.H.4			
10.I. Facilities and Territory Familiarization	Performance Outcomes Numbers 10.I.1 through 10.I.3			
10.J. Miscellaneous	Performance Outcomes Numbers 10.J.1 through 10.J.6			

The performance outcomes listed above were successfully completed by the above named officer in accordance with § 9.1-70.2, C.G.S. of Virginia (1980), as amended, and the regulations of the Criminal Justice Services Board.

Signature of Agency Administrator \_\_\_\_\_ Date \_\_\_\_\_

FORM 41  
Rev. 4-94

**CRIMINAL JUSTICE TRAINING ROSTER**

DEPARTMENT OF CRIMINAL JUSTICE SERVICES  
COMMONWEALTH OF VIRGINIA  
(Please type. See instructions on reverse side)

FOR DCJS USE ONLY  
AGENCY ID: \_\_\_\_\_  
TRAINING CODE: \_\_\_\_\_

Name of Training Facility: \_\_\_\_\_

To report BASIC TRAINING: (Entry-level) check one of the following: ____ Law Enforcement Officer ____ Jail/Custodial Officer ____ Dispatcher ____ DOC Correctional Officer ____ Court Security Officer/Process Server (In the case of a "combined school" there should be a separate roster for each group of officers who have satisfactorily completed the training.) List only: Date school started _____ Number reported _____ Number dropped out before completion _____ Number satisfactorily completed _____ Number satisfactorily completed _____	(ONLY THOSE OFFICERS WHO HAVE SATISFACTORILY COMPLETED THE TRAINING CHECKED AT THE LEFT OF THIS FORM SHOULD BE LISTED BELOW)			
	Date Officer Completed School (MM-DD-YY)	VA DMV Operator's License Number	Name of Officer (Last, First, Middle Initial)	Department
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
To report INSERVICE TRAINING: (check one of the following): ____ Law Enforcement Officer ____ Jail/Custodial Officer ____ DOC Officer ____ Court Security Officer/Process Server	12			
13				
14				
15				
16				
17				
To report SPECIALIZED TRAINING (Other than mandatory Basic or In-service Training) enter name of course here	18			
19				
20				
21				
22				

(Continue listing on reverse side if necessary. Also complete certification on reverse side.)

VA.R. Doc. No. R97-714; Filed December 16, 1997, 10:11 a.m.



## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations (amending 18 VAC 110-20-490).

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Effective Date: February 4, 1998.

Summary:

*The amendments clarify and expand the current regulations on the use of mechanical devices to be applicable to automated dispensing devices being utilized in hospitals in Virginia. The amendments address the issues of loading, checking, recordkeeping, and drug administration in use of these devices. They are essential to providing guidance to hospitals and assurance to the public of the safety and efficacy of drug stocks in the Commonwealth. The board adopted several changes to the proposed regulations in response to public comments.*

Summary of Public Comments and Agency's 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 Elizabeth Scott Russell, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

**18 VAC 110-20-490. Mechanical Automated devices for dispensing and administration of drugs.**

A hospital may utilize ~~mechanical use automated~~ devices for the dispensing and administration of drugs pursuant to § 54.1-3301 of the Drug Control Act ~~provided the utilization of such mechanical devices is under the personal supervision of the pharmacist. Such supervision shall include: and in accordance with 18 VAC 110-20-270, 18 VAC 110-20-420 or 18 VAC 110-20-460 as applicable. The following conditions shall apply:~~

- ~~1. The packaging and labeling of drugs to be placed in the mechanical dispensing devices. Such packaging and labeling shall conform to all requirements pertaining to containers and label contents.~~
- ~~2. The placing of previously packaged and labeled drug units into the mechanical dispensing device.~~

~~3. The removal of the drug from the mechanical device and the final labeling of such drugs after removal from the dispensing device.~~

~~4. In the absence of a pharmacist, a person legally qualified to administer drugs may remove drugs from such mechanical device.~~

1. Drugs placed in automated dispensing devices shall be in manufacturer's sealed original packaging or in repackaged containers in compliance with the requirements of 18 VAC 110-20-260 relating to repackaging, labeling, and records.

2. If an automated dispensing device is only used in place of a manual floor-stock system and if only persons who are licensed to administer drugs are using the device, nonpharmacist personnel may load drugs into the device provided a pharmacist checks the drugs to be loaded and the pharmacy distribution records prior to the drugs being removed from the pharmacy.

3. If an automated dispensing device is used in place of a patient-specific drug dispensing system, a pharmacist shall either load or check the loading of drugs into the device in accordance with the provisions of 18 VAC 110-20-270 B prior to drugs being removed for administration to a patient.

4. Prior to removal of drugs from the pharmacy, a delivery record shall be generated for all drugs to be placed in an automated dispensing device which shall include the date; drug name, dosage form, and strength; quantity; hospital unit and a unique identifier for the specific device receiving the drug; initials of the person loading the automated dispensing device; and initials of the pharmacist reviewing the transaction.

5. At the time of loading, the delivery record for all Schedule II through V drugs shall be signed by a nurse or other person authorized to administer drugs from that specific device, and the record returned to the pharmacy and maintained in chronological order for a period of two years from date of delivery. [ The delivery record and required signatures may be generated or maintained electronically provided the system being used has the capability of recording an electronic signature which is a unique identifier and restricted to the individual receiving the drugs and provided that this record is maintained in a read-only format which cannot be altered after the information is recorded. The electronic record shall be readily retrievable, maintained for a period of two years, and the system used shall be capable of producing a hard-copy printout of the record upon request. ]

6. At the time of loading any Schedule II through V drug, the person loading will verify that the count of that drug in the automated dispensing device is correct. Any discrepancy noted shall be recorded on the delivery record and immediately reported to the pharmacist in charge, who shall be responsible for reconciliation of the discrepancy or properly reporting of a loss.

7. Automated dispensing devices in hospitals shall be capable of producing a hard-copy record of [ ~~administration~~ distribution ] which shall show patient name, drug name and strength, [ dose withdrawn, ] dose [ to be ] administered, date and time of [ ~~administration~~ withdrawal from the device ], and identity of person [ ~~administering~~ withdrawing ] the drug.

8. [ ~~A pharmacist~~ The pharmacist-in-charge or his designee ] shall conduct at least a [ ~~weekly~~ monthly ] audit and review of all distribution and administration of Schedule II through V drugs from each automated dispensing device. The audit shall reconcile the quantities loaded into the device and still on hand with the quantities removed from the device for administration. This audit shall also check for compliance with written procedures for security and use of the automated dispensing devices, accuracy of [ ~~administration~~ distribution ] from the device, and proper recordkeeping. Random checks shall be made to ensure that a valid order exists for each dose administered. The hard-copy [ ~~administration~~ distribution ] records printed out and reviewed in the audit shall be initialed and dated by the [ ~~pharmacist~~ person ] conducting the audit and maintained in the pharmacy for a period of two years. [ If nonpharmacist personnel conduct the audit, a pharmacist shall review the record and shall initial and date the record. These distribution records reviewed in conducting the audit may be maintained electronically provided they can be readily retrieved upon request; provided they are maintained in a read-only format which does not allow alteration of the records; and provided a log is maintained for a period of two years showing dates of audit and review, the identity of the automated dispensing device being audited, the time period covered by the audit and review, and the initials of all reviewers. ]

9. Except for urgent administration, a pharmacist shall, in accordance with 18 VAC 110-20-270 B, review and release a drug order for a patient prior to administration from an automated dispensing device which is being used in place of a patient specific dispensing system.

10. If an automated dispensing device is used to obtain drugs for dispensing from an emergency room, a separate dispensing record is not required provided the automated record distinguishes dispensing from administration and records the identity of the physician who is dispensing.

11. Automated dispensing devices shall be inspected monthly by pharmacy personnel to verify proper storage, proper location of drugs within the device, expiration dates, the security of drugs and validity of access codes.

12. Personnel allowed access to an automated dispensing device shall have a specific access code which records the identity of the person accessing the device.

13. Proper use of the automated dispensing devices and means of compliance with requirements shall be set forth in the pharmacy's policy and procedure manual.

VA.R. Doc. No. R97-755; Filed December 15, 1997, 4:12 p.m.

**TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS**

**STATE CORPORATION COMMISSION**

**Division of Communications**

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

**Title of Regulation:** 20 VAC 5-400-10 et seq. Telecommunications (amending 20 VAC 5-400-90).

**Statutory Authority:** §§ 12.1-13, 56-508.15 and 56-508.16 of the Code of Virginia.

**Effective Date:** December 29, 1997.

AT RICHMOND, DECEMBER 15, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970173

**Ex Parte:** In the matter of revising Rules for Pay Telephone Service and Instruments pursuant to the Pay Telephone Registration Act

**INTERIM ORDER ON PHASE I**

On November 4, 1997, the State Corporation Commission ("Commission") issued an Order that gave notice of proposed revisions to the Commission's Rules for Pay Telephone Service and Instruments to pay telephone providers, local exchange carriers ("LECs"); and interexchange carriers subject to the Commission's jurisdiction. These proposed rule revisions sought to eliminate disparities between the pay telephone service provided by local exchange carriers and that provided by companies formerly known as private pay telephone providers. All payphone providers are now referred to as Payphone Service Providers in the attached rules. Comments and requests for hearing on the proposed rule revisions were to be filed with the Clerk of the Commission on or before November 25, 1997.

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No requests for hearing were filed in response to the November 4, 1997 Order. Timely comments were filed by Bell Atlantic-Virginia, Inc. ("BA-VA"), GTE South Incorporated ("GTE"), the Virginia Telecommunications Industry Association ("VTIA"), and AT&T Communications of Virginia, Inc. ("AT&T").

On December 3, 1997, the Commission entered an Order that bifurcated the proceeding into two phases. Phase I of the proceeding considered proposed Rules A 1 through A 3, dealing with the registration and fees for the registration of pay telephone instruments. Phase II was to consider additional rule revisions recommended in the comments filed in the proceeding, together with any additional revisions to the rules the Staff and case participants wished the Commission to consider. The December 3, 1997 Order directed the Staff to file a Report addressing the comments on the revisions to proposed Rules A 1 through A 3 with the Clerk of the Commission on or before December 4, 1997. The same Order directed the Staff to telefax a copy of its Report to counsel for BA-VA, GTE, the VTIA, and AT&T, by no later than December 4, 1997. The Order invited BA-VA, GTE, the VTIA, and AT&T to file its respective responses to the Staff Report on or before December 10, 1997, and continued the matter to consider further procedures for Phase II.

On December 4, 1997, the Staff filed its Report. Only Rule A 3 received comment by BA-VA, GTE, and the VTIA. In its Report, among other things, Staff filed a study, supporting its \$4.00 per payphone registration fee. Additionally, the Staff recommended that the Commission modify its rules to provide that late fees for the 1998 registration period be waived for registrations received at the Commission post-marked on or before January 15, 1998. Staff suggested that LECs could seek a legislative remedy if the special regulatory revenue tax proved overly burdensome to them.

Only BA-VA filed Comments in response to Staff's report. In its Comments, BA-VA asserts that the special regulatory revenue tax supports the on-going operations of the Commission and that the registration fee paid previously by non-regulated providers of payphone service was designed to support the incremental costs associated with administering the payphone rules. It maintains that the costs identified in the Staff Report do not appear to be incremental costs and that, as such, incumbent local exchange carriers ("ILECs") appear to be paying the same costs twice -- once in the registration fee and again through the regulatory revenue tax. BA-VA requested that the payphone registration fee be set at \$2.00 per payphone, or if the registration fee is set at \$4.00, that ILECs be allowed to offset the fee by the amount of regulatory revenue tax associated with non-regulated payphone revenues.

NOW, UPON consideration of the rules proposed for consideration in Phase I hereof, the Staff Report, and the Comments received in response thereto, the Commission finds that § 56-508.16 of the Pay Telephone Registration Act ("the Act") authorizes the Commission, when promulgating rules to implement the Act, to levy and collect reasonable

registration or other fees for payphones without regard to whether a payphone service provider is a regulated telephone company or not. Further, as demonstrated by the Staff's December 4, 1997, Report, the administrative costs associated with the registration and investigative processes will increase incrementally as a result of ILECs submitting registration forms. The additional number of payphones, approximately 38,000, will necessarily place a growing administrative burden on the Commission and its Staff.

Contrary to the assertions made in BA-VA's Comments, these are costs that the Commission and its Staff will incur in addition to the costs of regulation already recovered through the regulatory special assessment tax, § 58.1-2660 of the Code of Virginia. As the Staff Report explains, the costs Staff has identified in its study may be understated and do not reflect an increased cost related to enforcement actions that may arise from the increased number of eligible payphone registrants. Accordingly, we find it appropriate to revise Rule 3 to provide for a registration fee of \$4.00 per payphone.<sup>1</sup> As we gain further experience under the operation of our payphone rules, we may subsequently adjust the registration fees to reflect the costs associated with registering the payphones of payphone service providers more precisely.

Finally, we find it appropriate to adopt the Staff's recommendation not to impose a late payment fee for the January 1, 1998, registration period for payphone registrations received by the Public Service Taxation Division bearing a post-mark of no later than January 15, 1998. The revised rules set out in Appendix A should be adopted, effective December 29, 1997, and should supersede those adopted on December 3, 1993, in Case No. PUC930013.<sup>2</sup>

Accordingly, IT IS ORDERED THAT:

(1) Regulations for Pay Telephone Service and Instruments adopted in Case No. PUC930013 are hereby amended as set out in Appendix A hereto, effective December 29, 1997.

(2) A copy of this Order and the rules adopted herein shall be forwarded promptly for publication in the *Virginia Register of Regulations*.

(3) This matter shall be continued pending the issuance of further orders by the Commission.

ATTESTED COPIES of this Order shall be sent by the Clerk of the Commission to: Virginia's local exchange companies as set out in Appendix B attached hereto; Virginia's certificated interexchange carriers as set out in Appendix C attached hereto; Virginia's registered pay telephone service providers as set out in Appendix D

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<sup>1</sup> BA-VA or other LECs, of course, are free to seek legislative relief should they determine that payment of the registration fees and the special regulatory revenue tax is unduly burdensome.

<sup>2</sup> The rules in Appendix A contain minor changes necessary to conform the rules to the requirements of the *Virginia Register of Regulations*. For example, references to "pay telephone service" have been changed to "payphone service" throughout the text of the rules.

attached hereto; Thomas B. Nicholson, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; the Commission's Office of General Counsel; and the Commission's Divisions of Communications and Public Utility Accounting.

**EDITOR'S NOTICE:** Appendices A, B and C, which are the distribution lists referenced in the order printed above, are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

**20 VAC 5-400-90. Regulations for pay telephone payphone service and instruments.**

A. The following shall apply to all ~~pay telephone payphone~~ instruments installed or made available for public use within the Commonwealth of Virginia, ~~whether owned and operated by a local exchange company, an interexchange carrier, a cellular carrier, or a privately owned pay telephone service provider:~~

1. ~~Local exchange telephone companies, interexchange carriers, and cellular carriers are Any Payphone Service Provider (PSP) properly registered, as provided for in subdivision 3 of this subsection, with the State Corporation Commission (SCC) is authorized to provide pay telephone payphone service anywhere within their certificated areas in the Commonwealth of Virginia. Private pay telephone service providers, including local exchange companies, interexchange carriers and cellular carriers wishing to provide pay telephone service as providers outside of their certificated service territories, are authorized, when they have been properly registered with the State Corporation Commission (SCC), to provide pay telephone service anywhere within the Commonwealth of Virginia. The provisions contained herein apply to local exchange telephone companies, interexchange carriers, and private pay telephone service providers all registered PSPs. Restricted access pay telephone payphone instruments provided to confinement facilities are excluded from the registration requirement and all other application of this section. Cellular carriers must conform to subdivisions 3 and 4 of this subsection, but are otherwise excluded from the application of this subsection. Should circumstances such as, for example, consumer complaints make it necessary, the Commission SCC may in its own discretion amend this section for further application to cellular pay telephone providers and to restricted access instruments provided to confinement facilities.~~

2. Reliable connections to the telecommunications network and high quality service to end users is are expected of all ~~pay telephone payphone~~ providers.

3. ~~Any SCC certificated local exchange company, interexchange carrier, or cellular carrier who is a provider~~

~~of pay telephone service must submit a notarized letter to the SCC by not later than January 1, 1994, which attests to that fact. If any SCC certificated local exchange, interexchange, or cellular carrier is not a pay telephone service provider as of January 1, 1994 and, subsequent to that date, plans to become a provider of that service, they must first submit a notarized letter to the SCC attesting to its intent. The letters as described in this subdivision should be addressed to the Division of Communications, P.O. Box 1197, Richmond, Virginia 23218.~~

4. ~~3. The State Corporation Commission SCC assesses a nonrefundable registration fee each year for each private pay telephone payphone operated in Virginia, including those telephones operated by local exchange companies, interexchange carriers and cellular carriers providing pay telephone service outside of their certificated service areas. The fee is \$10 \$4.00 per year per private pay telephone operated for one or two pay telephones, and \$8.00 per private pay telephone operated for three or more pay telephones payphone. The provider must submit this fee with the completed Commission SCC form in order to become registered. In the first year of the Pay Telephone Registration Act this fee will be due by not later than February 1, 1994, and For all currently registered PSPs and all local exchange carriers registering with the SCC for the first time, the fee and completed SCC form will be due by not later than January 1, 1998. In subsequent years, the fee will be assessed and payable to the Commission SCC by January 1 of each successive year. A late filing fee of 10% of the registration fee or \$25, whichever is greater, will be assessed for all first-year applications received after February 1, 1994, and for late payments registration applications and filing fees [ which are ] received [ by the Public Service Taxation Division and are postmarked ] after January [ 4 15 ], 1998, and after January 1 in successive years. After the Commission SCC processes a form and completes the registration process no refunds on fees received will be allowed. New PSPs must register and pay the total fee for the year of their initial registration before beginning operation. Commission SCC forms may be obtained by writing to the Division of Communications, P.O. Box 1197, Richmond, Virginia 23218 or by calling the Division of Communications at (804) 371-9420.~~

5. ~~Private pay telephone 4. Payphone~~ service may be provided only through telephone instruments registered by the Federal Communications Commission (FCC).

6. ~~Pay telephone 5. Payphone~~ instruments must be equipped to receive incoming calls unless they are prominently marked with either the words "OUTGOING CALLS ONLY," "NO INCOMING CALLS" or other language deemed acceptable by the Commission SCC which will reasonably advise the user that no incoming service is available.

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## Final Regulations

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~~7- 6.~~ All providers of ~~privately owned pay telephone~~ *payphone* service must notify the area local exchange carrier of a ~~pay telephone~~ *payphone* instrument's connection, location, ~~pay telephone~~ provider's SCC registration number, and such other details as the local exchange company may need for billing purposes. Failure to provide accurate information could result in the instrument not being connected or being disconnected.

~~8- 7.~~ Where business flat rate service is available, local exchange companies will furnish access lines to ~~privately owned pay telephones~~ *PSPs* at a flat rate not to exceed the private branch exchange trunk flat rate. Where available, local exchange companies will offer optional message rate and/or measured rate business service access lines to ~~privately owned pay telephone~~ providers.

~~9- 8.~~ All ~~pay telephone service~~ providers must furnish local directory number information on their ~~pay telephone~~ *payphone* instruments. End users of ~~private pay telephones~~ *payphones* may be charged by the ~~private pay telephone~~ providers for local directory assistance service. The maximum local directory assistance charge from a ~~private pay telephone~~ *payphone* shall be determined by rounding the local exchange company charge up to the nearest multiple of \$ .05. Any long distance directory assistance charge applied to the ~~pay telephone~~ *payphone* service provider by certificated carriers may be passed on to the ~~pay telephone~~ *payphone* instrument user.

~~10- 9.~~ All ~~pay telephone~~ *payphone* instruments must be equipped for dial tone first.

~~11- 10.~~ All ~~pay telephone~~ *payphone* instruments must provide calling without a charge to 911 where that number is utilized by emergency agencies. All ~~pay telephone~~ *payphone* instruments must allow consumers to reach an operator without charge by dialing "Operator ("0")." The operator whom the consumer reaches must provide prompt, efficient, and accurate emergency service to a consumer when requested. The ~~Commission~~ SCC may require a ~~pay telephone~~ provider to route "Operator ("0")" calls to the LEC Operator serving the area in which the instruments of the ~~pay telephone~~ provider are located if the operator service whom the ~~pay telephone~~ provider uses does not provide prompt, efficient and accurate emergency service to a consumer when requested.

~~12- 11.~~ The maximum rate for local calls or extended area calls originating from all ~~pay telephone~~ *payphone* instruments, whether the call is completed [ coin paid, ] billed collect, billed to a credit card, or billed to a third number, may not exceed the rate approved for the area local exchange company including any operator assistance charges. However, a ~~private pay telephone~~ provider may initiate a proceeding before the ~~Commission~~ SCC to prove that its costs cannot reasonably be met under the rate caps contained herein.

~~13- [ 12.~~ The charge for all intrastate toll calls placed from local exchange company, inter-exchange carrier, or cellular carrier owned ~~pay telephone~~ instruments shall be as specified in the tariffs on file with the ~~Commission~~ [ ~~42-SCC.~~ ] The maximum charge for all intrastate, intraLATA toll calls placed from all ~~privately owned pay telephone~~ *payphone* instruments may not exceed the approved charge for similarly rated calls, including any operator assistance charges, as specified in the area local exchange company tariff, plus a surcharge of \$1.00. The maximum charge for all intrastate, interLATA toll calls placed from ~~privately owned pay telephone~~ *payphone* instruments may not exceed the charge for similarly rated calls as specified in the tariffs of AT&T, plus a surcharge of \$1.00. However, a ~~private pay telephone~~ provider may initiate a proceeding before the ~~Commission~~ SCC to prove that its costs cannot reasonably be met under the rate caps contained herein.

~~14- 13.~~ All ~~pay telephone service~~ providers must post consumer information and instructions on their ~~pay telephone~~ *payphone* instruments as specified in the ~~attachment to subsection B of this section.~~

~~15- 14.~~ In providing intrastate toll service, all ~~pay telephone service~~ providers must allow dialed user access without charge from their ~~pay telephone~~ *payphone* instruments to all operator service providers' networks through their "950," "800," or "1-0-XXX-0+" or "1-0-1-0XXX-0" numbers. Dialed user access without charge must also be allowed to the local exchange operator. In those cases where the access code "0" is reserved for carriers other than the local exchange company operator, access to the local exchange operator must be provided through the access code "\*0."

~~16- 15.~~ All coin operated ~~pay telephone~~ *payphone* instruments must accept any combination of nickels, dimes, and quarters for local and long distance calling charges. All coin operated ~~pay telephone~~ *payphone* instruments must return any deposited amount if the call is not completed.

~~17- 16.~~ All ~~pay telephone service~~ providers must assure that a process exists for making prompt refunds to customers.

~~18- 17.~~ All ~~pay telephone service~~ providers must make all reasonable efforts to minimize the extent and duration of service interruptions. Ninety percent to 100% of all ~~pay telephone~~ *payphone* instruments which are reported as being out of service, when the trouble condition does not require construction work, must be restored to service within 24 hours of the report receipt. The 24-hour clearance standard excludes trouble reports received on Sundays, legal holidays, and during emergency operating conditions. Out of service reports which require construction must be cleared within five business days of report receipt.

~~19- 18.~~ Local exchange companies must furnish ~~private~~ *pay telephone service* providers who operate within their

certificated areas a listing of all central office codes working in their area. In addition, the local exchange companies must also provide information to ~~private pay telephone service~~ providers on local and extended calling areas. This information must be updated by the local exchange companies and reissued to the ~~private pay telephone service~~ providers as central office codes are added or deleted and as changes occur in local calling and extended calling areas. If local exchange companies wish to charge ~~private pay telephone~~ providers for furnishing the above described information, they should submit tariffs for ~~Commission~~ SCC approval which describe their proposal.

~~20.~~ 19. All ~~pay telephone~~ payphone instruments must conform to the requirements and the timetables which are prescribed in the Americans with Disabilities Act (42 USC § 12101 et seq.).

~~24.~~ 20. Failure to comply with this section may result in appropriate action by the State Corporation Commission to include disconnection of ~~pay telephone~~ payphone instruments, fines, loss of registration for ~~private pay telephone~~ providers, loss of authority to engage in the ~~pay telephone~~ payphone business for ~~certificated carriers~~, or any combination of these penalties which, in the judgment of the ~~Commission~~ SCC, is necessary to protect the public interest. The sanctions set out in this section are in addition to any remedies that may be available through the Virginia Public Telephone Information Act (§ 59.1-424 et seq. of the Code of Virginia-).

~~22.~~ 21. If it finds that the action is consistent with the public interest, the ~~Commission~~ SCC may exempt a ~~pay telephone~~ provider from some or all of the subdivisions contained herein.

B. ~~Attachment to~~ Commission rules for pay telephone service and instruments. Subdivision A ~~44~~ 13 of this section requires that all ~~pay telephone service~~ providers must post consumer information and instructions on their ~~pay telephone~~ payphone instruments as specified in this ~~attachment subsection~~. ~~Pay telephone~~ Payphone instruction cards must contain, at a minimum, the following information:

1. Clear operating instructions.
2. Physical address and phone number of the ~~pay telephone~~ payphone instrument.
3. Ownership of the instrument, including the owner's name, address, and contact telephone number.
4. Procedures for repair, refunds, and billing disputes, including specific contact telephone numbers for 24-hour contact service.
5. Instructions on how to contact both local and long distance directory assistance.
6. Prominent instructions specifying how to reach the local exchange operator.

7. Clear and prominent instructions on how ~~pay telephone~~ payphone users may reach emergency agencies. These instructions shall refer to "911" where that code is in use as a locality's emergency agency contact number. Where "911" is not in use, the instructions must specify that the desired emergency agency's telephone number be called or dial "0" for emergency assistance.

8. If the ~~pay telephone~~ payphone instrument is not equipped to receive incoming calls, prominent instructions which read "OUTGOING CALLS ONLY," "NO INCOMING CALLS," or other language deemed acceptable by the ~~Commission~~ SCC which will reasonably advise the user that no incoming service is available must be posted.

9. Instructions on how to reach a ~~pay telephone~~ payphone instrument user's preferred long distance or interexchange carrier.

10. The identity of the company normally making the charge for any intrastate long distance or local operator assisted call not handled by the local exchange company operator.

11. A conspicuous notice stating "For long distance rates, dial . . ." The listed number shall be toll free to the ~~pay telephone~~ payphone instrument user and shall connect the user to the company normally making the charge for any intrastate long distance or local operator assisted call originating from the ~~pay telephone~~ payphone instrument. The party to whom the ~~pay telephone~~ payphone instrument user is connected shall be able to quote a specific rate for each call upon inquiry.

12. Any and all other notices or information required by the Virginia Public Telephone Information Act (VPTIA, § 59.1-424 et seq. of the Code of Virginia-).

VA.R. Doc. No. R98-89; Filed December 16, 1997, 10:33 a.m.

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Animal Industry Services

#### Rescission of Division Directive Number: 87-1 Exceptions to Testing for Equine Infectious Anemia

Pursuant to the authority contained in VR 115-02-05 (2 VAC 5-70-10 et seq.); Rules and Regulations Pertaining to the Health Requirements Governing the Control of Equine Infectious Anemia in Virginia, effective August 5, 1996, Division Administrative Directive Number: 87-1, Exceptions to Testing for Equine Infectious Anemia, which appeared in the Virginia Register of Regulations on February 1, 1988, pages 866 and 867, is rescinded.

Done in Richmond, Virginia on this 26th day of June, 1996.

/s/ William M. Sims, Jr., DVM, MS  
State Veterinarian

#### Withdrawal of Limited General Quarantine Order

Notice is hereby given that the State Veterinarian is withdrawing, effective July 19, 1994, the Limited General Quarantine Order No. 1985-1, published in the Virginia Register of Regulations, dated December 9, 1985.

This quarantine order was issued by virtue of the authority contained in §§ 3.1-723 through and including 3.1-741 of the Code of Virginia for the protection of domestic animals and poultry against infectious and contagious diseases by placing entry restrictions on all llamas (animals of the genus lama) over four months of age. Llamas were not included in the regulations governing the importation of animals at that time, and the quarantine order was created to ensure that only healthy llamas were allowed to enter Virginia.

On September 28, 1987, the Board of Agriculture and Consumer Services adopted amendments to VR 115-02-12 (2 VAC 5-140-10 et seq.), Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia, which placed entry restrictions on all South American camelids of the genus lama. The amended regulations incorporate several provisions that are substantially similar to those contained in Limited General Quarantine Order No. 1985-1. Whereas the limited general quarantine order sets health standards for just llamas (animals of the genus lama) entering Virginia, the amended regulations set such health standards not only for llamas, but also for a more encompassing group—South American camelids of the genus lama (a group that includes, but is not limited to llamas, alpacas, guanacos, and vicunas).

/s/ William M. Sims, Jr., State Veterinarian  
July 19, 1994

## STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 21, 1997

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC850035

Ex Parte: Investigation of  
competition for intraLATA,  
interexchange telephone service

### FINAL ORDER

By order of April 18, 1996, the Commission invited comments on the advisability of, and methods of implementing intraLATA toll dialing parity. Comments were received by May 28, 1996, but additional filings were made necessary when the Federal Communications Commission ("FCC"), on August 8, 1996, issued its Second Report and Order and Memorandum Opinion Order C.C. Docket No. 96-98, In the matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 ("Dialing Parity Order"). As a result of the Dialing Parity Order, the Commission, on February 6, 1997, initiated Case No. PUC970009 for the purposes of receiving and evaluating the toll dialing parity plans of Virginia Local Exchange Carriers ("LECs").

The implementation of toll dialing parity in Case No. PUC970009 brings to a close the need for this investigation of competition for intraLATA interexchange telephone service. As indicated in the Commission's Interim Order of June 30, 1986, intraLATA competition would proceed under three phases. Phase 2 was implemented by our order of July 24, 1995, which allowed interexchange carriers to furnish intraLATA service as of October 1, 1995. Phase 3, as contemplated in the June 30, 1986 Interim Order, will be attained when all carriers have dialing parity for intraLATA traffic. Because Phase 3 dialing parity will be accomplished in Case No. PUC970009, the Commission finds that this case should be closed and dismissed from the docket.

Accordingly, IT IS THEREFORE ORDERED THAT this case is dismissed and the record made herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange telephone company operating in Virginia as set out in Appendix A attached hereto; each certificated interexchange carrier operating in Virginia as set out in Appendix B attached hereto; the Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; Jean Ann Fox, President, Virginia Citizens Consumer Counsel, 114 Coachman Drive, Yorktown, Virginia 23693; Cecil O. Simpson, Jr., Esquire, Office of the Judge Advocate General, Department of the Army, 901 North Stuart Street, Room 400, Arlington, Virginia 22203-1837; Ronald B. Mallard, Director, Department of Consumer Affairs, County of

Fairfax, 12000 Government Center Parkway, Fairfax, Virginia 22035; Mr. Charles R. Smith, Hello, Inc., 2315 West Broad Street, Richmond, Virginia 23220; James C. Roberts, Esquire, Virginia Cable Television Association, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122; the Commission's Office of General Counsel, and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

VA.R. Doc. No. R98-140; Filed December 5, 1997, 10:51 a.m.

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AT RICHMOND, DECEMBER 11, 1997

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC860045

Ex Parte: Rulemaking concerning treatment of telephone company simple inside wiring

FINAL ORDER

By order of April 12, 1996, the Commission invited additional comments concerning implementing Phases II and III of the Commission Staff's September 4, 1987 report recommending a three-phased approach to the ultimate deregulation of inside wiring. Phase I was implemented by the Commission's Interim Order of March 30, 1988. Phase II would eliminate wiring installation and maintenance tariffs, and Phase III would implement total deregulation with expenses and revenues to be booked below the line.

Having considered comments, the effects of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., and the treatment afforded inside wire in the Alternative Regulatory Plans of the large companies, Commonwealth of Virginia at the relation of the State Corporation Commission Ex Parte: In the matter of investigating telephone regulatory methods pursuant to Va. Code § 56-235.5, etc., 1994 S.C.C. Ann. Rept. 262 (Final Order October 18, 1994), the Commission has determined that Phase II may be implemented, allowing the removal of simple inside wire installation and maintenance, rates, terms and conditions from the tariffs of all Virginia telephone companies that have not yet done so.

To ensure clarity, the Commission emphasizes here that any charge applied by a local exchange company for a dispatch, visit, or trip caused by a customer-initiated trouble call resulting in discovery of the trouble on the customer's side of a network interface device, commonly called a maintenance visit charge, shall remain a tariffed charge.

The Commission is not prepared to implement Phase III, total deregulation, with simple inside wire expenses and revenues to be booked in nonregulated accounts, in this

case. Our regulatory authority was protected from federal preemption in NARUC v. FCC, 880 F.2d 422 (D.C. Cir. 1989) and the time is not ripe to totally relinquish it. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) All Virginia local exchange telephone companies are authorized to remove simple inside wiring installation and maintenance charges, terms and conditions from their tariffs.

(2) Any charge(s) applied for customer-caused maintenance visits shall remain in local exchange company tariffs.

(3) There being nothing further to come before the Commission, this matter is dismissed and the record developed herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each certificate local exchange company as shown on Appendix A; the Office of Attorney General, Division of Consumer Counsel, 900 East Main Street, Richmond, Virginia 23219; to the Commission's Office of General Counsel; and to the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

VA.R. Doc. No. R98-149; Filed December 16, 1997, 10:34 a.m.

**STATE LOTTERY DEPARTMENT**

DIRECTOR'S ORDER NUMBER FORTY-TWO (97)

VIRGINIA'S NINETY-SIXTH INSTANT GAME LOTTERY; "BREAK THE BANK," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B(15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's ninety-sixth instant game lottery, "Break the Bank." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle, Director

Date: November 24, 1997

VA.R. Doc. No. R98-141; Filed December 10, 1997, 4:53 p.m.



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## General Notices/Errata

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### DIRECTOR'S ORDER NUMBER FORTY-FIVE (97)

VIRGINIA'S NINETY-FIFTH INSTANT GAME LOTTERY; "RED HOT MONEY," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B(15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's ninety-fifth instant game lottery, "Red Hot Money." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle, Director

Date: December 3, 1997

VA.R. Doc. No. R98-142; Filed December 10, 1997, 4:53 p.m.

### DIRECTOR'S ORDER NUMBER FORTY-SIX (97)

VIRGINIA'S NINETY-SEVENTH INSTANT GAME LOTTERY; "BASKETBALL BUCKS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B(15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's ninety-seventh instant game lottery, "Basketball Bucks." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle, Director

Date: December 3, 1997

VA.R. Doc. No. R98-143; Filed December 10, 1997, 4:53 p.m.

### DIRECTOR'S ORDER NUMBER FORTY-SEVEN (97)

VIRGINIA'S INSTANT GAME LOTTERY; "NEW YEAR'S CASH FOR LIFE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B(15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's instant game lottery (420), "New Year's Cash for Life." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle, Director

Date: December 3, 1997

VA.R. Doc. No. R98-144; Filed December 10, 1997, 4:53 p.m.

### DIRECTOR'S ORDER NUMBER FORTY-EIGHT (97)

VIRGINIA LOTTERY RETAILER CASHING BONUS PROGRAM AND RULES.

In accordance with the authority granted by Sections 9-6.14:4.1 B(15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the Virginia Lottery Retailer Cashing Bonus Program and Rules for the lottery retailer incentive program which begins on December 1, 1997. These rules amplify and conform to the duly adopted State Lottery Department Instant and On-Line Game Regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle, Director

Date: December 1, 1997

VA.R. Doc. No. R98-145; Filed December 10, 1997, 4:53 p.m.

**STATE WATER CONTROL BOARD**

**Proposed Special Order**

**Proposed Special Order**

**E. B. Sprouse Company, Inc.**

**County of Powhatan**

The State Water Control Board proposes to take an enforcement action against the County of Powhatan. The county has agreed to ensure compliance with VPDES permits for the Middle School STP and the High School/Elementary School STP by connecting to the new Powhatan County regional STP to be constructed. Under the order, the county agrees to a schedule for construction of the new STP.

The State Water Control Board proposes to take an enforcement action against the E. B. Sprouse Company, Inc. The owner has agreed to settle the matter of VPDES permit violations at Sprouses Trailer Park in Buckingham County. Under the order, the owner has elected to meet VPDES effluent limits by closing the trailer park and modifying wastewater treatment.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Proposed Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060 and should refer to the Proposed Special Order.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Proposed Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060 and should refer to the Proposed Special Order.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from the Piedmont Regional Office.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from the Piedmont Regional Office.

**Proposed Special Order**

**Proposed Special Order**

**SJB Farms, Inc.**

**Star Enterprise**

The State Water Control Board proposes to take an enforcement action against SJB Farms, Inc. The owner has agreed to settle the matter of violations of VPA General Permits for Confined Animal Feeding Operations as identified at two locations in Brunswick County. Under the order, the owner agrees to pay a civil charge. The violations onsite have been remedied.

The State Water Control Board proposes to take an enforcement action against Star Enterprise. Star has agreed to settle the matter of State Water Control Law violations at the Texaco Station at 25407 Ford Avenue in Petersburg. Under the order, Star agrees to revise procedures for responding to suspected UST releases and pay a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Proposed Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060 and should refer to the Proposed Special Order.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the Proposed Special Order. Comments should be addressed to Amy Thatcher Clarke, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060 and should refer to the Proposed Special Order.

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**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,

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## General Notices/Errata

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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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/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 OF ACCOUNTANCY

**January 20, 1998 - 10 a.m.** -- Open Meeting

**January 21, 1998 - 8 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia.♿

An open meeting to discuss regulatory review, request for proposals for privatization, committee reports, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation. The meeting time is subject to change. Call the board 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

### GOVERNOR'S ADVISORY BOARD ON AGING

**January 26, 1998 - 3 p.m.** -- Open Meeting

Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business.

**Contact:** Kimlah Hyatt, Staff to the Board, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9318, FAX (804) 662-9354, toll-free 1-800-552-3402, or (804) 662-9333/TDD ☎

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Virginia Horse Industry Board

**February 17, 1998 - 11 a.m.** -- Open Meeting

Virginia Historical Society, Boulevard and Kensington Avenue, Richmond, Virginia.♿

A meeting to discuss the status of proposed marketing plans, elect officers and decide on committees. 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 accommodation 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, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

### Pesticide Control Board

**January 15, 1998 - 9 a.m.** -- Open Meeting

Washington Building, 1100 Bank Street, Board Room, Room 204, Richmond, Virginia.♿

Committee meetings and a general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person needing any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163,

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## Calendar of Events

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Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

### Virginia Plant Pollination Advisory Board

**February 6, 1998 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 4th Floor  
Conference Room, Richmond, Virginia. ☎

A regular meeting to receive reports from members on the past year's activity in their respective disciplines as it relates to apiculture, pollination, education and the production of food and fiber in the Commonwealth. The board will also consider matters for the future in the aforementioned categories. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person needing special assistance in order to participate at the meeting should contact Robert G. Wellemeyer at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Robert G. Wellemeyer, Secretary-Treasurer, Virginia Plant Pollination Advisory Board, 234 West Shirley Ave., Warrenton, VA 22186, telephone (540) 347-6380, FAX (540) 347-6384, or (804) 371-6344/TDD ☎

### 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, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

### STATE AIR POLLUTION CONTROL BOARD

† **January 8, 1998 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional  
Office, 4949 A Cox Road, Glen Allen, Virginia.

A regular meeting.

**Contact:** Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

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**January 14, 1998 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street,  
First Floor, Training Room, Richmond, Virginia.

**February 6, 1998** - Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution: 9 VAC 5-20-10 et seq. General Provisions; 9 VAC 5-50-10 et seq. New and Modified Stationary Sources; and 9 VAC 5-80-10 et seq. Permits for Stationary Sources.** The regulation applies to the construction or reconstruction of new stationary sources or expansions (modifications) to existing ones. Exemptions are provided for smaller facilities. With some exceptions, the owner must obtain a permit from the agency prior to the construction or modification of the source. The owner of the proposed new or modified source must provide information as may be needed to enable the agency to conduct a preconstruction review in order to determine compliance with applicable control technology and other standards and to assess the impact of the emissions from the facility on air quality. The regulation also provides the basis for the agency's final action (approval or disapproval) on the permit depending upon the results of the preconstruction review. The regulation provides a sourcewide perspective to determine applicability based solely upon the emissions changes directly resultant from the physical or operational change. The regulation provides for the use of a plantwide applicability limit (PAL). Under this concept, a source owner could make physical or operational changes to emissions units covered by the PAL without being subject to the permit program as long as the overall emissions did not exceed the PAL. Concurrent construction, i.e., construction while waiting for the permit to be issued, is allowed. Under this arrangement the source owner would assume full liability should the permit not be issued. Provisions covering general permits are included. Procedures for making changes to permits are included. The regulation also allows consideration of additional factors for making Best Available Control Technology (BACT) determinations for sources subject to minor new source review. In addition, 9 VAC 5-80-10 (Permits - new and modified stationary sources) and 9 VAC 5-80-11 (Stationary source permit exemption levels) are to be repealed.

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

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

**Location of Proposal:** The proposal, an analysis conducted by the department (including: a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

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

West Central Regional Office  
Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, Virginia  
Ph: (540) 562-6700

Lynchburg Satellite Office  
Department of Environmental Quality  
7705 Timberlake Road  
Lynchburg, Virginia  
Ph: (804) 582-5120

Valley Regional Office  
Department of Environmental Quality  
4411 Early Road  
Harrisonburg, Virginia 22801  
Ph: (540) 574-7800

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

Northern Regional Office  
Department of Environmental Quality  
13901 Crown Court  
Woodbridge, Virginia  
Ph: (703) 583-3800

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

Tidewater Regional Office  
Department of Environmental Quality


5636 Southern Boulevard  
Virginia Beach, Virginia  
Ph: (757) 518-2000

Public comments may be submitted until 4:30 p.m. February 6, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423 or toll-free 1-800-592-5482.

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES


### State Management Team

**January 6, 1998 - 9 a.m.** -- Open Meeting  
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A meeting to discuss recommendations for policy and procedures to the State Executive Council on the Comprehensive Services Act.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

## AUCTIONEERS BOARD

**January 9, 1998 - 10 a.m.** -- Open Meeting  
Virginia Beach Sheraton Inn, Virginia Beach, Virginia. 

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** 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 OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**January 15, 1998 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss comments received on proposed regulations and adopt regulations at that time.

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## Calendar of Events

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**Contact:** Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

**January 21, 1998 - 2 p.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss general business.

**Contact:** Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

### BOARD FOR BARBERS

**February 2, 1998 - 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 23230-4917, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

### CHILD DAY-CARE COUNCIL

NOTE: CHANGE IN MEETING DATE

**† January 15, 1998 - 9:30 a.m. -- Open Meeting**  
Theater Row Building, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The January 8 meeting has been rescheduled for January 15. The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time. Contingent snow date is Friday, January 23, 1998, at 9:30 a.m. to 3:30 p.m., 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia.

**Contact:** Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

### COMMON INTEREST COMMUNITY MANAGEMENT INFORMATION FUND ADVISORY COMMITTEE

**† January 14, 1998 - 2 p.m. -- Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond. ♿

A meeting to develop a recommendation for the Real Estate Board on uses of moneys collected pursuant to the Common Interest Community Management Fund for the benefit of common interest communities and their members.

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

### STATE BOARD FOR COMMUNITY COLLEGES

**January 14, 1998 -- Teleconference**

State board committee meetings will be held via teleconference. Times and locations to be announced.

**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 ☎

**January 15, 1998 - 10 a.m. -- Videoconference**

A board meeting via videoconference. One video site will be at the James Monroe Building, 101 North 14th Street, 16th Floor, Conference Room 4, Richmond, Virginia. Additional video sites to be announced.

**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 ☎

### COMPENSATION BOARD

**January 13, 1998 - 2 p.m. -- Open Meeting**  
**January 29, 1998 - 11 a.m. -- Open Meeting**  
Ninth Street Office Building, 202 North Ninth Street, 10th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A routine business meeting.

**Contact:** Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION

### Board of Conservation and Recreation

† **January 8, 1998 - 11 a.m.** – Open Meeting  
Department of Conservation and Recreation, 203 Governor Street, Suite 200, Richmond, Virginia.

A regular business meeting to adopt final regulations on 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

**January 8, 1998 - Noon** -- Open Meeting  
**February 5, 1998 - Noon** – Open Meeting  
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD

### Goose Creek Scenic River Advisory Board

† **January 15, 1998 - 1:30 p.m.** -- Open Meeting  
County Administration Building, Lovettsville Room, Leesburg, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD

### Rappahannock Scenic River Advisory Board

† **January 21, 1998 - 7 p.m.** -- Open Meeting  
Virginia Deli, 101 William Street, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203

Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD

### BOARD FOR CONTRACTORS

† **January 13, 1998 - 1 p.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to develop and implement a manual for board and staff usage which contains board interpretations and policies of statutes and regulations pertinent to the board. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD

† **January 14, 1998 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A regularly scheduled quarterly meeting to address policy and procedural issues, review and render decisions on applications for contractor licensees, review and render case decisions on matured complaints against licensees, and address other matters which may require board action. The meeting is open to the public; however, a portion of the board's business may be discussed in Executive Session. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785 or (804) 367-9753/TDD

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

### Advisory Board

**February 4, 1998 - 10 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, Koger Center, 1602 Rolling Hills Drive, Suite 203, Richmond, Virginia.

A regular quarterly meeting of the advisory board. Public comment will be received with advance notice.

**Contact:** Beverly Dickinson, Executive Secretary, Department for the Deaf and Hard-of-Hearing, Ratcliffe Bldg.,




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## Calendar of Events


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1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone (804) 662-9705/VTTY/TDD, FAX 1-800-552-7917 or toll-free 1-800-552-7917 (V/TTY).

### BOARD OF DENTISTRY


† **January 22, 1998 - 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 conduct formal hearings. 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 

† **January 23, 1998 - 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 business meeting to discuss committee reports, and to review consent orders, minutes, and general requests made to the board. The board is planning to adopt proposed amendments pursuant to Executive Order 15 (94) and to increase certain fees. Public comment will be received at the beginning of the meeting.

**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 


### BOARD OF EDUCATION

**January 8, 1998 - 8 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. 

- The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda which is available upon request.

**Contact:** Dr. James E. Laws, Jr., Administrative Assistant for Board Relations, Department of Education, 101 N. 14th St., Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free 1-800-292-3820.

### DEPARTMENT OF ENVIRONMENTAL QUALITY


**January 8, 1998 - 5:30 p.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting to provide explanation of the proposed repeal of 9 VAC 25-420-10 et seq., James River 3(c)

Wastewater Management Plan Peninsula Area, and to invite comments related to the proposal including the costs and benefits of the proposed action or other alternatives the public may wish to provide.

**Contact:** Erlinda L. Patron, Environmental Engineer Consultant, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4047 or FAX (804) 698-4136.


### Work Group on Ammonia, Mercury, Lead and Copper with Respect to Water Quality Standards

**January 15, 1998 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Conference Room 505, Richmond, Virginia. 

The department has established a work group on four topics with respect to the water quality standards program: mercury, ammonia, lead, and copper. The work group will, upon completion, advise the Director of Environmental Quality. Other meetings of the work group have been tentatively scheduled for February 19, March 19, April 16, and May 21. Persons interested in the meetings should confirm meeting date, time and location with the contact person below.

**Contact:** Alan J. Anthony, Chairman, Work Group on Ammonia, Mercury, Lead and Copper, 629 E. Main St., P.O. Box 10009, Room 205, Richmond, VA 23240-0009, telephone (804) 698-4114, FAX (804) 698-4522, or toll-free 1-800-592-5482.


### Virginia Ground Water Protection Steering Committee

**January 20, 1998 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, First Floor Training Room, Richmond, Virginia. 

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda contact Mary Ann Massie at (804) 698-4042.

**Contact:** Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

### FAMILY AND CHILDREN'S TRUST FUND BOARD

**January 16, 1998 - 10 a.m.** -- Open Meeting  
**February 20, 1998 - 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 Board, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1823 or FAX (804) 692-1869.

## BOARD OF FORESTRY

**January 15, 1998 - 9:30 a.m. -- Open Meeting**  
Marriott Hotel, 500 East Broad Street, Commonwealth Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. Please notify the department with requests for interpreter services five working days prior to the meeting.

**Contact:** Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA, telephone (804) 977-6555 or (804) 977-6555/TDD

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**January 8, 1998 - 9 a.m. -- Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general board meeting to adopt proposed amendments to its regulations and to raise and increase certain fees. 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

## BOARD OF GAME AND INLAND FISHERIES

**January 8, 1998 - 9 a.m. -- Open Meeting**  
**January 9, 1998 - 9 a.m. -- Open Meeting**  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to address regulation amendments proposed at its October 23, 1997, meeting pertaining to wildlife permitting generally and permitting for raptor propagation and for use of gill nets specifically. The board will solicit comments from the public during the public hearing portion of the meeting, at which time any interested citizen present shall be heard. The board will determine whether the proposed regulation amendments will be adopted as final regulations. The board reserves the right to adopt final amendments which may be more liberal than or more stringent than the regulations currently in effect or the regulations proposed at the October 23, 1997, board meeting, as necessary for the proper management of wildlife resources. The board will

address the agency's legislative proposals and other legislation which is anticipated during the 1998 Session of the General Assembly. General and administrative issues may be discussed by the board. The board may hold an executive session before the public session begins on January 8. If the board completes its entire agenda on January 8, it may not convene on January 9.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2311.

## DEPARTMENT OF GENERAL SERVICES

### Design-Build/Construction Management Review Board

**† January 26, 1998 - 11 a.m. -- Open Meeting**  
Department of General Services, 805 East Broad Street, 3rd Floor Training Room, Richmond, Virginia.

A meeting to review any requests submitted by localities for the use of a design-build or construction management type of contract. Public comments will be taken. The chairman may cancel the meeting if there is no business for the board's consideration. Please contact the Division of Engineering and Buildings to confirm the meeting date and time.

**Contact:** Sandra H. Williams, Clerk to the Board, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD

## BOARD FOR GEOLOGY

**† February 12, 1998 - 9 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 department at least two weeks in advance of the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, or (804) 367-9753/TDD

## STATE HAZARDOUS MATERIALS TRAINING ADVISORY COMMITTEE

**† January 13, 1998 - 10 a.m. -- Open Meeting**  
Department of Emergency Services, 10501 Trade Court, Training Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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## Calendar of Events

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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.

### DEPARTMENT OF HEALTH

#### Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990

† **January 23, 1998 - 10 a.m.** – Public Hearing  
Department of Health, 1500 East Main Street, Room 223, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Department of Health's 1998 Comprehensive Plan for HIV Care Grant moneys (approximately \$10,000,000) under Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (as amended in 1996) is available for review and comments. The proposed plan is to (i) provide continuation of the AIDS Drug Assistance Program to cover antiretrovirals, protease inhibitors and other medications related to the treatment of HIV/AIDS and the prevention of opportunistic infections for eligible individuals with HIV disease and (ii) fund and operate HIV Care Consortia within five regional areas of the state that are affected by HIV disease. The purpose of this comprehensive plan is to improve the quality and availability of care for individuals with HIV and their families. The goals of the Ryan White Care Act are to support local planning and service delivery, promote involvement of PLWHIV, and increase access to services for previously underserved groups. Persons may comment in writing to the Department of Health on the intended plan until Tuesday, May 5, 1998. Speakers for the public hearing will be received until 10:30 a.m. For further information and correspondence please contact Kathryn A. Hafford.

**Contact:** Kathryn A. Hafford, R.N., M.S., Assistant Director, Health Care Services, Department of Health, Division of STD/AIDS, 1500 E. Main St., Room 112, Richmond, VA 23219, telephone (804) 225-4844 or FAX (804) 225-3517.

### BOARD FOR HEARING AID SPECIALISTS

**January 27, 1998 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. (Interpreter for the deaf provided upon request)

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

† **January 9, 1998 - 8 a.m.** -- Open Meeting  
George Mason University, Prince William Campus, 10900 University Boulevard, Manassas, Virginia. (Interpreter for the deaf provided upon request)

There will be meetings of the Planning Committee, Resources Committee, and Outreach Committee, beginning at 8 a.m. There will be a council meeting at 1 p.m. and the Search Committee will meet at 3 p.m. Times listed are approximate and may vary depending on the time needed for discussion in the committees.

**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, FAX (804) 786-0572 or (804) 371-8071/TDD

### Executive Committee

† **January 23, 1998 - 10:30 a.m.** – Audioconference

A general business meeting via audioconference at the following locations: Wharton, Aldhizer and Weaver, Harrisonburg, Virginia; The Monitor Group Corp., Fairfax, Virginia; Penn Stuart, Abingdon, Virginia; McGuire, Woods, Battle and Boothe, Suite 9000, Norfolk, Virginia; Patten, Wornom and Watkins, Suite 360 Newport News, Virginia; and the council office, James Monroe Building, 9th Floor Conference Room.

**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.

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

January 6, 1998 - 9 a.m. -- Open Meeting  
February 3, 1998 - 9 a.m. -- Open Meeting  
March 3, 1998 - 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.

## STATEWIDE INDEPENDENT LIVING COUNCIL

January 22, 1998 - 10 a.m. -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms  
Drive, Richmond, Virginia. (Interpreter for the deaf provided  
upon request)

A meeting to conduct regular business.

**Contact:** Jim Rothrock, Statewide Independent Living  
Council Staff, 1802 Marroit Rd., Richmond, VA 23229,  
telephone (804) 673-0119, FAX (804) 282-7118, or e-mail  
jarothro@comcast.net.

## COUNCIL ON INFORMATION MANAGEMENT

† February 6, 1998 - 10 a.m. -- Open Meeting  
Council on Information Management, Washington Building,  
1100 Bank Street, Suite 901, Richmond, Virginia.

A regular meeting.

**Contact:** Linda Hening, Administrative Assistant, Council on  
Information Management, Washington Bldg., 1100 Bank St.,  
Suite 901, Richmond, VA 23219, telephone (804) 225-3622  
or toll-free 1-800-828-1120.

## Virginia Geographic Information Network Advisory Board

January 12, 1998 - 10 a.m. -- Open Meeting  
Council on Information Management, Washington Building,  
1100 Bank Street, Suite 901, Richmond, Virginia.

A regular meeting.

**Contact:** Linda Hening, Administrative Assistant, Council on  
Information Management, Washington Bldg., 1100 Bank St.,  
Suite 901, Richmond, VA 23219, telephone (804) 225-3622  
or toll-free 1-800-828-1120.

## STATE BOARD OF JUVENILE JUSTICE

January 6, 1998 - 9 a.m. -- Open Meeting  
700 Centre, 700 East Franklin Street, 4th Floor, Richmond,  
Virginia.

A meeting to (i) present the purpose, scope and  
operational procedures proposed as part of the Length of  
Stay Guidelines to be issued for public comment by the  
State Board of Juvenile Justice; (ii) address concerns  
and issues identified by public commentators, and (iii)  
answer questions regarding the rationale for and  
formulas used in developing the Length of Stay  
Guidelines.

**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.

January 14, 1998 - 9 a.m. -- Open Meeting  
700 Centre, 700 East Franklin Street, 4th Floor, Richmond,  
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 program  
certifications and other matters brought before it.

**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.

February 11, 1998 - 9 a.m. -- Open Meeting  
700 Centre, 700 East Franklin Street, 4th Floor, Richmond,  
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 certification of  
residential and nonresidential programs, to consider  
adopting length of stay guidelines as required by § 66-  
10(8) of the Code of Virginia and to take up other matters  
brought before it.

**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.

## LIBRARY BOARD

February 23, 1998 - Time to be announced -- Open  
Meeting  
Location to be announced.

A meeting to discuss matters related to The Library of  
Virginia and its board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian,  
The Library of Virginia, 800 E. Broad St., Richmond, VA  
23219-1905, telephone (804) 692-3535.

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# Calendar of Events

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## Archival and Information Services Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss archival and information services at The Library of Virginia.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Automation and Networking Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss automation and networking matters.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Bylaws Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to matters related to any proposed changes to the bylaws.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Executive Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss matters related to The Library of Virginia and its board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Facilities Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss matters pertaining to the new Library of Virginia building and the status of the records center.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Legislative and Finance Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss legislative and financial matters.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Nominating Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to consider possible candidates for nomination to next year's slate of officers.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Publications and Educational Services Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss matters related to the Publications and Educational Services Division and The Library of Virginia.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Public Library Development Committee

**February 23, 1998 - Time to be announced -- Open Meeting**  
Location to be announced.

A meeting to discuss matters pertaining to public library development and The Library of Virginia.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## Records Management Committee

February 23, 1998 - Time to be announced -- Open Meeting

Location to be announced.

A meeting to discuss matters pertaining to records management.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-1905, telephone (804) 692-3535.

## LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

January 7, 1998 - 10 a.m. -- Open Meeting

Plantation House, 1108 East Main Street, Second Floor, Conference Center, Richmond, Virginia. ♯ (Interpreter for the deaf provided upon request)

A quarterly meeting to promote the control, prevention and elimination of litter from the Commonwealth and encourage recycling and advise the Director of the Department of Environmental Quality on other litter control and recycling matters. For details, call Paddy Katzen.

Contact: Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488 or e-mail pmkatzen@deq.state.va.us.

## LONGWOOD COLLEGE

### Board of Visitors

† January 30, 1998 - 9 a.m. -- Open Meeting

901 East Byrd Street, 4th Floor Board Room, Richmond, Virginia.

A meeting to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

† January 29, 1998 - 3:45 p.m. -- Open Meeting

901 East Byrd Street, 4th Floor Board Room, Richmond, Virginia.

A meeting of the Academic Affairs/Student Affairs Committees to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

† January 29, 1998 - 1 p.m. -- Open Meeting

901 East Byrd Street, 4th Floor Board Room, Richmond, Virginia.

A meeting of the Finance/Facilities and Services committee to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

## MARINE RESOURCES COMMISSION

† January 27, 1998 - 9 a.m. -- Open Meeting

† February 24, 1998 - 9 a.m. -- Open Meeting

† March 24, 1998 - 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 a.m., including 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 include: 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 MEDICINE

### Advisory Committee on Acupuncturists

† January 14, 1998 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♯ (Interpreter for the deaf provided upon request)

A meeting of the committee to discuss regulatory review of 18 VAC 85-110-10 et seq., Licensed Acupuncturists, and such other issues which may be presented. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ♯

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# Calendar of Events

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## EMG Task Force Subcommittee

† **January 16, 1998 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 3, Richmond, Virginia. (Interpreter  
for the deaf provided upon request)

A meeting to discuss the qualifications for performing  
EMGs on patients. 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, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230-1717, telephone (804) 662-9960, FAX (804) 662-9943,  
or (804) 662-7197/TDD

## Informal Conference Committee

**January 8, 1998 - 10 a.m.** -- Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, N.W.,  
Roanoke, Virginia.

**January 9, 1998 - 9:30 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,  
Virginia.

The Informal Conference Committee, composed of three  
members of the board, will inquire into allegations that  
certain practitioners may have violated laws and  
regulations governing the practice of medicine and other  
healing arts in Virginia. The committee will meet in open  
and closed sessions pursuant to § 2.1-344 A 7 and A 15  
of the Code of Virginia. Public comment will not be  
received.

**Contact:** 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

**January 13, 1998 - 9:30 a.m.** -- Open Meeting  
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

**January 15, 1998 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, 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. Additionally, a panel of the board  
will convene, pursuant to § 54.1-2400 of the Code of  
Virginia, to inquire into allegations that a practitioner may  
have violated laws governing the practice of medicine.  
The committee and 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-  
9517 or (804) 662-7197/TDD

## Advisory Board on Occupational Therapy

† **January 8, 1998 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter  
for the deaf provided upon request)

A meeting to review public comments and make  
recommendations to the Board of Medicine regarding the  
regulatory review of 18 VAC 85-80-10 et seq.,  
Regulations for Certification of Occupational Therapists,  
and such other issues which may be presented. The  
board will entertain public comment during the first 15  
minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board  
of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230-1717, telephone (804) 662-9960, FAX (804) 662-9943  
or (804) 662-7197/TDD

## Advisory Board on Physical Therapy

† **January 9, 1998 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter  
for the deaf provided upon request)

A meeting to review public comments and make  
recommendations to the Board of Medicine regarding the  
regulatory review of 18 VAC 85-30-10 et seq.,  
Regulations Governing the Practice of Physical Therapy,  
and such other issues which may be presented. The  
board will entertain public comment during the first 15  
minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board  
of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230-1717, telephone (804) 662-9960, FAX (804) 662-9943  
or (804) 662-7197/TDD

## Advisory Committee on Physician Assistants

† **January 9, 1998 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Board Room 4, Richmond, Virginia. (Interpreter  
for the deaf provided upon request)

A meeting to review public comments and make  
recommendations to the board regarding the regulatory  
review of 18 VAC 85-50-10 et seq. Regulations  
Governing the Practice of Physician Assistants, and  
such other issues which may be presented. The  
committee will entertain public comment during the first  
15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Committee on Radiologic Technologists

† **January 7, 1998 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-101-10 et seq., Regulations Governing the Practice of Radiologic Technologist Practitioners and Radiologic Technologist-Limited, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## Advisory Board on Respiratory Therapy

† **January 8, 1998 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of 18 VAC 85-40-10 et seq., Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented. The board will entertain public comment during the first 15 minutes on agenda items.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**February 12, 1998 - 10 a.m.** -- Public Hearing  
Department of Mines, Minerals and Energy, Division of Mineral Mining, Fontaine Research Park, 900 Natural Resources Drive, Charlottesville, Virginia.

**March 6, 1998** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations

entitled: **4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining.** The purpose of the proposed action is to amend the safety and health regulation for the protection of persons in and around mineral mines. The amendments implement requirements of the Mine Safety Act and incorporate recommendations from the Executive Order 15 (94) review and from the work committee which reviewed the proposed regulation.

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

**Contact:** Conrad Spangler, Division Director, Department of Mines, Minerals and Energy, Division of Mineral Mining, Fontaine Research Park, 900 Natural Resources Dr., 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).

## MOTOR VEHICLE DEALER BOARD

† **January 20, 1998 - 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 19, 1998 - 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. A public comment period will be provided at the beginning of the meeting.



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## Calendar of Events

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Public comment will be subject to the board's guidelines for public comment.

**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

† **January 19, 1998 - 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 20, 1998 - 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 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 20, 1998 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 17, 1998 - 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 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 19, 1998 - 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 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. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

**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

† **January 21, 1998 - 12:30 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

A regularly scheduled meeting of the Board of Trustees to receive staff and committee reports and conduct budget review. 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.

† **January 21, 1998 - 10 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. ♿

Meetings of the Communications and Marketing Committee, Buildings and Grounds Committee and Exhibitions Committee to review current issues relative to each committee. Public comment will not be received.

**Contact:** Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

† **January 21, 1998 - 2 p.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. ♿

Meetings of the Nominating Committee, Education and Programs Committee, and Legislative Committee to review current issues relative to each committee. Public comment will not be received.

**Contact:** Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

† **January 6, 1998 - 8 a.m.** -- Open Meeting

† **February 3, 1998 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A briefing for the Executive Committee of current museum activities and upcoming events. 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.

† **January 21, 1998 - 11 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ♿

A meeting of the Finance Committee 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

### Development Committee

† **January 29, 1998 - 8 a.m.** -- Open Meeting  
The Jefferson Hotel, Lemaire, Franklin and Adams Street, Richmond, Virginia. ♿

A meeting to discuss development 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 ♿

### Outreach Committee

† **January 29, 1998 - 8 a.m.** -- Open Meeting  
The Jefferson Hotel, Lemaire, Franklin and Adam Street, Richmond, Virginia. ♿

A meeting to discuss reports from the public programs and publications departments of the museum.

**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

† **January 29, 1998 - 7:30 a.m.** -- Open Meeting  
The Jefferson Hotel, Lemaire, Franklin and Adams Street, Richmond, Virginia. ♿

A meeting to discuss (i) appointment/reappointment of research associates, (ii) the collections policy, and (iii) 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

† **January 29, 1998 - 9 a.m.** -- Open Meeting  
The Jefferson Hotel, Franklin and Adams Street, Richmond, Virginia. ♿

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## Calendar of Events

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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 November 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 ☎

### COMMONWEALTH NEUROTRAMA INITIATIVE ADVISORY BOARD

† **January 16, 1998 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, Koger Center-Lee Building, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Eileen Guertler, Staff to the CNI Advisory Board, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 371-8619 or FAX (804) 371-0221.

### BOARD OF NURSING HOME ADMINISTRATORS

**January 7, 1998 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general business meeting. Public comment will be held for 15 minutes prior to the beginning of the meeting.

**Contact:** Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 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

† **February 13, 1998 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

An open meeting to discuss regulatory review, disciplinary cases and other matters requiring board action. All meetings are subject to cancellation or change. Call the board office 24 hours in advance of the meeting to confirm date and time. 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 an appropriate accommodation. 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, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

### BOARD OF OPTOMETRY

† **January 30, 1998 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A 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 LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

† **January 13, 1998 - Noon** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting of the Bylaws Committee to review the bylaws of the board.

**Contact:** Evelyn B. Brown, Executive Director, or Joyce Williams, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

### BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

† **March 9, 1998 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting.

**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 PSYCHOLOGY

**January 27, 1998 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A regular meeting to discuss general board business, receive committee reports and consider proposed amendments to the Regulations Governing the Practice of Psychology, 18 VAC 125-20-10 et seq., pursuant to Executive Order 15 (94). Public comment will be received at the beginning of the meeting.

**Contact:** LaDonna Duncan, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

† **January 27, 1998 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 1, Richmond, Virginia. ☎

A meeting to conduct an informal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

## Credentials Committee

† **January 16, 1998 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to review applications for licensure by examination. Public comment will be received at the beginning of the meeting.

**Contact:** M. LaDonna Duncan, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

## VIRGINIA RACING COMMISSION

† **January 21, 1998 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia.

A monthly meeting to include a report from Colonial Downs and a review of proposed regulations pertaining to stewards and appeals to the commission.

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

## REAL ESTATE APPRAISER BOARD

**January 13, 1998 - 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 ☎

## REAL ESTATE BOARD

† **January 15, 1998 - 9 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 ☎

## Education Committee

† **January 15, 1998 - 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

† **January 15, 1998 - 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.

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## Calendar of Events

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**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 ☎

### RECYCLING MARKETS DEVELOPMENT COUNCIL

† **January 13, 1998 - 10 a.m.** -- Open Meeting  
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. ♿  
(Interpreter for the deaf provided upon request)

An ad hoc committee meeting to address issues identified House Bill 2881 and Senate Bill 1068.

**Contact:** Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488, FAX (804) 698-4453 or e-mail pmkatzen@deq.state.va.us.

### BOARD OF REHABILITATIVE SERVICES

**January 29, 1998 - 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 of the board.

**Contact:** John R. Vaughn, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD ☎

### RICHMOND HOSPITAL AUTHORITY

#### Board of Commissioners

† **January 22, 1998 - 5 p.m.** -- Open Meeting  
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor Classroom, Richmond, Virginia. ♿

A monthly board meeting to discuss nursing home operations and related matters.

**Contact:** Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, 700 E. Main St., Suite 904, Richmond, VA 23219-0548, telephone (804) 782-1938.

### BOARD OF SOCIAL WORK

† **January 16, 1998 - 9 a.m.** -- Open Meeting  
† **January 22, 1998 - 9 a.m.** -- Open Meeting  
† **January 22, 1998 - 11 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ♿

A meeting to conduct an informal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. No public comment will be received.

**Contact:** Evelyn Brown, Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9967 or FAX (804) 662-9943.

### VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **January 15, 1998 - 9 a.m.** -- Open Meeting  
Dorey Park, 7200 Dorey Park Drive, Varina Room, Richmond, Virginia. ♿

A regular bimonthly business meeting. There will be an Agricultural Stewardship Act hearing at 2 p.m. to consider an appeal pursuant to § 10.1-559.6 of the Code of Virginia.

**Contact:** Linda J. Cox, Administrative Staff Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2123, FAX (804) 786-6141, or (804) 786-2121/TDD ☎

### COMMONWEALTH TRANSPORTATION BOARD

† **January 14, 1998 - 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.

† **January 15, 1998 - 10 a.m.** -- Open Meeting  
Department of Transportation, 1401 East Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation, Public Affairs at (804) 786-2715 for schedule.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

### TREASURY BOARD

† **January 22, 1998 - 9 a.m.** -- Open Meeting  
† **February 19, 1998 - 9 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☎

A regular business meeting.

**Contact:** Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

### BOARD FOR THE VISUALLY HANDICAPPED

**January 20, 1998 - 1 p.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

**Contact:** Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

### BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **February 27, 1998 - 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 board 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 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 23230-4917, telephone (804) 367-8595, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

### BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**January 8, 1998 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. All meetings are subject to cancellation. Time of the meeting is subject to change. Call the board office within 24 hours of the meeting to confirm meeting date and time. 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 department so that suitable arrangements can be made. The board 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 ☎

### COUNCIL ON THE STATUS OF WOMEN

**January 8, 1998 - 1:30 p.m.** -- Open Meeting  
Department for the Aging, 1600 Forest Avenue, Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A briefing on health, welfare and public safety issues.

**Contact:** Cathy Noonan, Assistant Secretary of Health and Human Resources, Council on the Status of Women, 202 N. 9th St., Suite 622, Richmond, VA 23219, telephone (804) 786-7765, FAX (804) 371-6984 or (804) 786-7765/TDD ☎

## LEGISLATIVE

### JOINT SUBCOMMITTEE STUDYING THE STATUS AND NEEDS OF AFRICAN-AMERICAN MALES IN VIRGINIA - HJR 570

#### Employment and Economics Task Force

† **January 6, 1998 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, 4th Floor West Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The final meeting of the task force. Final recommendations will be made for distribution at the full

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## Calendar of Events

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subcommittee meeting. Please direct all questions regarding the agenda or the work of the task force to Brenda Edwards or Micah Yarbrough, Division of Legislative Services, (804) 786-3591. 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 ☎

### **SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON CONSERVATION AND NATURAL RESOURCES STUDYING CAMPGROUND FEES - HB 2533**

† **January 6 1998 - 2:30 p.m.** -- Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct any questions regarding the agenda to Marty Farber, Division of Legislative Services, telephone (804) 786-3591. Individuals requiring interpreter services or special assistance 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 ☎

### **VIRGINIA CODE COMMISSION**

**January 7, 1998 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿

A meeting to conclude the commission's review of 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](mailto:jchaffin@leg.state.va.us).

### **TASK FORCE ON STATE AND LOCAL TAXATION OF ELECTRICAL UTILITIES - SJR 259**

† **January 8, 1998 - 10 a.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, 3rd Floor West Conference Room, Richmond, Virginia.

A regular meeting. Individuals requiring interpreter services or other accommodations should contact Tommy Gilman.

**Contact:** Thomas C. Gilman, Coordinator, Committee Operations, Senate of Virginia, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD ☎

### **JOINT SUBCOMMITTEE STUDYING THE FUTURE OF VIRGINIA'S ENVIRONMENT - HJR 221 (1996)**

† **January 12, 1998 - 2 p.m.** -- Open Meeting  
State Capitol, Capitol Square, House Room 4, 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 January 5, 1998.

**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 ☎

### **SENATE COMMERCE AND LABOR COMMITTEE**

#### **Financial Institutions and Insurance Subcommittee**

† **January 12, 1998 - 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 Crystal Webb by January 5, 1998.

**Contact:** Crystal Webb, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD ☎

### **SENATE EDUCATION AND HEALTH COMMITTEE**

#### **Health Professions Subcommittee**

† **January 12, 1998 - 1 p.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 Crystal Webb by January 5, 1998.

**Contact:** Crystal Webb, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TDD ☎

**STANDING SUBCOMMITTEE TO MONITOR THE ISSUES RELATED TO INFECTION WITH HUMAN IMMUNODEFICIENCY VIRUSES - HJR 132**

† **January 5, 1998 - 2 p.m.** – Open Meeting.  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The first meeting of the interim. Please direct any questions regarding the agenda to Norma Szakal, Division of Legislative Services, telephone (804) 786-3591. Individuals requiring interpreter services or other accommodations should contact Barbara Regen at least 10 working days prior to the meeting. Persons making audiovisual 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

**JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION**

† **January 12, 1998 - 2 p.m.** -- Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia.

Staff briefings on the review of the Virginia Fair Housing Office Preliminary Plan of Welfare Reform.

**Contact:** Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

**JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES - HJR 240**

**January 8, 1998 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The final meeting of the subcommittee originally scheduled on December 17, 1997, has been rescheduled for January 8. Questions regarding the agenda should be addressed to Gayle Vergara, (804) 786-3591. Individuals requiring interpreter services or other assistance should call Committee Operations prior to the hearings.

**Contact:** Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TDD

**PRIVILEGES AND ELECTIONS SUBCOMMITTEE STUDYING CAMPAIGN FINANCE REFORM**

† **January 15, 1998 - 10 a.m.** – Public Hearing  
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct any questions regarding the agenda to Mary Spain, Division of Legislative Services, telephone (804) 786-3591. Individuals requiring interpreter services or other special assistance 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

**JOINT SUBCOMMITTEE STUDYING PUBLIC UTILITY EASEMENTS IN PUBLIC RIGHTS-OF-WAY - HB 2915**

† **January 13 1998 - 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 regarding the agenda to Rob Omberg, Division of Legislative Services, telephone (804) 786-3591. Individuals requiring interpreter services or other special assistance 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

**JOINT COMMISSION ON TECHNOLOGY AND SCIENCE**

**January 5, 1998 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the commission to finalize its findings and recommendations for the 1998 General Assembly session. The public is invited to attend. The final agenda for this meeting can be obtained via the commission's website at <http://legis.state.va.us/agencies.htm>.

**Contact:** Diane E. Horvath, Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

**January 14, 1998 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, 5th Floor West Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)



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## Calendar of Events

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A meeting of the commission to review and sign proposed legislation for the 1998 General Assembly session. The public is invited to attend. The final agenda for this meeting can be obtained via the commission's website at <http://legis.state.va.us/agencies.htm>.

**Contact:** Diane E. Horvath, Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 371-0169.

### CHRONOLOGICAL LIST

#### OPEN MEETINGS

##### January 5, 1988

† Human Immunodeficiency Viruses, Standing Subcommittee to Monitor the Issues Related to Infection with  
Technology and Science, Joint Commission on

##### January 6

† African-American Males in Virginia, Joint Subcommittee Studying the Status and Needs of  
- Employment and Economics Task Force  
At-Risk Youth and Their Families, Comprehensive Services for  
- State Management Team  
† Campground Fees, Special Subcommittee of the Committee on Conservation and Natural Resources Studying  
Hopewell Industrial Safety Council  
Juvenile Justice, State Board of  
† Museum of Fine Arts, Virginia  
- Executive Committee

##### January 7

Agriculture and Consumer Services, Department of  
- Virginia Small Grains Board  
Code Commission, Virginia  
Litter Control and Recycling Fund Advisory Board  
† Medicine, Board of  
- Advisory Committee on Radiologic Technologists  
Nursing Home Administrators, Board of

##### January 8

Agriculture and Consumer Services, Department of  
- Virginia Small Grains Board  
† Air Pollution Control Board, State  
Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Board of Conservation and Recreation  
Education, Board of  
† Electrical Utilities, Task Force on State and Local Taxation of  
Environmental Quality, Department of  
Funeral Directors and Embalmers, Board of  
Game and Inland Fisheries, Board of

Medicine, Board of

- Informal Conference Committee  
- Advisory Board on Occupational Therapy  
- Advisory Board on Respiratory Therapy  
Mental Health, Mental Retardation and Substance Abuse Services - HJR 240, Joint Subcommittee Studying the Future Delivery of Publicly Funded  
Waterworks and Wastewater Works Operators, Board for  
Women, Council on the Status of

##### January 9

Auctioneers Board  
Game and Inland Fisheries, Board of  
† Higher Education for Virginia, State Council of  
Medicine, Board of  
- Informal Conference Committee  
- Advisory Committee on Physician Assistants  
- Advisory Board on Physical Therapy

##### January 12

† Conservation and Recreation, Department of  
- Goose Creek Scenic River Advisory Board  
† Education and Health Committee, Senate  
- Health Professions Subcommittee  
† Environment, Joint Subcommittee Studying the Future of Virginia's  
† Financial Institutions and Insurance Subcommittee of Senate Standing Commerce and Labor Committee  
Information Management, Council on  
- Virginia Geographic Information Network Advisory Board  
† Legislative Audit and Review Commission, Joint

##### January 13

Compensation Board  
† Contractors, Board for  
† Hazardous Materials Training Advisory Committee, State  
Medicine, Board of  
- Informal Conference Committee  
† Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed  
† Public Utility Easements in Public Rights-of-Way, Joint Subcommittee Studying  
Real Estate Appraiser Board  
† Recycling Markets Development Council, Virginia  
- Ad Hoc Committee

##### January 14

† Common Interest Community Management Information Fund Advisory Committee  
Community Colleges, State Board for  
† Contractors, Board for  
Juvenile Justice, State Board of  
† Medicine, Board of  
- Advisory Committee on Acupuncturists  
Technology and Science, Joint Commission on  
† Transportation Board, Commonwealth

## January 15

- Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- Audiology and Speech-Language Pathology, Board of
- † Child Day-Care Council
- Community Colleges, State Board for
- Environmental Quality, Department of
  - Work Group on Ammonia, Mercury, Lead and Copper with Respect to Water Quality Standards
- Forestry, Board of
- Medicine, Board of
  - Informal Conference Committee
- † Privileges and Elections Subcommittee Studying Campaign Finance Reform
- † Real Estate Board
  - Education Committee
  - Fair Housing Committee
- † Soil and Water Conservation Board, Virginia
- † Transportation Board, Commonwealth

## January 16

- Family and Children's Trust Fund Board
- † Health, Department of
  - Commonwealth Neurotrauma Initiative Advisory Board
- † Medicine, Board of
  - EMG Task Force Subcommittee
- † Psychology, Board of
  - Credentials Committee
- † Social Work, Board of

## January 17

- † Motor Vehicle Dealer Board
  - Licensing Committee

## January 19

- † Motor Vehicle Dealer Board
  - Advertising Committee
  - Dealer Practices Committee
  - Transaction Recovery Fund

## January 20

- Accountancy, Board for
- Environmental Quality, Department of
  - Virginia Ground Water Protection Steering Committee
- † Motor Vehicle Dealer Board
  - Finance Committee
  - Franchise Review and Advisory Committee
- Visually Handicapped, Board for the

## January 21

- Accountancy, Board for
- Audiology and Speech-Language Pathology, Board of
- † Conservation and Recreation, Department of
  - Rappahannock Scenic River Advisory Board
- † Museum of Fine Arts, Virginia
  - Buildings and Grounds Committee
  - Communications and Marketing Committee
  - Education and Programs Committee
  - Exhibitions Committee

- Finance Committee
- Legislative Committee
- Nominating Committee
- Board of Trustees
- † Racing Commission, Virginia

## January 22

- † Dentistry, Board of
- Independent Living Council, Statewide
- † Social Work, Board of
- † Treasury Board

## January 23

- † Dentistry, Board of
- † Health, Department of
  - Title II of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990
- † Higher Education for Virginia, State Council of
  - Executive Committee

## January 26

- Aging, Governor's Advisory Board on
- † General Services, Department of
  - Design-Build/Construction Management Review Board

## January 27

- Hearing Aid Specialists, Board for
- † Marine Resources Commission
- Psychology, Board of

## January 29

- Compensation Board
- † Longwood College
  - Committees
- † Natural History, Virginia Museum of
  - Development Committee
  - Outreach Committee
  - Research and Collections Committee

## January 30

- † Longwood College
  - Board of Visitors
- † Optometry, Board of
- Rehabilitative Services, Board of

## February 2

- Barbers, Board for

## February 3

- Hopewell Industrial Safety Council
- † Museum of Fine Arts, Virginia
  - Executive Committee

## February 4

- Deaf and Hard-of-Hearing, Department for the
  - Advisory Board

## February 5

- Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board

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# Calendar of Events

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**February 6**

Agriculture and Consumer Services, Department of  
- Virginia Plant Pollination Advisory Board  
† Information Management, Council on

**February 11**

Juvenile Justice, State Board of

**February 12**

† Geology, Board for

**February 13**

† Opticians, Board for

**February 17**

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board

**February 19**

† Treasury Board

**February 20**

Family and Children's Trust Fund Board

**February 23**

Library Board  
- Archival and Information Services Committee  
- Automation and Networking Committee  
- Bylaws Committee  
- Executive Committee  
- Facilities Committee  
- Legislative and Finance Committee  
- Nominating Committee  
- Publications and Educational Services Committee  
- Public Library Development Committee  
- Records Management Committee

**February 24**

† Marine Resources Commission

**February 27**

† Waste Management Facility Operators, Board for

**March 3**

Hopewell Industrial Safety Council

**March 9**

† Professional and Occupational Regulation, Board for

**March 24**

† Marine Resources Commission

## PUBLIC HEARINGS

**January 14, 1998**

Air Pollution Control Board, State

**February 12**

† Mines, Minerals and Energy, Department of