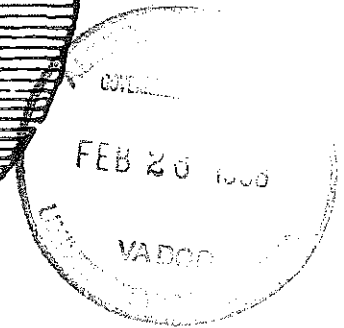
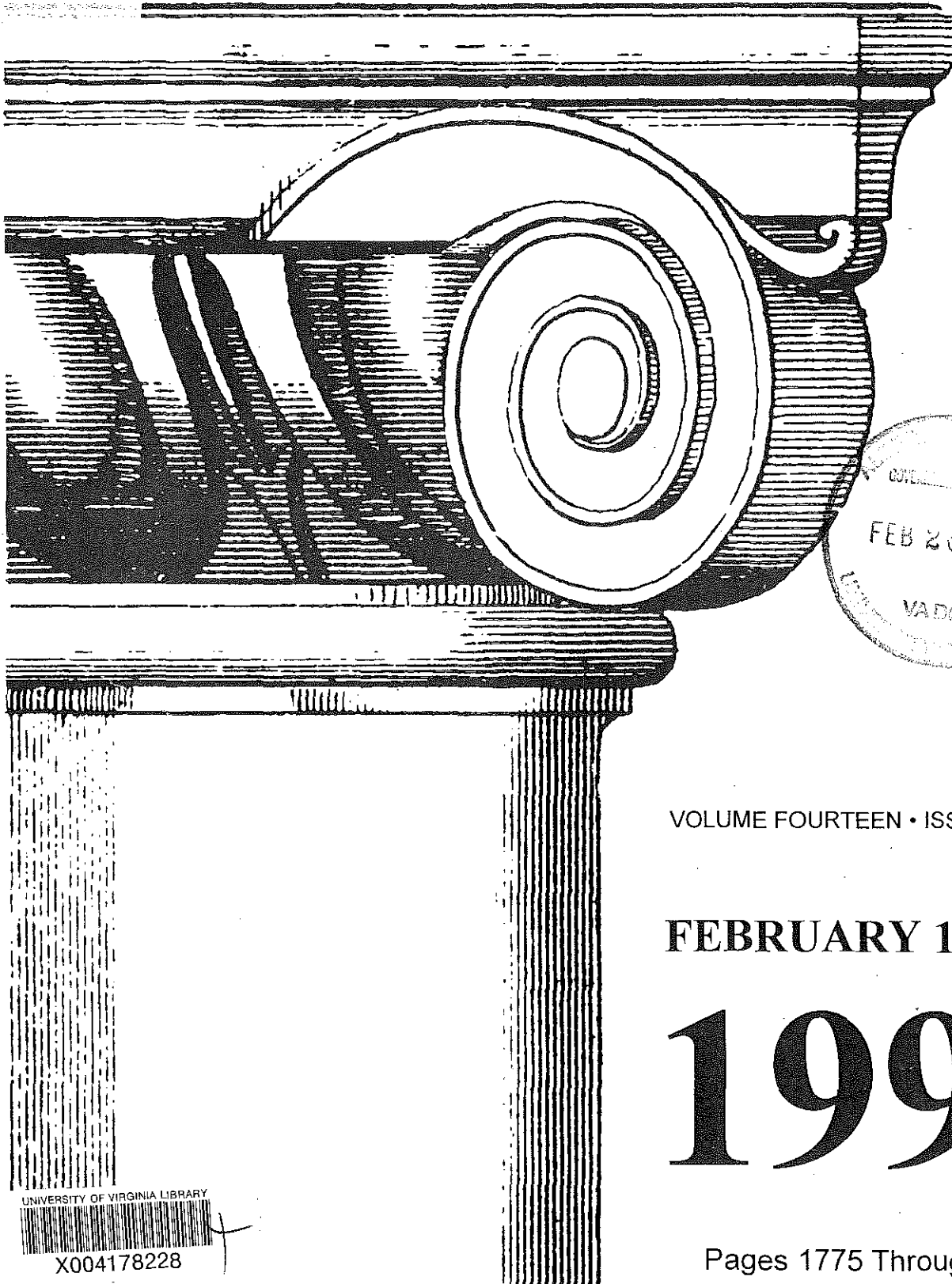


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THE VIRGINIA REGISTER

OF REGULATIONS

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. THE VIRGINIA REGISTER has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in THE VIRGINIA REGISTER OF REGULATIONS. In addition, THE VIRGINIA REGISTER is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

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

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event

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

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

EMERGENCY REGULATIONS

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

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

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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PUBLICATION DEADLINES AND SCHEDULES

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February 1998 through December 1998

| <u>Volume:Issue</u> | <u>Material Submitted By Noon Wednesday</u> | <u>Will Be Published On</u> |
|--------------------------------|---|-----------------------------|
| 14:11 | January 28, 1998 | February 16, 1998 |
| 14:12 | February 11, 1998 | March 2, 1998 |
| 14:13 | February 25, 1998 | March 16, 1998 |
| 14:14 | March 11, 1998 | March 30, 1998 |
| INDEX 2 - Volume 14 | | April 1998 |
| 14:15 | March 25, 1998 | April 13, 1998 |
| 14:16 | April 8, 1998 | April 27, 1998 |
| 14:17 | April 22, 1998 | May 11, 1998 |
| 14:18 | May 6, 1998 | May 25, 1998 |
| 14:19 | May 20, 1998 | June 8, 1998 |
| 14:20 | June 3, 1998 | June 22, 1998 |
| INDEX 3 - Volume 14 | | July 1998 |
| 14:21 | June 17, 1998 | July 6, 1998 |
| 14:22 | July 1, 1998 | July 20, 1998 |
| 14:23 | July 15, 1998 | August 3, 1998 |
| 14:24 | July 29, 1998 | August 17, 1998 |
| 14:25 | August 12, 1998 | August 31, 1998 |
| 14:26 | August 26, 1998 | September 14, 1998 |
| FINAL INDEX - Volume 14 | | October 1998 |
| 15:1 | September 9, 1998 | September 28, 1998 |
| 15:2 | September 23, 1998 | October 12, 1998 |
| 15:3 | October 7, 1998 | October 26, 1998 |
| 15:4 | October 21, 1998 | November 9, 1998 |
| 15:5 | November 4, 1998 | November 23, 1998 |
| 15:6 | November 17, 1998 (Tuesday) | December 7, 1998 |
| 15:7 | December 2, 1998 | December 21, 1998 |
| INDEX 1 - Volume 15 | | January 1999 |

TABLE OF CONTENTS

Tables of contents for issues in Volumes 13 and 14 are available on the *Register's* Internet home page
(<http://legis.state.va.us/codecomm/regindex.htm>).

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

Board of Agriculture and Consumer Services 1779

TITLE 9. ENVIRONMENT

State Air Pollution Control Board 1779

TITLE 11. GAMING

Virginia Racing Commission 1781

TITLE 12. HEALTH

Department of Medical Assistance Services 1782

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

Department of Historic Resources 1782

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board of Optometry 1782

Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals 1783

TITLE 22. SOCIAL SERVICES

Board of Social Services 1784

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

State Water Control Board 1785

PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Ground Water Withdrawal Regulation (amending 9 VAC 25-610-10, 9 VAC 25-610-90, 9 VAC 25-610-110, 9 VAC 25-610-130, 9 VAC 25-610-140, 9 VAC 25-610-160, 9 VAC 25-610-250 and 9 VAC 25-610-330; adding 9 VAC 25-610-400; repealing 9 VAC 25-610-30) 1786

FINAL REGULATIONS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Regulations for the Control and Abatement of Air Pollution: General Provisions (Rev. R97) (amending 9 VAC 5-20-203, 9 VAC 5-20-204 and 9 VAC 5-20-205) 1804

Regulations for the Control and Abatement of Air Pollution (Rev. Q97) 1807

New and Modified Stationary Sources. (9 VAC 5-50-10 et seq.) 1807

Hazardous Air Pollutant Sources (amending 9 VAC 5-60-60, 9 VAC 5-60-90, and 9 VAC 5-60-100) 1807

Regulations for the Control and Abatement of Air Pollution (Rev. SS) 1812

General Provisions (adding 9 VAC 5-20-220 and 9 VAC 5-20-230) 1812

Permits for Stationary Sources (adding Article 5, 9 VAC 5-80-800 through 9 VAC 5-80-1040; repealing 9 VAC 5-80-40) 1812

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: Stewards (amending 11 VAC 10-70-20, 11 VAC 10-70-30, 11 VAC 10-70-40, 11 VAC 10-70-50, 11 VAC 10-70-60, 11 VAC 10-70-70, 11 VAC 10-70-80, 11 VAC 10-70-110, 11 VAC 10-70-170 and 11 VAC 10-70-180) 1831

Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: Appeals to the Commission. (11 VAC 10-90-10 et seq.) 1835

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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) 1838

Table of Contents

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

AUCTIONEERS BOARD

Rules and Regulations of the Virginia Auctioneers Board (amending 18 VAC 25-21-70)..... 1845

DEPARTMENT OF HEALTH PROFESSIONS

Regulations Governing the Health Practitioner's Intervention Program for the Department of Health Professions (amending 18 VAC 76-10-10). 1845

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Regulations Governing Polygraph Examiners. (18 VAC 120-30-10 et seq.) 1846

BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-30). 1851

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Motor Carrier Safety Regulations (amending 19 VAC 30-20-10, 19 VAC 30-20-70, 19 VAC 30-20-80, 19 VAC 30-20-140, 19 VAC 30-20-150, and 19 VAC 30-20-160)..... 1853

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

Form Implementing the Minerals Other than Coal Surface Mining Reclamation Regulations. (4 VAC 25-30-10 et seq.) 1856

Forms Implementing the Coal Surface Mining Reclamation Regulations. (4 VAC 25-130-10 et seq.) 1856

GOVERNOR

GOVERNOR'S COMMENTS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Regulation for Emissions Trading. (9 VAC 5-140-10 et seq.) 1859

VIRGINIA WASTE MANAGEMENT BOARD

Virginia Hazardous Waste Management Regulations. (9 VAC 20-60-10 et seq.) 1859

STATE WATER CONTROL BOARD

Ground Water Withdrawal Regulation. (9 VAC 25-610-10 et seq.) 1859

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

High Dose Chemotherapy and Bone Marrow Transplantation: Amount, Duration, and Scope of Medical and Remedial Care Services. (12 VAC 30-50-10 et seq.) 1859

Expansion of Coverage of School-Based Health Services: Amount, Duration, and Scope of Medical and Remedial Care Services. (12 VAC 30-50-10 et seq.) 1859

Reimbursement for Individuals with Traumatic Brain Injury: Methods and Standards for Establishing Payment Rates for Long-Term Care. (12 VAC 30-90-10 et seq.) 1859

Consumer Directed Personal Attendant Services: Waivered Services. (12 VAC 30-120-10 et seq.) 1860

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Uniform Statewide Building Code. (13 VAC 5-61-10 et seq.) 1860

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Virginia Board of Dentistry Regulations. (18 VAC 60-20-10 et seq.) 1860

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

ADMINISTRATIVE LETTER

Guidelines for Conducting Title Insurance Company/Underwriter Audits of Escrow Accounts Maintained by Title Insurance Settlement Agent (1998-1)..... 1861

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Comment--Process for Determining and Defining Impaired Waters..... 1867

COMMISSION ON LOCAL GOVERNMENT

Schedule of Assessments of Mandates on Local Government 1867

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Mailing List Update 1868

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Blue Ridge Stone Corporation 1868

Proposed Special Order - Robert Campbell 1869

VIRGINIA CODE COMMISSION

Notice to Subscribers 1869

Notice to State Agencies 1869

Forms for Filing Material on Dates for Publication in *The Virginia Register of Regulations* 1869

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Community Mental Retardation Services 1869

Standards Established and Methods Used to Assure High Quality Care. (12 VAC 30-60-10 et seq.) 1869

Waivered Services. (12 VAC 30-120-10 et seq.) 1869

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 1871

LEGISLATIVE

Notice to Subscribers 1888

CHRONOLOGICAL LIST

Open Meetings 1888

Public Hearings 1890

Table of Contents

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-610-10 et seq. Rules Governing the Solicitation of Contributions.** The purpose of the proposed action is to clarify the general application of the Virginia Solicitation of Contributions (VSOC) Law, to include recent changes to the VSOC Law, as well as to review the current regulation for effectiveness and continued need. This is necessary because six additional amendments to the VSOC Law have been passed since 1991 which need to be addressed. The contemplated amendments to the current regulation would bring the regulation into conformity with these amendments in the VSOC Law, streamline the charities' application procedures for exemption from registration, establish disclosure procedures for compliance by professional solicitors with the VSOC Law, and assure uniform regulation of charitable solicitations throughout the Commonwealth. The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is (i) a standing advisory panel, (ii) an ad-hoc advisory panel, (iii) consultation with groups, (iv) consultation with individuals, or (v) any combination thereof. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 57-66 of the Code of Virginia.

Public comments may be submitted until March 5, 1998, to Jo Freeman, Senior Investigator, Department of Agriculture and Consumer Services, Office of Consumer Affairs, P.O. Box 1163, Richmond, VA 23218.

Contact: Evelyn A. Jez, Manager, Strategic Support Unit, Department of Agriculture and Consumer Services, Office of Consumer Affairs, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1308, FAX (804) 371-7479, toll-free 1-800-552-9963 or 1-800-828-1120/TDD ☎

VA.R. Doc. No. R98-168; Filed December 30, 1997, 9:35 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Regulations for the Control and Abatement of Air Pollution: Existing Stationary Sources (Rev. GG).** The regulation is being proposed to meet the requirements of §§ 111(d) and 129 of the federal Clean Air Act, and 40 CFR Part 60 Subpart Cb of federal regulations.

Public Meeting: A public meeting will be held by the Department in the Training Room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 9 a.m. on Tuesday, March 24, 1998, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted until 4:30 p.m., Wednesday, March 25, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

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

Need: The contemplated regulation is essential (i) to protect the health, safety or welfare of citizens and (ii) for the efficient and economical performance of an important governmental function. The reasoning for this conclusion is set forth below.

As a result of municipal solid waste combustion, many substances of concern are emitted to the atmosphere: organics (including dioxins and furans), metals (including particulate matter), and acid gases (including sulfur dioxide and hydrogen chloride). This mixture is considered a composite pollutant, MWC emissions. Failure to develop an

Notices of Intended Regulatory Action

adequate program to control MWC emissions will have adverse impacts on public health and welfare. For example:

1. Dioxins and furans are among the most toxic chemicals known. Excessive exposure to dioxin, for example, can cause severe reproductive, dermatological, cardiovascular, respiratory, pancreatic, and urinary disorders; dioxins and furans are also suspected carcinogens.
2. Particulate emissions can absorb heavy metals and organics and lodge in human lungs, acting as irritants and causing chronic health problems. Additionally, visibility deteriorates, due to haze, with increases of particulate matter emissions. This directly affects national parks, where clear visibility is at a premium.
3. In addition to causing eye and respiratory irritation, sulfur dioxide and hydrogen chloride also aggravate asthma and other chronic lung diseases. They may enhance the toxic effects of heavy metals. Acid gases also contribute to the development of acid rain, which has adverse effects on wildlife, vegetation, and property.

Finally, failure to develop an adequate regulation will result in imposition of a federal program. Meeting the basic requirements of the law and its associated regulations will ensure that Virginia retains its rights to govern Virginia sources.

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

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being considered because it meets the stated purpose of the regulation: to bring the regulations into compliance with federal law and regulation.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being considered because it does not necessarily meet the stated purpose of the regulation. Further, alternative regulatory changes could also go beyond the stated purpose by imposing requirements that may not be consistent with federal statutory and regulatory requirements.
3. Take no action to amend the regulations. This option is not being considered because it would not accomplish the goals of federal statutory and regulatory requirements or the stated purpose of the regulation. Furthermore, not taking any action would lead to the imposition of a federal program on Virginia.

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

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

MWC emissions are a "designated" pollutant under § 111(d) of the Clean Air Act. Designated pollutants are pollutants which are not included on a list published under § 108(a) of the Act ("criteria" pollutants), or § 112(b)(1)(A) ("hazardous" pollutants), but for which standards of performance for new sources have been established under § 111(b). When the U.S. Environmental Protection Agency (EPA) establishes a new source performance standard, states are required to develop standards for existing facilities based on EPA emission guidelines. Designated pollutant controls are critical for two reasons. First, only a limited number of air pollutants potentially harmful to human health are regulated at the federal level. Second, health risks from small exposures to designated air pollutants can be high, depending on the substances involved.

EPA has determined that MWC facilities should be regulated under § 111 (New Source Performance Standards) of the Clean Air Act because:

1. MWC emissions may be reasonably anticipated to contribute to the endangerment of public health and welfare.
2. The range of health and welfare effects and the range and uncertainties of estimated cancer risks do not warrant listing MWC emissions as a hazardous pollutant under § 112 of the Act.
3. Section 112 of the Act could not be used to address particular constituents or subgroups of emissions (such as hydrogen chloride).
4. Section 111(d) of the Act would permit a more thorough evaluation of existing MWCs at the state level than would be feasible in a general rulemaking at the federal level.

The 1990 Clean Air Act Amendments added a new § 129 to the Act that applies to solid waste incinerators, including MWCs, medical waste incinerators, and industrial waste incinerators. Section 129 of the Act and its associated standards were promulgated because EPA determined that incinerator emissions cause or contribute significantly to air pollution which may reasonably be expected to endanger public health and welfare. The intended effect of the standards and guidelines is to form a basis for state action to develop state regulations controlling MWC emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, non-air quality health and environmental impacts, and energy requirements.

Section 129 of the Act directs that the standards and guidelines for MWCs be broadened, and provides the schedule for this activity. First, § 129 directs EPA to promulgate these standards and guidelines for individual MWC units with a larger than 250 tpd capacity. Second, § 129 requires EPA to review and revise these promulgated standards and guidelines within one year, to be fully consistent with § 129. This will result in a number of additions to the standards and guidelines, including the

Notices of Intended Regulatory Action

addition of numerical emission limits for mercury, cadmium, and lead emissions. Third, § 129 directs that standards and guidelines, fully consistent with § 129, be promulgated for MWCs with a less than 250 tpd capacity within two years.

Regulating MWC emissions for new sources under § 111(b) of the Act (New Source Performance Standards) establishes MWC emissions as a designated pollutant, and requires the EPA to promulgate guidelines under § 111(d) for states to use in developing regulations to control pollutants from existing MWCs. Emissions guidelines for existing MWCs that began construction on or before December 20, 1989, have been promulgated under §§ 111(d) and 129 of the Act. In order for §§ 111 and 129 to be effected, the specific guidelines are promulgated in the Code of Federal Regulations (CFR) (subpart Ca 40 CFR Part 60). State regulations must be at least as stringent as the guidelines.

On December 20, 1989, EPA proposed standards and guidelines for MWCs in subparts Ea and Ca of 40 CFR 60, respectively. Subparts Ea and Ca were promulgated on February 11, 1991, and were developed under authority of paragraph (b) of § 111 of the Clean Air Act of 1977. The 1990 Amendments required EPA to review these emission standards and guidelines and determine if they were fully consistent with the requirements of § 129. EPA reviewed the subpart Ea standards and subpart Ca guidelines and concluded that they were not fully consistent with the requirements of § 129. Therefore, EPA proposed to revise the standards and guidelines in a September 20, 1994, proposal to make the standards and guidelines fully consistent with the requirements of § 129.

The final rule published by EPA in the Federal Register of December 19, 1995 (60 FR 65382), applies to existing MWCs as follows. Municipal waste combustors that begin construction after September 20, 1994, or that begin modification or reconstruction after June 19, 1996, and that meet all other applicability criteria are subject to the revised standards (subpart Eb). Municipal waste combustors that were constructed on or before September 20, 1994, and that meet all other applicability criteria are subject to the revised guidelines (subpart Cb). Municipal waste combustors that were constructed after December 20, 1989, and on or before September 20, 1994, and that meet all other applicability criteria are subject to both the subpart Ea standards (1991 standards for new sources) and the subpart Cb guidelines (1995 retrofit guidelines for existing sources). EPA also withdrew the subpart Ca guidelines (1991 guidelines for existing sources) and published a direct final rule revising the text of subpart Ea.

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

Public comments may be submitted until 4:30 p.m., Wednesday, March 25, 1998, to the Director, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804)

698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TDD

VA.R. Doc. No. R98-189; Filed January 27, 1998, 3:27 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-100-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Horses.** The purpose of the proposed action is to amend the regulation pertaining to racehorses in regards to lip-tattoo requirements and any other matters arising from the public comment period. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until February 18, 1998.

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

VA.R. Doc. No. R98-158; Filed December 19, 1997, 3:34 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 Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-110-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Entries.** The purpose of the proposed action is to amend the regulation pertaining to entries in light of the commission's experience of the first race meeting at Colonial Downs and any other matters. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until February 18, 1998.

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

VA.R. Doc. No. R98-157; Filed December 19, 1997, 3:34 p.m.

Notices of Intended Regulatory Action

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services; 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure Quality of Care; and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates—Other Types of Care.** The purpose of the proposed action is to establish Medicaid coverage policies for licensed clinical nurse specialists, making them eligible for direct payment for the provision of services that they are licensed to provide. The Notice of Intended Regulatory Action for this regulation was originally published in 13:20 VA.R. June 23, 1997, with public comments accepted until July 23, 1997. The agency has requested a second publication of the notice with the public comment period extended until March 4, 1998. The agency does not intend to hold a public hearing on the proposed regulations after publication.

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

Public comments may be submitted until March 4, 1998, to Roberta J. Jonas, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R97-538; Filed January 14, 1998, 9:15 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120-310. Waivered Services: Services Exempted from Medallion.** The purpose of the proposed action is to provide direct access to obstetricians-gynecologists without a referral from a primary care provider. 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 February 18, 1998, to Scott Canady, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R98-167; Filed December 29, 1997, 1:55 p.m.

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

DEPARTMENT OF HISTORIC RESOURCES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Historic Resources intends to consider promulgating regulations entitled: **17 VAC 10-30-10 et seq. Historic Rehabilitation Tax Credit.** The purpose of the proposed action is to define a process for certification of rehabilitations of historic buildings so that the property owners may qualify for a state income tax credit. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 10.1-2202 and 58.1-339.2 of the Code of Virginia.

Public comments may be submitted until March 4, 1998.

Contact: John E. Wells, Tax Act Coordinator, Department of Historic Resources, 221 Governor St., Richmond, VA 23219 (after February 15, 1998, the address will be 2801 Kensington Avenue, Richmond, VA 23221), telephone (804) 371-6495 or FAX (804) 371-6025.

VA.R. Doc. No. R98-181; Filed January 14, 1998, 10:19 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF OPTOMETRY

† 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 Optometry intends to consider amending regulations entitled: **18 VAC 105-20-10 et seq. Regulations of the Virginia Board of Optometry.** The purpose of the proposed action is to amend regulations in order to provide guidance on conditions and provisions that would permit an optometrist to practice adjacent to a commercial or mercantile establishment. The agency intends

Notices of Intended Regulatory Action

to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3205 of the Code of Virginia.

(NOTE: EXTENSION OF COMMENT PERIOD.)

Public comments may be submitted until March 15, 1998.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-9943.

VA.R. Doc. No. R98-159; Filed January 28, 1998, 11:38

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 § 9-6.14:7.1 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 promulgate amendments for clarification, simplification and reduction in regulatory burden pursuant to Executive Order 15 (94) as follows: (i) provide for endorsement of applicants who are certified by national certifying bodies, and simplify the application process for these applicants and for those who are currently certified by other states by substantially equivalent requirements; (ii) review the education requirements to ensure that they meet the minimum standards for professional competency as necessary to protect the public; (iii) broaden the credentials acceptable for providing supervision to allow individuals in remote areas of the state to find supervision more readily; (iv) accept certain nationally-recognized professional certifications for endorsement of applicants to certification in Virginia in lieu of requiring those holding such certifications to follow the application process outlined in regulation; (v) simplify the renewal process for extended late renewals; (vi) eliminate unnecessary fees; (vii) strike language which is duplicative of statute and update the regulation as needed to comply with any recent statutory change; and (viii) clarify language outlining educational and experience requirements and Standards of Practice governing confidentiality and dual relationships. 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 March 4, 1998.

Contact: Janet D. Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575 or FAX (804) 662-9943.

VA.R. Doc. No. R98-179; Filed January 12, 1998, 2:05 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-50-10 et seq. Regulations Governing the Practice of Marriage and Family Therapy.** The purpose of the proposed action is to develop a mechanism to allow individuals whose marriage and family therapy graduate programs currently fall short of regulations to meet the requirements for licensure, and to further amend the regulations as follows: (i) clarify the one-year internship requirement by expressing in terms of equivalent semester hours and consider reducing the client contact hour requirement for the internship; (ii) determine work experience equivalencies for the supervised experience requirement for endorsement of individuals with lengthy experience licensed in other jurisdictions and clarify that the official transcript is required for documentation of the education requirement; (iii) include acceptance of programs accredited by agencies whose accreditation requirements are equivalent to COAMFTE; (iv) adjust the supervision hours if Executive Order 15 (94) amendments to the Regulations Governing the Practice of Professional Counseling result in inconsistencies; (v) determine what specific training or experience in the supervision of marriage and family therapy would be acceptable to the board; (vi) consider alternatives to meeting the education and experience requirements for supervisors to allow "grandfathered" individuals to provide supervision; and (vii) include a licensure expiration date in the regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until March 4, 1998.

Contact: Janet D. Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575 or FAX (804) 662-9943.

VA.R. Doc. No. R98-178; Filed January 12, 1998, 2:05 p.m.

Notices of Intended Regulatory Action

TITLE 22. SOCIAL SERVICES

BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-710-10 et seq. Child Protective Services Client Appeals.** The purpose of the proposed action is to repeal the current Child Protective Services Client Appeals regulation that has been replaced by a more comprehensive child protective services regulation that became effective January 1, 1998. The new regulation, 22 VAC 40-705-10 et seq., combines both programmatic and appeals regulations. The agency does not intend to hold a public hearing on the repeal of the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Public comments may be submitted until February 18, 1998.

Contact: Jane Clements, Appeals Program Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1832 or FAX (804) 692-1804.

VA.R. Doc. No. R98-162; Filed December 23, 1997, 12:06 p.m.



PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

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

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

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

March 25, 1998 - 7 p.m. – Public Hearing
Northampton County Circuit Court Room, 16404 Courthouse Road, Eastville, Virginia.

March 26, 1998 - 3 p.m. – Public Hearing
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

April 17, 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 State Water Control Board intends to amend regulations entitled: **9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation**. The proposed amendments (i) establish ground water withdrawal requirements for agricultural ground water users; (ii) incorporate 1994 legislative amendments, and (iii) require the Department of Environmental Quality to perform technical evaluations of proposed withdrawals.

Statutory Authority: § 62.1-256 of the Code of Virginia.

Contact: Terry D. Wagner, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043 or FAX (804) 698-4032.



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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation (amending 9 VAC 25-610-10, 9 VAC 25-610-90, 9 VAC 25-610-110, 9 VAC 25-610-130, 9 VAC 25-610-140, 9 VAC 25-610-160, 9 VAC 25-610-250 and 9 VAC 25-610-330; adding 9 VAC 25-610-400; repealing 9 VAC 25-610-30).

Statutory Authority: § 62.1-256 of the Code of Virginia.

Public Hearing Date:

March 25, 1998 - 7 p.m. (Northampton County)

March 26, 1998 - 3 p.m. (Williamsburg)

Public comments may be submitted until April 17, 1998.

(See Calendar of Events section
for additional information)

Basis: The Ground Water Withdrawal Regulation (9 VAC 25-610-10 et seq.) is authorized by the Ground Water Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia. Specifically, subdivision 8 of § 62.1-256 authorizes the State Water Control Board to adopt regulations necessary to administer and enforce the provisions of the Act. The amendments currently proposed will establish ground water withdrawal requirements for agricultural ground water users as authorized in §§ 62.1-258, 62.1-260 E, and 62.1-261 C. The proposed amendments also incorporate legislative amendments to § 62.1-260 A that were adopted by the 1994 session of the Virginia General Assembly.

Purpose: The proposed regulatory amendment will (i) establish ground water withdrawal requirements for agricultural ground water users, (ii) incorporate legislative amendments to the Ground Water Management Act of 1992 adopted by the 1994 session of the Virginia General Assembly, and (iii) require that the Department of Environmental Quality perform technical evaluations of the impacts of proposed withdrawals that are currently required of the applicant. Regulation of agricultural ground water withdrawals within designated ground water management areas is required by the Act. This requirement will assure that existing ground water users are protected from the impacts of increased ground water withdrawals for agricultural purposes and will grant legal standing to existing agricultural ground water withdrawals. The 1994 legislative amendment will assure that community water supplies are issued ground water withdrawal permits based on historic usage that will support their needs during times of significant drought, as typified by the drought of 1981. The requirement for DEQ to perform technical evaluations of the impacts of

proposed withdrawals will remove a significant regulatory burden from the regulated community. This requirement will also result in more effective and efficient evaluation of the impact of individual withdrawals as well as the cumulative impacts of total lawful withdrawals and assure that ground water withdrawal permits are issued in compliance with existing regulatory criteria. These existing criterion were established to assure that ground water withdrawal permits were issued in a fashion that would protect the rights of all existing ground water users to continue their usage to protect the public welfare, safety and health.

Substance: The proposed regulatory amendment will (i) establish ground water withdrawal requirements for agricultural ground water users, (ii) incorporate legislative amendments to the Ground Water Management Act of 1992 adopted by the 1994 session of the Virginia General Assembly, and (iii) require that the Department of Environmental Quality perform technical evaluations of the impacts of proposed withdrawals that are currently required of the applicant. Agricultural ground water withdrawal requirements establish acceptable methods to document historic ground water withdrawals by agricultural users and establish ground water withdrawal monitoring requirements for these users. The 1994 legislative amendment is incorporated directly into the regulation and establishes a 12-year window of opportunity for existing community water supplies to make claims for ground water withdrawal permits based solely on their historic withdrawals. This is an expansion of the existing 5-year window of opportunity. The proposed amendments require DEQ to perform all technical evaluations of the impacts of proposed withdrawals. These current regulations require the applicant to perform these technical evaluations.

Issues: The proposed regulatory amendment directly incorporates legislative requirements regarding the regulation of ground water withdrawals associated with existing agricultural ground water withdrawals and community water supply withdrawals. Proposed regulatory requirements to establish historic withdrawals for agricultural users are based on input received from a broad spectrum of agricultural interests and include the provision to consider the unique situation of each agricultural user, if required. Proposed regulatory requirements to establish ground water withdrawal monitoring criteria for agricultural users are based on input received from a broad spectrum of agricultural interests and include the provision to consider the unique situation of each agricultural user, if required. The proposed amendment to require DEQ to perform technical evaluations of ground water withdrawal applications will result in significant cost savings to applicants for ground water withdrawal permits. It is anticipated that applicants for small amounts of ground water withdrawal that require relatively simple technical evaluations

will typically save \$2,000-\$5,000 and applicants for large amounts of ground water that require complex technical evaluations will save \$15,000-\$20,000. Under the current regulation, which requires the applicant to perform technical evaluations, the review of technical evaluations is the most time consuming portion of the ground water withdrawal permitting process. It is anticipated that the time frame required to issue ground water withdrawal permits will be significantly reduced due to the implementation of this amendment. The primary advantages to the public will include a reduction in the expenses associated with application for a ground water withdrawal permit, issuance of ground water withdrawal permits in a shorter time frame, and the ability to consider the impact of existing agricultural ground water withdrawals when considering requests for new or expanded ground water withdrawals. The proposed amendments produce no disadvantage to the public. The advantages to the agency and state include the issuance of ground water withdrawal permits that are more technically defensible and that are based on sound science. The disadvantage to the agency will be that additional resources will need to be assigned to the ground water withdrawal management program to implement this amendment.

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

Summary of the proposed regulation. The proposed regulation will establish regulatory requirements for the issuance of ground water withdrawal permits to agricultural users, incorporate specific regulatory language to address legislative amendments to the Act that was passed by the 1994 session of the General Assembly, and require the Department of Environmental Quality (DEQ) to perform technical evaluations of proposed withdrawals.

Estimated economic impact. The Ground Water Management Act of 1992 required agricultural users who withdraw more than 300,000 gallons of water per month to obtain a permit within designated ground water management areas. This regulation establishes a framework for issuing the permits. All existing user permits will be issued based on historic withdrawals by December 31, 1993. Community waterworks will be allowed to use any consecutive 12-month period during the drought of 1981 to 1983 as the base for their permits. For agricultural users who have not been

monitored in the past, DEQ will estimate prior use based on acreage, crops grown, and other farm characteristics.

The purpose of requiring agricultural users to obtain permits for ground water use is to monitor the withdrawal rates within the management areas to ensure that the resource is not depleted. Without some monitoring and control on the rates of extraction, there would be a tendency for ground water to be withdrawn at rates in excess of economically efficient levels, which would lead to water scarcity earlier than otherwise. However, the regulations as written could be counterproductive.

First, agricultural producers are not required to pay a permit fee to cover DEQ costs of evaluating and processing permit applications (all other users pay a flat rate of \$2,000). Thus, the taxpayer rather than the water user will be asked to pay the costs of managing the ground water resource. For the 106 applications already received, the total amount of the subsidy is over \$200,000. This represents a transfer of wealth from taxpayers to agricultural users of ground water. Although by itself, this subsidy will not necessarily increase water use for individuals already using ground water, it does increase the profits from investing in ground water use relative to other options and may induce more farmers to use ground water. This will eventually lead to more users and greater water scarcity earlier than otherwise.

Second, in conformity with the act, permits will be issued based on historical ground water withdrawals. Since agricultural users have not been monitored in the past, DEQ indicates estimates of highest use over a consecutive 12-month period in the last 10 years will be made based on acreage, crop grown and other farm characteristics. DEQ agrees this will lead to permits being issued for more water than users actually need. Since permits will often be issued for more water extraction than is needed, it is not unlikely that, as extraction limits are reached, new applicants with very valuable uses for ground water will not be issued permits. This implies that there is a substantial likelihood that, in places where it is scarce, ground water will not be efficiently allocated or not allocated to its best use.

DEQ indicates that it has the authority to reissue a permit for a lesser amount if the permittee is using less than 60% of what the permit allows. This penalizes those who conserve water and provides an incentive to pump more than is actually needed in order to hold on to the permit as originally issued. The end result is that this provision will tend to exacerbate ground water scarcity.

The legislative language that is being incorporated into this regulation will enable community waterworks to be issued permits based on historical usage that will support their needs in times of significant drought. As with agricultural users, this implies permits will be issued for amounts greater than average daily use. As discussed above this could lead to the inefficient allocation of ground water.

The regulation requires DEQ to perform technical evaluations of the impacts of proposed withdrawals. Such evaluations are currently the responsibility of the applicant. DEQ

Proposed Regulations

indicates that the time needed to review technical evaluations for each applicant is about the same as if DEQ performed the evaluations themselves. This is because each applicant hires his/her own consultant, each one with a different model. By performing the evaluations, DEQ will use a single model that will bring some uniformity to the evaluations. Applicants are required not only to assess the impact of their withdrawals but the overall (total) impact of aggregate withdrawal within the management area as well. DEQ believes it will be in a much better position to provide consistent impact assessments if it uses a single model for every permittee.

According to DEQ, applicants currently pay between \$2,000 and \$20,000 to have these technical evaluations done depending on the complexity of the evaluation. With this new regulation, DEQ will absorb the cost of all the evaluations. Even if we assume that all the evaluations will be at the low end of \$2,000, for agricultural users alone, this amounts to over \$200,000.

The justification for DEQ absorbing the cost of performing the evaluations is not readily apparent. By performing the evaluations, DEQ is already saving applicants the cost of finding a competent consultant who can perform evaluations to meet all the necessary requirements. In absorbing the cost of the evaluations, DEQ is further subsidizing ground water withdrawals in the form of a direct transfer of wealth from taxpayers to the users of ground water. The effect of such subsidization has been discussed above. Applicants should absorb some if not all the cost of the technical evaluations even if it is performed by DEQ. A user fee that reflects DEQ's cost of providing the evaluations will help ensure the efficient allocation of ground water. Without such a fee, there is likely to be an increase in the number of applicants seeking permits and increased ground water withdrawals. DEQ offers no clear justification for asking taxpayers to cover these costs.

While the proposed amendment focus on bringing agricultural producers under the Ground Water Withdrawal Regulation, the original regulatory design does not provide incentives for conservation and does not allocate ground water to its highest use. Some of the features include:

- Permits are nontransferable;
- Priority system for new applicants would encourage rush to obtain permits;
- Permits to existing users exceed use;
- Permits needed for more than 300,000 gallons per month otherwise no permits needed for withdrawals;
- Initial allocation likely not efficient, but there is no mechanism to correct it.

DPB recommends that DEQ take another look at the design of the Ground Water Withdrawal Regulation. DEQ should examine the concept of tradable permits for the efficient allocation of ground water taking into account the points that have been noted above. In the least, DEQ needs to find

ways to modify these rules so that they do not encourage waste of ground water and do not damage economic development by misallocating water resources.

Businesses and entities affected. Agricultural users of ground water will be affected by this regulation. They will not incur any additional costs except the cost of acquiring a flow or hour meter to monitor water use. All users of ground water will also be affected. They benefit from having the DEQ perform all the technical evaluations needed for permit applications. The taxpayers of Commonwealth will also be affected by this regulation since they will be paying for the technical evaluations and the cost of issuing permits to agricultural users.

Localities particularly affected. Localities that have will be particularly affected are those that have designated ground water management areas. These include localities in the Eastern Shore and Eastern Virginia Ground Water Management Areas.

Projected impact on employment. No measurable impact on employment is anticipated with this regulation in the short run. However, as ground water scarcity becomes more severe, the inefficient allocation of ground water could hamper economic growth and reduce employment in areas where water is scarce.

Effects on the use and value of private property. Any effect on the value and use of private property is too small to measure at this time. As with employment, the availability of ground water can be an important factor in determining the market value of water. An inefficient system of allocating ground water could tend to reduce aggregate property values below their full market potential.

Summary of analysis. The purpose of the ground water regulations is to monitor withdrawal rates within management areas to ensure that the resource is not depleted. However, the regulations as written contain incentives that could be counterproductive and could lead to inefficient allocation of ground water, excessive withdrawals, and premature resource depletion. Any resulting water scarcities could hamper economic growth in Virginia. Common property resources such as ground water require some allocation mechanism to avoid waste and overuse. However, not all approaches to solving this problem are effective. Overall, we would expect this regulation, as it is currently designed, to have a negative economic impact in Virginia.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: Page 1: The title of the regulation is Ground Water Withdrawal Regulation.

Page 2, paragraph #1: Permits for existing agricultural ground water users will be issued based on withdrawals in any 12 consecutive month period between July 1, 1983, and June 30, 1993. Permits will be issued for existing community water works who had permits issued under the Ground Water Act of 1973 based on withdrawals in any 12 consecutive month period between July 1, 1980, and June 30, 1992. Both of these requirements are established in legislation.

Page 2, paragraph #2: The purpose of requiring existing agricultural users to obtain permits for ground water use is to reasonably control these withdrawals in order to protect the public welfare, safety and health. Monitoring of withdrawal rates associated with these withdrawals is a manner of assuring compliance with permit conditions. DEQ does not agree that the proposed amendments are counterproductive.

Page 2, paragraph #3: Agricultural users are exempt from permit fees based on legislation. DEQ does not have the authority to charge permit fees to agricultural users. The 106 applications referenced are for permits based solely on historic withdrawals. The statement that all nonagricultural applicants pay a flat rate application fee of \$2,000 is incorrect. Applicants for nonagricultural withdrawals based solely on historic withdrawals pay a \$400 permit fee. The conclusion that the legislative exemption of agriculture from permit fees results in a \$200,000 subsidy is incorrect. If the agricultural community were subject to permit fees for permit applications based solely on historic withdrawals, the perceived "subsidy" would only be \$42,400 for the 106 applications received.

Page 2, paragraph #4: Legislation requires that DEQ issue permits to agricultural users for the amount of water they withdrew in any 12 consecutive month period between July 1, 1983, and June 30, 1993. While staff agrees that estimates of agricultural use will probably result in permits that grant greater withdrawal amounts than were actually used, it is imperative to remember that these permits will be issued with a maximum term of 10 years. At the end of the 10-year period, these agricultural users will have to reapply for a new permit and will be subjected to the same level of scrutiny as any other applicant (see 9 VAC 25-610-110). In any case, it is in the Commonwealth's best interest to place some level of control on these existing withdrawals sooner rather than later.

Page 3, paragraph #1: The authority to reopen a permit when a permittee is not withdrawing at least 60% of the permitted amount for a five-year period is contained in the existing regulation, not the amendments that are subject to this review. One must remember that ground water withdrawal permits are issued for a term not to exceed 10 years. Most applicants for ground water withdrawal permits forecast growth in their business during the 10-year permit period. (As an example, a development plan for a project may forecast 50% completion in two years, 70% completion in five years, and 100% completion in nine years.) This authority to reopen a permit is simply a "reality check" that allows DEQ to address permittees whose plans did not materialize. This authority in no way discourages water conservation. This economic impact analysis fails to recognize that the application process examines closely the need that an applicant has to use ground water and assures that no other sources of water supply are available to the applicant. Nor does it recognize that all applications for new or expanded withdrawals require a ground water conservation and management plan. (Please see 9 VAC 25-610-100.) 9 VAC 25-610-110 D 3 d specifically requires that the applicant demonstrate "that the amount of ground water

requested is the smallest amount necessary to support the proposed beneficial use and that the amount is representative of the amount necessary to support similar beneficial uses when adequate conservation methods are employed" prior to the issuance of a permit.

In the case of ground water withdrawal permits issued to existing agricultural users based on estimates of historic use, where those estimates may exceed actual need, this concern may have minor merit. The withdrawal of ground water has a cost associated with it, at least the cost of maintaining pumping equipment and energy costs associated with pumping. Agricultural users, as well as other classes of ground water users, typically are not in a position to waste monetary resources on the withdrawal of water for which there is no need. In addition, in the case of agricultural irrigation, the over application of irrigation water can be as detrimental to crop yields and associated income as the lack of water. It is not likely that an agricultural producer would withdraw ground water and discharge such water to waste to "protect" an existing permit based on historic withdrawals due to the cost associated with such withdrawals. In addition, at the end of the maximum 10-year term of the permit based solely on estimates of historic withdrawals, the permittee must comply with all application requirements discussed in the previous paragraph. Therefore, in the unlikely event that an agricultural user withdrew ground water and discharged it to waste, he could only "protect" his ground water withdrawal permit for a maximum period of 10 years. 9 VAC 25-610-110 F 1 clearly states "Existing permitted withdrawal amounts shall not be the sole basis for determination of the appropriate withdrawal amounts when a permit is reissued."

Page 3, paragraph #2: The requirement to issue ground water withdrawal permits to community waterworks who were withdrawing water prior to July 1, 1992, for the amount of water withdrawn in any 12 consecutive month period between July 1, 1980, and June 30, 1992, is contained in legislation. DEQ does not have the authority to modify this requirement. An analysis of community waterworks that are in this class of ground water permittees indicates that seven waterworks will receive benefits from this legislative amendment. Of a total additional permitted amount of 11.577 million gallons per day, the City of Norfolk received an additional 10.6 million gallons per day of permitted withdrawal.

Page 3, paragraph #3: This analysis fails to recognize the difference in evaluating the impact of the total amount of ground water withdrawal (all permitted and nonpermitted users) and evaluating the individual impact of a proposed withdrawal. It is necessary to evaluate the total impact of all permitted and existing withdrawals to determine the amount of stress that has been placed on the ground water system. Because of the complicated nature of the aquifer system in the Coastal Plain of Virginia and the fact that most withdrawal permits will be issued for more water than is being used prior to the tenth year of the permit (please see comments above to page 3, paragraph #1) the impact of the total withdrawal amount must be predicted using a ground water flow modeling tool. DEQ has cooperated with the USGS Water

Proposed Regulations

Resources Division since 1983 in the development and refinement of a predictive ground water flow model to simulate ground water withdrawals in the Coastal Plain of Virginia. The impacts of individual applications must be evaluated prior to the issuance of a permit to assure compliance with technical criteria contained in the regulation. Depending on the location and magnitude of the proposed withdrawal, any of a number of tools may be appropriate to evaluate an individual application.

It is DEQ's responsibility to monitor the total impact of the total withdrawal on the ground water system. The inputs to this cumulative evaluation are the impacts of the individual permitted withdrawals as well as impacts of nonpermitted withdrawals (i.e., significant withdrawals outside of the existing ground water management area but within the Coastal Plain). By developing the capability to perform this cumulative evaluation, the agency will have the ability to evaluate individual applications. Experience has shown that a similar amount of staff time is required to review a technical evaluation contained in an application as to actually perform the technical evaluation. This economic analysis does not include the cost savings that the agency will recognize in permit review when making claims of additional costs required for performing technical evaluations.

Page 3, paragraph #4: This is an erroneous conclusion. The 106 applications that DEQ has received from agricultural users are for permits based solely on historic withdrawals. No individual technical evaluation is required of these applications.

Page 4, paragraph #1: The justification for DEQ absorbing the cost of the evaluations is contained in the comments above associate with page 3, paragraph #3. As mentioned above, this proposal will significantly reduce resources required by the ground water withdrawal permitting staff to evaluate applications. The increase in technical staff time to perform the technical evaluations for an individual application will be significantly equivalent to the ground water withdrawal permitting staff time savings. Therefore, the total amount of agency resources to evaluate an application will remain relatively constant. Applicants (other than agricultural applicants that are exempted from permit fees by legislation) will continue to subsidize the cost of application review (both technical evaluation and permit evaluation) through the payment of permit fees. These fees are currently set at the maximum allowed by legislation. As previously mentioned, the application process requires a clear demonstration by the applicant of a need for ground water withdrawal and a demonstration that other sources of water supply are not available. Even if the existing fee structure increases the number of applications for ground water withdrawal permits, such permits will not be issued absent the demonstrated need and lack of other sources of water supply.

It is also important to recognize that performing evaluations of total ground water withdrawals in the Commonwealth, specifically in the two existing ground water management areas, not only benefits applicants for ground water withdrawal permits, but also all users of ground water (i.e.

taxpayers). The purpose of performing technical evaluations of individual ground water withdrawal applications is to assure that such permits can be issued that will not have a detrimental effect on existing users. Such existing users include all permitted ground water withdrawers as well as unpermitted withdrawers. Unpermitted withdrawers include all users of less than 300,000 gallons per month. This class of ground water users included many small industrial and commercial operations as well as individual domestic supplies (i.e. taxpayers). These users receive a direct benefit from the proper application of the regulation and Act.

Page 4, paragraph #2: As previously discussed the existing ground water withdrawal regulation, which are not the appropriate subject of this economic impact analysis, requires water conservation through a water conservation and management plan. Additionally the existing ground water withdrawal regulation states "When proposed uses of ground water are in conflict or supplies of ground water are not sufficient to support all those who desire to use them, the board shall prioritize the evaluation of applications in the following manner: Applications for human consumptive use shall be given the highest priority..." (9 VAC 25-610-110 E). This priority of use is established by legislation.

The conclusion that permits are nontransferable is incorrect. Permits are transferable (9 VAC 25-610-320).

As previously discussed a "rush to obtain permits" does not mean that such permits would be issued. Any application must demonstrate a real need for water supply and the unavailability of other sources of water supply.

The only class of existing users where there is a probability that permits will exceed use is agricultural withdrawals. This probability is due to the use of estimation methods to establish historic withdrawals. Estimation methods must be used because these users have never had a requirement to monitor their withdrawals. The only legal method that can be used to require the monitoring of these withdrawals is a ground water withdrawal permit. The most immediate ground water management issue related to agricultural ground water withdrawals is documentation of actual agricultural use. Without the issuance of permits with monitoring requirements this issue cannot be addressed. Any "over allocation" to this class of users will be addressed when the permits are reissued at a time not to exceed 10 years into the future.

Based on previous evaluations of ground water use trends in the existing ground water management areas, it is estimated that users that withdraw more than 300,000 gallons per month withdraw more than 90% of the total ground water withdrawn. Two large industrial users (Union Camp and Chesapeake Corp.) withdraw more than 50% of the total ground water withdrawn in the Eastern Virginia Ground Water Management Area. This permitting threshold corresponds to the reporting threshold in the Water Withdrawal Reporting Regulation. The effort required to permit the large number of small ground water users (less than 300,000 gallons per month) would not result in a significant level of increased ground water management. This permitting threshold is

established in legislation. (Examples of permitting threshold from other east coast states with similar ground water conditions: Maryland, 10,000 gpd; Delaware, 50,000 gpd; North Carolina, South Carolina, Georgia, Florida, and New Jersey, 100,000 gpd.)

The "initial allocation" of ground water permits is based on existing actual use of ground water (or estimates of that use in the case of agricultural users). When a ground water withdrawal permitting system is established, existing uses must be accommodated. This "initial allocation" is established by legislation.

Page 4, paragraph #3: The concept of "tradeable" ground water withdrawal permits is problematic for two reasons. A ground water withdrawal has an impact that is associated with the amount of the withdrawal, the aquifer(s) from which the withdrawal originates, and the location of the withdrawal. If Permittee A had a withdrawal permit for 1 million gpd located in New Kent County and he traded that permit to Permittee B located in Isle of Wight County, the impact of the permitted withdrawal would be significantly different. Secondly, ground water withdrawal permits are issued based on the aquifer that will supply the lowest quality water necessary to support the proposed use. (It is important to realize that in the Eastern Virginia Ground Water Area there are 10 aquifers that have different water production characteristics as well as different water quality characteristics. Additionally, water quality characteristics vary spatially within one aquifer.) This issuance criteria is contained in the existing regulation to assure that high quality ground water will be reserved for future beneficial uses. It would not be appropriate to transfer a permit from a user that required high quality ground water (public water supply) to a permittee that did not require high quality water (industrial cooling water). The existing ground water withdrawal regulation allows for the automatic transfer of a ground water permit when a new owner purchases an operation with a ground water withdrawal permit and continues that operation (9 VAC 25-610-320).

DEQ disagrees that the existing regulation or proposed amendments encourage the waste of ground water or improperly allocates ground water.

Page 5, paragraph #1: Please see previous discussion of the benefit to all ground water users (i.e., taxpayers) contained in the comments to page 3, paragraph #3 and page 4, paragraph #1.

Page 6, paragraph #1: The purpose of the ground water withdrawal regulation is to establish mechanisms for the reasonable control of ground water resources in order to protect the public welfare, safety and health. DEQ disagrees with the conclusion that the existing regulation and proposed amendments will result in inefficient ground water allocation, excessive withdrawals and premature resource depletion resulting in an adverse economic impact to the Commonwealth.

Summary: This economic impact analysis concentrates on ground water policy issues that have been established by the

Virginia General Assembly. The analysis does not limit itself to the proposed amendments that are at hand. The analysis does not recognize constraints that are contained in the Ground Water Management Act of 1992 and draws an inaccurate conclusion as to the economic impact of the proposed amendments.

Summary:

The proposed amendments (i) establish regulatory requirements for the issuance of ground water withdrawal permits to agricultural users, (ii) incorporate specific regulatory language to address legislative amendments to the Act that were passed by the 1994 session of the General Assembly which changed the manner in which permits are required to be issued to political subdivisions and community waterworks who held certificates of ground water right or permits to withdraw ground water issued under the Ground Water Act of 1973, and (iii) require the Department of Environmental Quality rather than the permit applicant to perform technical evaluations of proposed withdrawals.

9 VAC 25-610-10. Definitions.

Unless a different meaning is required by the context, the following terms, as used in this chapter, shall have the following meanings.

"Act" means the Ground Water Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

"Adverse impact" means reductions in ground water levels or changes in ground water quality that limit the ability of any existing ground water user lawfully withdrawing or authorized to withdraw ground water at the time of permit or special exception issuance to continue to withdraw the quantity and quality of ground water required by the existing use. Existing users include all those persons who have been granted a ground water withdrawal permit subject to this chapter and all other persons who are excluded from permit requirements by 9 VAC 25-610-50.

"Applicant" means a person filing an application to initiate or enlarge a ground water withdrawal in a ground water management area.

"Area of impact" means the areal extent of each aquifer where more than one foot of drawdown is predicted to occur due to a proposed withdrawal.

"Beneficial use" includes, but is not limited to domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Consumptive use" means the withdrawal of ground water, without recycle of said waters to their source of origin.

"Department" means the Department of Environmental Quality.

Proposed Regulations

"*Draft permit*" means a prepared document indicating the board's tentative decision relative to a permit action.

"*Director*" means the director of the Department of Environmental Quality.

"*Geophysical investigation*" means any hydrogeologic evaluation to define the hydrogeologic framework of an area or determine the hydrogeologic properties of any aquifer or confining unit to the extent that withdrawals associated with such investigations do not result in unmitigated adverse impacts to existing ground water users. Geophysical investigations include, but are not limited to, pump tests and aquifer tests.

"*Ground water*" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"*Historic prepumping water levels*" means ground water levels in aquifers prior to the initiation of any ground water withdrawals. For the purpose of this chapter, in the Eastern Virginia and Eastern Shore Groundwater Management Areas, historic prepumping water levels are defined as water levels present in aquifers prior to 1890.

"*Human consumptive use*" means the withdrawal of ground water for private residential domestic use and that portion of ground water withdrawals in a public water supply system that support residential domestic uses and domestic uses at commercial and industrial establishments.

"*Mitigate*" means to take actions necessary to assure that all existing ground water users at the time of issuance of a permit or special exception who experience adverse impacts continue to have access to the amount and quality of ground water needed for existing uses.

"*Permit*" means a Groundwater Withdrawal Permit issued by the board permitting the withdrawal of a specified quantity of ground water under specified conditions in a ground water management area.

"*Permittee*" means a person who currently has an effective Groundwater Withdrawal Permit issued by the board.

"*Person*" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this Commonwealth or any other state or country.

"*Public hearing*" means a fact finding proceeding held to afford interested persons an opportunity to submit factual data, views and comments to the board pursuant to the board's Procedural Rule No. 1.

"*Salt water intrusion*" means the encroachment of saline waters in any aquifer that create adverse impacts to existing ground water users or is counter to the public interest.

"*Special exception*" means a document issued by the board for withdrawal of ground water in unusual situations where requiring the user to obtain a ground water withdrawal permit would be contrary to the purpose of the Groundwater Management Act of 1992. Special exceptions allow the withdrawal of a specified quantity of ground water under specified conditions in a ground water management area.

"*Surface and ground water conjunctive use system*" means an integrated water supply system wherein surface water is the primary source and ground water is a supplemental source that is used to augment the surface water source when the surface water source is not able to produce the amount of water necessary to support the annual water demands of the system.

"*Well*" means any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is intended to be withdrawn.

"*Withdrawal system*" means (i) one or more wells or withdrawal points located on the same or contiguous properties under common ownership for which the withdrawal is applied to the same beneficial use or (ii) two or more connected wells or withdrawal points which are under common ownership but are not necessarily located on contiguous properties.

9 VAC 25-610-30. Authority for chapter. (Repealed.)

~~The authority for this chapter is the Groundwater Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia, in particular § 62.1-256.8.~~

9 VAC 25-610-90. Application for a permit.

A. Persons withdrawing ground water or who have rights to withdraw ground water prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water Management Areas and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. Any person who was issued a certificate of ground water right or a permit to withdraw ground water prior to July 1, 1991, and who was withdrawing ground water pursuant to said permit or certificate on July 1, 1992, shall file an application on or before December 31, 1992, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.).

2. Any person who was issued a certificate of ground water right or a permit to withdraw ground water prior to July 1, 1991, and who had not initiated the withdrawal prior to July 1, 1992, may initiate a withdrawal on or after July 1, 1992, pursuant to the terms and conditions of the certificate or permit and shall file an application for a ground water withdrawal permit on or before December 31, 1995, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through

withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.).

3. Any person who was issued a permit to withdraw ground water on or after July 1, 1991, and prior to July 1, 1992, shall not be required to apply for a ground water withdrawal permit until the expiration of the permit to withdraw ground water or 10 years from the date of issuance of the permit to withdraw ground water, whichever occurs first. Such persons shall reapply for a ground water withdrawal permit as described in ~~9 VAC 25-610-90~~ subsection D of this section.

4. ~~Reserved.~~ Any person withdrawing ground water for agricultural or livestock watering purposes on or before July 1, 1992, shall file an application for a ground water withdrawal permit on or before December 31, 1993. The applicant shall demonstrate the claimed prior withdrawals by voluntary withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.) when such reports have been filed with the board. When such reports are not available estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

5. Any political subdivision, or authority serving a political subdivision, holding a certificate of ground water right or a permit to withdraw ground water issued prior to July 1, 1992, for the operation of a public water supply well for the purpose of providing supplemental water during drought conditions, shall file an application on or before December 31, 1992. Any political subdivision, or authority serving a political subdivision, shall submit, as part of the application, a water conservation and management plan as described in 9 VAC 25-610-100 B.

6. Any person who is required to apply in ~~9 VAC 25-610-90 A~~ subdivision 1, 2, or 5 of this subsection and who uses the certificated or permitted withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

7. Any person described in ~~9 VAC 25-610-90 A~~ subdivision 1, 2, 3, or 5 of this subsection who files a complete application by the date required may continue to withdraw ground water pursuant to the existing certificate or permit until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

8. Any person described in subdivision 4 of this subsection who files a complete application by the date required may continue his existing withdrawal until such

time as the board takes action on the outstanding application for a ground water withdrawal permit.

~~8.~~ 9. Any person described in ~~9 VAC 25-610-90 A~~ subdivision 1, 2, 3, 4, or 5 of this subsection who files an incomplete application by the date required may continue to withdraw ground water as described in ~~9 VAC 25-610-90 A~~ subdivisions 7 and 8 of this subsection provided that all information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such ~~persons~~ person not provide the board the required information within 60 days, ~~they~~ he shall cease withdrawals until ~~they provide~~ he provides any additional information to the board and the board concurs that the application is complete.

~~9.~~ 10. A complete application for those persons described in ~~9 VAC 25-610-90 A~~ subdivision 1, 2, 3, 4, or 5 of this subsection shall contain:

a. A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;

b. Well construction documentation for all wells associated with the application;

c. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps;

d. Withdrawal reports required by the existing certificate or permit, ~~or~~ reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.), or estimates of withdrawals as described in subdivision 4 of this subsection to support any claimed prior withdrawal;

e. A copy of the Virginia Department of Health waterworks operation permit, or equivalent, where applicable;

f. Persons described in ~~9 VAC 25-610-90 A~~ subdivision 5 of this subsection shall submit a water conservation and management plan as described in 9 VAC 25-610-100;

g. The application shall have an original signature as described in 9 VAC 25-610-150.

~~10.~~ Any person described in ~~9 VAC 25-610-90 A~~ 4 who files an application by the date required may continue their existing withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

11. Any person described in ~~9 VAC 25-610-90 A~~ subdivision 1, 2, 3, 4, or 5 of this subsection who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should

Proposed Regulations

any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, ~~they may do so by filing~~ *he shall have filed* an application with a letter of explanation to the board ~~within 60 days of the original required date or within 60 days of the effective date of this chapter, whichever is later~~ by November 21, 1993. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water, shall apply for a new withdrawal as described in ~~9 VAC 25-610-99~~ *subsection C of this section.*

12. Any person described in subdivision 4 of this subsection who fails to file an application by the date required creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, he may do so by filing an application with a letter of explanation to the board within 60 days of the original required date or within 60 days of the effective date of this chapter, whichever is later. Any such person failing to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in subsection C of this section.

B. Persons withdrawing ground water when a ground water management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. Any person withdrawing ground water in an area that is declared to be a ground water management area after July 1, 1992, shall file an application for a ground water within six months of the effective date of the regulation creating or expanding the ground water management area. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.). *In the case of agricultural ground water withdrawals not required to report by Water Withdrawal Reporting Regulations, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.*

2. Any person withdrawing ground water who uses the withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a ground water withdrawal permit.

3. Any person who is required to apply for a ground water withdrawal permit and files a complete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue their withdrawal until such time as the board takes action on the outstanding application for a ground water withdrawal permit.

4. Any person who is required to apply for a ground water withdrawal permit and files an incomplete application within six months after the effective date of the regulation creating or expanding a ground water management area may continue to withdraw ground water as described in ~~9 VAC 25-610-90-B~~ *subdivision 3 of this subsection* provided that all the information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such ~~persons~~ *person* not provide the board the required information within 60 days, ~~they~~ *he* shall cease withdrawals until ~~they provide~~ *he provides* any additional information to the board and the board concurs that the application is complete.

5. A complete application for those persons described in ~~9 VAC 25-610-90-B~~ *subdivision 1 of this subsection* shall contain:

- a. A ground water withdrawal permit application completed in its entirety. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
- b. Well construction documentation for all wells associated with the application;
- c. Locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps;
- d. Withdrawal reports required by Water Withdrawal Reporting Regulations (9 VAC 25-200-10 et seq.) *or estimates of withdrawals as described in subdivision 1 of this subsection* to support any claimed prior withdrawal;
- e. A copy of the Virginia Department of Health waterworks operation permit, where applicable; and
- f. The application shall have an original signature as described in 9 VAC 25-610-150.

6. Any person who fails to file an application within six months after the effective date creating or expanding a ground water management area creates the presumption that all claims to ground water withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned, they may do so by filing an application with a letter of explanation to the board within eight months after the date creating or expanding the ground water management area. Any such person failing to

rebut the presumption that claims to ground water withdrawal based on historic use have been abandoned who wishes to withdraw ground water shall apply for a new withdrawal as described in ~~9 VAC 25-610-90~~ subsection C of this section.

C. Persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area and not excluded from requirements of this chapter by 9 VAC 25-610-50 shall apply for a permit.

1. A ground water withdrawal permit application shall be completed and submitted to the board and a ground water withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9 VAC 25-610-50.

2. A complete ground water withdrawal permit application for a new or expanded withdrawal, at a minimum, shall contain the following:

a. A ground water withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required;

b. The application shall include notification from the local governing body of the county, city or town in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 44 22 (§ ~~45.4 427~~ 15.2-2200 et seq.) of Title ~~45.4~~ 15.2 of the Code of Virginia. If the governing body of any county, city or town fails to respond within 45 days following receipt of a written request by certified mail, return receipt requested, by an applicant for certification that the location and operation of the proposed facility is consistent with all ordinances adopted pursuant to Chapter 44 22 (§ ~~45.4 427~~ 15.2-2200 et seq.) of Title ~~45.4~~ 15.2 of the Code of Virginia, the location and operation of the proposed facility shall be deemed to comply with the provisions of such ordinances for the purposes of this chapter;

c. The application shall have an original signature as described in 9 VAC 25-610-150;

d. The application shall include locations of all wells associated with the application shown on United States Geological Survey 7½ minute topographic maps or copies of such maps and a detailed location map of each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;

e. A completed well construction report for all existing wells associated with the application. Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality;

~~f. A well construction report of the proposed construction for all proposed wells included in the application shall be provided and shall be clearly~~

~~marked to distinguish them from well construction reports of existing wells. Well construction report forms will be in a format specified by the board and are available from the Department of Environmental Quality. Following construction of any proposed wells, well construction reports providing evidence of the actual construction of the well shall be provided to the board. Final approval for construction is the authority of the Virginia Department of Health (see 9 VAC 25-610-130 A);~~

~~g. f.~~ An evaluation of the lowest quality water needed for the intended beneficial use;

~~h. g.~~ An evaluation of sources of water supply, other than ground water, including sources of reclaimed water; and

~~i. h.~~ A water conservation and management plan as described in 9 VAC 25-610-100; and.

~~j. An evaluation to determine the areas of any aquifers that will experience at least one foot of water level declines due to the proposed withdrawal and a listing of all ground water withdrawal permittees within those areas.~~

3. In addition to requirements contained in ~~9 VAC 25-610-90 C~~ subdivision 2 of this subsection, the board may require any or all of the following information prior to considering an application complete.

a. A plan to mitigate potential adverse impacts due to the proposed withdrawal on existing ground water users.

b. The installation of monitoring wells and the collection and analysis of drill cuttings, continuous cores, geophysical logs, water quality samples or other hydrogeologic information necessary to characterize the aquifer system present at the proposed withdrawal site.

c. The completion of pump tests or aquifer tests to determine aquifer characteristics at the proposed withdrawal site.

~~d. Ground water flow and/or solute transport modeling to determine the area and extent of predicted impacts due to the proposed withdrawal.~~

~~e. An evaluation of the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource.~~

~~f. d.~~ Other information that the board believes is necessary to evaluate the application.

D. Duty to reapply.

1. Any permittee with an effective permit shall submit a new permit application at least 270 days before the

Proposed Regulations

expiration date of an effective permit unless permission for a later date has been granted by the board.

2. Permittees who have effective permits shall submit a new application 270 days prior to any proposed modification to their activity which will:

- a. Result in an increase of withdrawals above permitted limits; and
- b. Violate or lead to the violation of the terms and conditions of the permit.

3. The applicant shall provide all information described in ~~9 VAC 25-610-90~~ subdivisions C 1 and 2 of this section and may be required to provide any information described in ~~9 VAC 25-610-90~~ subdivision C 3 of this section for any reapplication.

E. Where the board considers an application incomplete under the requirements of ~~9 VAC 25-610-90~~ this section, the board may require the submission of additional information after an application has been filed, and may suspend processing of any application until such time as the applicant has supplied missing or deficient information and the board considers the application complete. Further, where the applicant becomes aware that he omitted one or more relevant facts from a permit application, or submitted incorrect information in a permit application or in any report to the board, he shall immediately submit such facts or the correct information.

F. When an application does not accurately describe an existing or proposed ground water withdrawal system, the board may require the applicant to amend the existing application, submit a new application, or submit new applications before the application will be processed.

G. All persons required by this chapter to apply for ground water withdrawal permits shall submit application forms in a format specified by the board. Such application forms are available from the Department of Environmental Quality.

H. No ground water withdrawal permit application shall be considered complete until a permit fee is submitted as required by the Permit Fee Regulations (~~9 VAC 25-610-10~~ 9 VAC 25-20-10 et seq.).

9 VAC 25-610-110. Criteria for issuance of permits.

A. The board shall not issue any permit for more ground water than will be applied to the proposed beneficial use.

B. The board shall issue ground water withdrawal permits to persons withdrawing ground water or who have rights to withdraw ground water prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Ground Water Management Areas and not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 1 for the total amount of ground water withdrawn in any consecutive 12-month period between

July 1, 1987, and June 30, 1992; however, with respect to a political subdivision, an authority serving a political subdivision or a community waterworks regulated by the Department of Health, the board shall issue a ground water withdrawal permit for the total amount of water withdrawn in any consecutive 12-month period between July 1, 1980, and June 30, 1992.

2. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 2 for the total amount of ground water withdrawn and applied to a beneficial use in any consecutive 12-month period between July 1, 1992, and June 30, 1995.

3. ~~Reserved.~~ The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 4 for the total amount of ground water withdrawn in any consecutive 12-month period between July 1, 1983, and June 30, 1993. The board shall evaluate all estimates of ground water withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.

4. The board shall issue a ground water withdrawal permit for persons meeting the criteria of 9 VAC 25-610-90 A 5 for the amount of ground water withdrawal needed to annually meet human consumption needs as proven in the water conservation and management plan approved by the board. The board shall include conditions in such permits that require the implementation of mandatory use restrictions before such withdrawals can be exercised.

5. When requested by persons described in 9 VAC 25-610-90 A 1, 2 and 4 the board shall issue ground water withdrawal permits that include withdrawal amounts in excess of those which an applicant can support based on historic usage. These additional amounts shall be based on water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

C. The board shall issue ground water withdrawal permits to persons withdrawing ground water when a ground water

management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The board shall issue a ground water withdrawal permit to nonagricultural users for the total amount of ground water withdrawn in any consecutive 12-month period during the five years preceding the effective date of the regulation creating or expanding the ground water management area.

2. ~~Reserved.~~ The board shall issue a ground water withdrawal permit to agricultural users for the total amount of ground water withdrawn in any consecutive 12-month period during the 10 years preceding the effective date of the regulation creating or expanding the ground water management area. The board shall evaluate all estimates of ground water withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.

3. When requested by the applicant the board shall issue ground water withdrawal permits that include withdrawal amounts in excess of those which an applicant can support based on historic usage. These additional amounts shall be based on water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

D. The board shall issue ground water withdrawal permits to persons wishing to initiate a new withdrawal or expand an existing withdrawal in any ground water management area who have submitted complete applications and are not excluded from requirements of this chapter by 9 VAC 25-610-50 based on the following criteria:

1. The applicant shall provide all information required in 9 VAC 25-610-90 C 2 prior to the board's determination that an application is complete. The board may require the applicant to provide any information contained in 9 VAC 25-610-90 C 3 prior to considering an application complete based on the anticipated impact of the proposed withdrawal on existing ground water users or the ground water resource.

2. The board shall perform a technical evaluation to determine the areas of any aquifers that will experience

at least one foot of water level declines due to the proposed withdrawal and may evaluate the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource.

2- 3. The board shall issue a ground water withdrawal permit when the applicant demonstrates it is demonstrated, by a complete application and the board's technical evaluation, to the board's satisfaction that the maximum safe supply of ground water will be preserved and protected for all other beneficial uses and that the applicant's proposed withdrawal will have no significant unmitigated impact on existing ground water users or the ground-water resource. In order to assure that the applicant's proposed withdrawal complies with the above stated requirements, the applicant's demonstration shall include, but not be limited to, compliance with the following criteria:

a. The applicant demonstrates that no other sources of water supply, including reclaimed water, are viable.

b. The applicant demonstrates that the ground water withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use.

c. ~~The applicant demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing ground water withdrawers within the area of impact of the proposed withdrawal.~~

~~In cases where the area of impact does not remain on the property owned by the applicant or existing ground water withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing ground water users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:~~

~~(1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;~~

~~(2) A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;~~

~~(3) A speedy, nonexclusive, low cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and~~

~~(4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's~~

Proposed Regulations

~~withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.~~

~~d. The applicant demonstrates that the proposed withdrawal in combination with all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the historical prepumping water levels in the aquifer and the top of the aquifer. Compliance with the 80% drawdown criterion will be determined at the points that are halfway between the proposed withdrawal site and the predicted one-foot drawdown contour based on the predicted stabilized effects of the proposed withdrawal.~~

~~e. c. The applicant demonstrates that no pumps or water intake devices are placed below the top of the uppermost confined aquifer that a well utilizes as a ground water source or below the bottom of an unconfined aquifer that a well utilizes as a ground water source.~~

~~f. d. The applicant demonstrates that the amount of ground water withdrawal requested is the smallest amount of withdrawal necessary to support the proposed beneficial use and that the amount is representative of the amount necessary to support similar beneficial uses when adequate conservation measures are employed.~~

~~g. The applicant demonstrates that the proposed ground water withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. This provision shall not exclude the withdrawal of brackish water so long as the proposed withdrawal will not result in unmitigated adverse impacts.~~

~~h. e. The applicant provides a water conservation and management plan as described in 9 VAC 25-610-100 and implements the plan as an enforceable condition of the ground water withdrawal permit.~~

~~i. f. The applicant provides certification by the local governing body that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 44 22 (§ 45-4-427 15.2-2200 et seq.) of Title 45-4 15.2 of the Code of Virginia.~~

~~g. The board's technical evaluation demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that~~

~~there are no existing ground water withdrawers within the area of impact of the proposed withdrawal.~~

~~In cases where the area of impact does not remain on the property owned by the applicant or existing ground water withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing ground water users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:~~

~~(1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;~~

~~(2) A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;~~

~~(3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and~~

~~(4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.~~

~~h. The board's technical evaluation demonstrates that the proposed withdrawal in combination with all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the historical prepumping water levels in the aquifer and the top of the aquifer. Compliance with the 80% drawdown criterion will be determined at the points that are halfway between the proposed withdrawal site and the predicted one-foot drawdown contour based on the predicted stabilized effects of the proposed withdrawal.~~

~~i. The board's technical evaluation demonstrates that the proposed ground water withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing ground water users or the ground water resource. This provision shall not exclude the withdrawal of brackish water so long as the proposed withdrawal will not result in unmitigated adverse impacts.~~

3- 4. The board may also take the following factors into consideration when evaluating a ground water withdrawal permit application or special conditions associated with a ground water withdrawal permit:

- a. The nature of the use of the proposed withdrawal;
- b. The proposed use of innovative approaches such as aquifer storage and recovery systems, surface and ground water conjunctive use systems, multiple well systems that blend withdrawals from aquifers that contain different quality ground water in order to produce potable water, and desalinization of brackish ground water;
- c. Climatic cycles;
- d. Economic cycles;
- e. The unique requirements of nuclear power stations;
- f. Population and water demand projections during the term of the proposed permit;
- g. The status of land use and other necessary approvals; and
- h. Other factors that the board deems appropriate.

E. When proposed uses of ground water are in conflict or available supplies of ground water are not sufficient to support all those who desire to use them, the board shall prioritize the evaluation of applications in the following manner:

1. Applications for human consumptive use shall be given the highest priority;
2. Should there be conflicts between applications for human consumptive uses, applications will be evaluated in order based on the date that said applications were considered complete; and
3. Applications for all uses, other than human consumption, will be evaluated following the evaluation of proposed human consumptive uses in order based on the date that said applications were considered complete.

F. Criteria for reissuance of permits. The board shall consider all criteria for reissuance of a ground water withdrawal permit that are considered for issuance as described in this section of this chapter. Existing permitted withdrawal amounts shall not be the sole basis for determination of the appropriate withdrawal amounts when a permit is reissued.

The board shall reissue a permit to any public water supply user for an annual amount no less than the amount equal to that portion of the permitted withdrawal that was used by said system to support human consumptive uses during 12 consecutive months of the previous term of the permit.

9 VAC 25-610-130. Conditions applicable to all permits.

A. Duty to comply. The permittee shall comply with all conditions of the permit. Nothing in this chapter shall be construed to relieve the Groundwater Withdrawal Permit holder of the duty to comply with all applicable federal and state statutes and regulations. At a minimum, a person must obtain a well construction permit or a well site approval letter from the Virginia Department of Health prior to the construction of any well. Any permit noncompliance is a violation of the Act and law, and is grounds for enforcement action, permit termination, revocation, amendment, or denial of a permit renewal application.

B. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a permit has been granted in order to maintain compliance with the conditions of the permit.

C. Duty to mitigate. The permittee shall take all reasonable steps to:

1. Avoid all adverse impacts to lawful ground water users which could result from the withdrawal; and
2. Where impacts cannot be avoided, provide mitigation of the adverse impact as described in 9 VAC 25-610-110 D 2 3 c.

D. Inspection and entry. Upon presentation of credentials, any duly authorized agent of the board or department may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of assuring compliance with the conditions of the permit or as otherwise authorized by law.

E. Duty to provide information. The permittee shall furnish to the board, within a reasonable time, any information which the board may request to determine whether cause exists for amending or revoking the permit, or to determine compliance with the permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.

F. Monitoring and records requirements.

1. Monitoring shall be conducted according to approved analytical methods as specified in the permit.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

Proposed Regulations

3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three years from the date of the expiration of a granted permit. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include:

- a. The date, exact place and time of sampling or measurements;
- b. The name of the individuals who performed the sampling or measurements;
- c. The date the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used; and
- f. The results of such analyses.

G. Permit action. A permit may be amended or revoked as set forth in Part VI of this chapter.

If a permittee files a request for permit amendment or revocation, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective permit.

Permits may be amended or revoked upon the request of the permittee, or upon board initiative, to reflect the requirements of any changes in the statutes or regulations.

9 VAC 25-610-140. Establishing applicable standards, limitations or other permit conditions.

A. In addition to the conditions established in 9 VAC 25-610-100, 9 VAC 25-610-110, 9 VAC 25-610-120 and 9 VAC 25-610-130 of this chapter, each permit shall include conditions with the following requirements:

1. A permit shall contain the total depth of each permitted well in feet;
2. A permit shall contain the designation of the aquifers to be utilized;
3. A permit shall contain conditions limiting the withdrawal amount of a single well or a group of wells that comprise a withdrawal system to a quantity specified by the board. A permit shall contain a maximum annual withdrawal limit;
4. A ground water withdrawal permit for a public water supply shall contain a condition allowing daily withdrawals at a level consistent with the requirements

and conditions contained in the the waterworks operation permit, or equivalent, issued by the Virginia Department of Health. This requirement shall not limit the authority of the board to reduce or eliminate ground water withdrawals by public water suppliers if necessary to protect human health or the environment;

5. The permittee shall not place a pump or water intake device lower than the top of the uppermost confined aquifer that a well utilizes as a ground water source or lower than the bottom of an unconfined aquifer that a well utilizes as a ground water source;

6. All permits shall specify monitoring requirements as conditions of the permit.

a. Permitted users who are issued ground water withdrawal permits based on 9 VAC 25-610-110 B 3 and C 2 shall install either in-line totalizing flow meters or hour meters that record the hours of operation of withdrawal pumps on each permitted well prior to beginning the permitted use. Flow meters shall produce volume determinations within plus or minus 10% of actual flows. Hour meters shall produce run times within plus or minus 10% of actual run times. Hour meter readings will be multiplied by the maximum capacity of the withdrawal pump to determine withdrawal amounts. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in ground water withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

a. b. Permitted users who are issued ground water withdrawal permits based on any section of this chapter not included in subdivision 6 a of this subsection shall install in-line totalizing flow meters to read gallons, cubic feet or cubic meters on each permitted well prior to beginning the permitted use. Such meters shall produce volume determinations within plus or minus 10% of actual flows. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in ground water withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

b. c. Permits shall contain requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods when required as a condition of the permit.

d. Permits shall contain required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity and including, when appropriate, continuous monitoring and sampling.

e. Each permitted well shall be equipped in a manner such that water levels can be measured during pumping and nonpumping periods without dismantling any equipment. Any opening for tape measurement of water levels shall have an inside diameter of at least 0.5 inches and be sealed by a removable plug or cap. The permittee shall provide a tap for taking raw water samples from each permitted well.

7. All permits shall include requirements to report the amount of water withdrawn from each permitted well and well system on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year.

8. Ground water withdrawal permits issued under this chapter shall have an effective and expiration date which will determine the life of the permit. Ground water withdrawal permits shall be effective for a fixed term not to exceed 10 years. Permit duration of less than the maximum period of time may be recommended in areas where hydrologic conditions are changing or are not adequately known. The term of any permit shall not be extended by amendment beyond the maximum duration. Extension of permits for the same activity beyond the maximum duration specified in the original permit will require reapplication and issuance of a new permit.

9. Each permit shall have a condition allowing the reopening of the permit for the purpose of amending the conditions of the permit to meet new regulatory standards duly adopted by the board. Cause for reopening permits include but is not limited to a determination that the circumstances under which the previous permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the permit was issued and thereby constitute cause for permit amendment or revocation.

10. Each well that is included in a ground water withdrawal permit shall have affixed to the well casing, in a prominent place, a permanent well identification plate that records the Department of Environmental Quality well identification number, the ground water withdrawal permit number, the total depth of the well and the screened intervals in the well, at a minimum. Such well identification plates shall be in a format specified by the board and are available from the Department of Environmental Quality.

B. In addition to the conditions established in 9 VAC 25-610-100, 9 VAC 25-610-110, 9 VAC 25-610-120, 9 VAC

25-610-130, and ~~9 VAC 25-610-140~~ subsection A of this section, each permit may include conditions with the following requirements where applicable:

1. A withdrawal limit may be placed on all or some of the wells which constitute a withdrawal system;

2. A permit may contain quarterly, monthly, or daily withdrawal limits or withdrawal limits based on any other frequency as determined by the board;

3. A permit may contain conditions requiring water quality and water levels monitoring at specified intervals in any wells deemed appropriate by the board;

4. A permit may contain conditions specifying water quality action levels in pumping and observation/monitoring wells to protect against or mitigate water quality degradation. The board may require permitted users to initiate control measures which include, but are not limited to, the following:

a. Pumping arrangements to reduce ground water withdrawal in areas of concentrated pumping;

b. Location of wells to eliminate or reduce ground water withdrawals near saltwater-freshwater interfaces;

c. Requirement of selective withdrawal from other available aquifers than those presently used;

d. Selective curtailment, reduction or cessation of ground water withdrawals to protect the public welfare, safety or health or to protect the resource;

e. Conjunctive use of freshwater and saltwater aquifers, or waters of less desirable quality where water quality of a specific character is not essential;

f. Construction and use of observation or monitoring wells, drilled into aquifers between areas of ground water withdrawal (or proposed areas of ground water withdrawal) and sources of lower quality water including saltwater;

g. Prohibiting the hydraulic connection of aquifers that contain different quality waters that could result in deterioration of water quality in an aquifer; and

h. Such other necessary control or abatement techniques as are technically feasible.

5. A permit may contain conditions limiting water level declines in pumping wells and observation wells; and

6. All permits may include requirements to report water quality and water level information on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year.

C. In addition to conditions described in 9 VAC 25-610-130 and ~~9 VAC 25-610-140~~ subsections A and B of this section the board may issue any permit with any terms, conditions

Proposed Regulations

and limitations necessary to protect the public welfare, safety and health.

9 VAC 25-610-160. Draft permit.

A. Upon receipt of a complete application for a new or expanded withdrawal or a complete application to amend an existing withdrawal, the board shall make a tentative decision to issue or deny the application. If a tentative decision is to issue the permit then a draft permit shall be prepared in advance of public notice. The following tentative determinations shall be incorporated into a draft permit:

1. Conditions, withdrawal limitations, standards and other requirements applicable to the permit;
2. Monitoring and reporting requirements;
3. Requirements for mitigation of adverse impacts; and
4. Requirements for a water conservation and management plan.

B. If the tentative decision is to deny the application, the board shall do so in accordance with 9 VAC 25-610-340.

9 VAC 25-610-250. Public notice of permit or special exception action and public comment period.

A. Every draft permit described in 9 VAC 25-610-160 A and draft special exception shall be given public notice in a form prescribed by the board and paid for by the owner, by publication once in a newspaper of general circulation in the area affected by the withdrawal.

B. Notice of each draft permit described in 9 VAC 25-610-160 A and draft special exception will be mailed by the board to each local governing body within the ground water management area within which the proposed withdrawal will occur on or before the date of public notice.

C. The board shall allow a period of at least 30 days following the date of the public notice for interested persons to submit written comments on the tentative decision and to request an informal hearing.

D. The contents of the public notice of a draft permit or draft special exception action shall include:

1. Name and address of the applicant. If the location of the proposed withdrawal differs from the address of the applicant the notice shall also state the location in sufficient detail such that the specific location may be easily identified;
2. Brief description of the beneficial use that the ground water withdrawal will support;
3. The name and depth below ground surface of the aquifer that will support the proposed withdrawal;
4. The amount of ground water withdrawal requested expressed as an average gallonage per day;
5. A statement of the tentative determination to issue or deny a permit or special exception;

6. A brief description of the final determination procedure;

7. The address and phone number of a specific person at the department's office from whom further information may be obtained; and

8. A brief description on how to submit comments and request a public hearing.

E. Public notice shall not be required for submission or approval of plans and specifications or conceptual engineering reports not required to be submitted as part of the application or for draft permits for existing ground water withdrawals when such draft permits are based solely on historic withdrawals.

F. When a permit or special exception is denied the board will do so in accordance with 9 VAC 25-610-340.

9 VAC 25-610-330. Minor amendment.

A. Upon request of the holder of a permit or special exception, or upon board initiative with the consent of the holder of a permit or special exception, minor amendments may be made in the permit or special exception without following the public involvement procedures.

B. For ground water withdrawal permits and special exceptions, minor amendments may only:

1. Correct typographical errors;
2. Require reporting at a greater frequency than required in the permit or special exception;
3. Add additional or more restrictive monitoring requirements than required in the permit or special exception;
4. Replace an existing well so long as the replacement well is screened in the same aquifers and as the existing well, the replacement well is in the same location as the existing well, the ground water withdrawal does not increase, and the area of impact does not increase;
5. Add additional wells so long as the additional wells are screened in the same aquifers as the existing well, additional wells are in the same location as the existing well, the total ground water withdrawal does not increase, and the area of impact does not increase;
- ~~5-~~ 6. Combine the withdrawals governed by multiple permits into one permit when the systems that were governed by the multiple permits are physically connected, as long as the interconnection will not result in additional ground water withdrawal and the area of impact will not increase;
- ~~6-~~ 7. Change an interim compliance date in a schedule of compliance to no more than 120 days from the original compliance date and provided it will not interfere with the final compliance date; and
- ~~7-~~ 8. Allow for a change in ownership or operational control when the board determines that no other change

in the permit or special exception is necessary, provided that a written agreement containing a specific date for transfer of permit or special exception responsibility, coverage and liability from the current to the new owner has been submitted to the board.

9 VAC 25-610-400. Evaluation of regulation.

Within three years after the effective date of this chapter, the department shall perform an analysis of this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter, (ii) alternatives which would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this chapter, (iv) the results of a review of current state and federal statutory and regulatory requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities.

Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter, or (iii) amend this chapter. If the board's decision is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

VA.R. Doc. No. R98-21; Filed January 16, 1998, 3:39 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulation.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

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

Title of Regulations: 9 VAC 5-20-10 et seq. **Regulations for the Control and Abatement of Air Pollution: General Provisions (Rev. R97) (amending 9 VAC 5-20-203, 9 VAC 5-20-204 and 9 VAC 5-20-205).**

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

Effective Date: April 1, 1998.

Summary:

The amendments (i) revise the geographic delineation of the maintenance areas to correspond to the recent federal promulgation (9 VAC 5-20-203); (ii) revise the geographic delineation of the nonattainment areas to correspond to the recent federal promulgation (9 VAC 5-20-204); and (iii) revise the geographic delineation of the prevention of significant deterioration areas to correspond to the recent federal promulgation (9 VAC 5-20-205).

Agency Contact: Copies of the regulation may be obtained from Alma Jenkins, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070. Questions regarding the regulation should be addressed to Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426.

9 VAC 5-20-203. Maintenance areas.

Maintenance areas are geographically defined below by locality for the criteria pollutants indicated.

1. Ozone.

Hampton Roads Ozone Maintenance Area.

| | |
|-------------------|---------------------|
| James City County | Poquoson City |
| York County | Portsmouth City |
| Chesapeake City | Suffolk City |
| Hampton City | Virginia Beach City |

Newport News City
Norfolk City

Williamsburg City

Richmond Ozone Maintenance Area.

Charles City County*

Colonial Heights City

Chesterfield County

Hopewell City

Hanover County

Richmond City

Henrico County

*Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.

2. Carbon monoxide.

Northern Virginia Carbon Monoxide Maintenance Area.

Arlington County

Alexandria City

3. All other pollutants.

None.

9 VAC 5-20-204. Nonattainment areas.

Nonattainment areas are geographically defined below by locality for the criteria pollutants indicated. Following the name of each nonattainment area, in parentheses, is the classification assigned pursuant to § 181 (a) for ozone and § 186 (a) for carbon monoxide of the federal Clean Air Act (42 USC § 7511 (a) and 42 USC § 7512 (a)).

1. Ozone.

a. Northern Virginia Ozone Nonattainment Area (serious).

Arlington County

Alexandria City

Fairfax County

Fairfax City

Loudoun County

Falls Church City

Prince William County

Manassas City

Stafford County

Manassas Park City

~~b. Richmond Ozone Nonattainment Area (moderate).~~

~~Charles City County*~~

~~Colonial Heights City~~

~~Chesterfield County — Hopewell City
 Hanover County — Richmond City
 Henrico County —~~

~~————— Hanover County
 ————— Henrico County
 ————— Colonial Heights City
 ————— Hopewell City
 ————— Richmond City~~

~~*Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County Line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.~~

~~*Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County Line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.~~

~~e. b. White Top Mountain Ozone Nonattainment Area (marginal - rural transport area).~~

~~The portion above 4,500 feet elevation in Smyth County (located within the Jefferson National forest).~~

f. AQCR 6 All areas

g. AQCR 7 No area

2. All other pollutants.

None.

5. Nitrogen oxides.

AQCR 1 through 7 All areas

9 VAC 5-20-205. Prevention of significant deterioration areas.

A. Prevention of significant deterioration areas are geographically defined below by locality for the following criteria pollutants:

6. Lead.

AQCR 1 through 7 All areas

1. Particulate matter.

AQCR 1 through 7 All areas

2. Sulfur dioxide.

AQCR 1 through 7 All areas

3. Carbon monoxide.

AQCR 1 through 7 All areas

4. Ozone (volatile organic compounds):

a. AQCR 1 All areas except the portion of White Top Mountain above 4,500 feet elevation located in Smyth County

b. AQCR 2 All areas

c. AQCR 3 All areas

d. AQCR 4 All areas except Stafford County

e. AQCR 5 All areas except Charles City County*
 ————— Chesterfield County

B. All areas of the state are geographically defined as Prevention of Significant Deterioration Areas for the following pollutants:

Mercury
 Beryllium
 Asbestos
 Fluorides
 Sulfuric acid mist
 Vinyl chloride

Total reduced sulfur:

Hydrogen sulfide
 Methyl mercaptan
 Dimethyl sulfide
 Dimethyl disulfide

Reduced sulfur compounds:

Hydrogen sulfide
 Carbon disulfide
 Carbonyl sulfide

Municipal waste combustor organics (measured as total tetra-chlorinated through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)

Municipal waste combustor metals (measured as particulate matter)

Final Regulations

Municipal waste combustor acid gases (measured as the sum of SO₂ and HC1)

C. The classification of prevention of significant deterioration areas is as follows:

1. Class I.
 - a. Federal - James River Face Wilderness Area (located in AQCR 2) and Shenandoah National Park (located in AQCR 2 and AQCR 4).
 - b. State - None.
2. Class II - All areas of the state not designated in Class I.
3. Class III - None.

D. The area classification prescribed in subsection C of this section may be redesignated in accordance with 40 CFR 52.21(e), (g), (u) and (t).



COMMONWEALTH of VIRGINIA

E.M. MILLER, JR.
ACTING REGISTRAR OF REGULATIONS

JANE D. CHAFFIN
DEPUTY REGISTRAR

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General Assembly Building

110 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 755-3591
FAX (804) 692-0625

February 5, 1998

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

Dear Mr. Hopkins:

This letter acknowledges receipt of the amendments to the Regulations for the Control and Abatement of Air Pollution, specifically, 9 VAC Chapter 20, Rev. R97, relating to Nonattainment Areas, filed by the State Air Pollution Control Board.

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

Sincerely,

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

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

VA.R. Doc. No. R98-185; Filed January 16, 1998, 3:40 p.m.

Virginia Register of Regulations

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

Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. Q97).

9 VAC 5-50-10 et seq. New and Modified Stationary Sources.

9 VAC 5-60-10 et seq. Hazardous Air Pollutant Sources (amending 9 VAC 5-60-60, 9 VAC 5-60-90, and 9 VAC 5-60-100).

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

Effective Date: April 1, 1998.

Summary:

The regulation amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 1997.

The following two national emission standards for hazardous air pollutants for source categories (MACT), five test methods, and one appendix, are also incorporated by reference into the regulations:

1. Subpart U – Group I Polymers and Resins (40 CFR 63.480 through 40 CFR 63.506).
2. Subpart JJJ – Group IV Polymers and Resins (40 CFR 63.1310 through 40 CFR 63.1335).
3. Method 306 – Determination of chromium emissions from decorative and hard chromium electroplating and anodizing operations.
4. Method 306A – Determination of chromium emissions from decorative and hard chromium electroplating and anodizing operations.
5. Method 306B – Surface tension measurement and recordkeeping for chromium plating tanks used at electroplating and anodizing facilities.
6. Method 306 – Determination of emissions from halogenated solvent vapor cleaning machines using a liquid level procedure.
7. Method 311 – Analysis of hazardous air pollutant compounds in paints and coatings by direct injection into a gas chromatograph.
8. Appendix D – Alternative Validation Procedure for EPA Waste and Wastewater Methods.

Agency Contact: Copies of the regulation may be obtained from Alma Jenkins, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070. Questions regarding the regulation should be addressed to Karen G. Sabasteanski, Policy Analyst, Office of Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426.

9 VAC 5-50-400. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in 9 VAC 5-50-410 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-50-420. The complete text of the subparts in 9 VAC 5-50-410 incorporated herein by reference is contained in 40 CFR Part 60. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-50-410 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~1996~~) (1997) in effect July 1, ~~1996~~ 1997. In making reference to the Code of Federal Regulations, 40 CFR Part 60 means Part 60 of Title 40 of the Code of Federal Regulations; 40 CFR 60.1 means § 60.1 in Part 60 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-60. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in 9 VAC 5-60-70 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-60-80. The complete text of the subparts in 9 VAC 5-60-70 incorporated herein by reference is contained in 40 CFR Part 61. The 40 CFR section numbers appearing under each Subpart in 9 VAC 5-60-70 identify the specific provisions of the Subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~1996~~) (1997) in effect July 1, ~~1996~~ 1997. In making reference to the Code of Federal Regulations, 40 CFR Part 61 means Part 61 of Title 40 of the Code of Federal Regulations; 40 CFR 61.01 means § 61.01 in Part 61 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-90. General.

The Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63) designated in 9 VAC 5-60-100 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in 9 VAC 5-60-110. The complete text of the subparts in 9 VAC 5-60-100 incorporated herein by reference is contained in 40 CFR Part 63. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-100 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~1996~~) (1997) in effect July 1, ~~1996~~ 1997. In making reference to the Code of Federal Regulations, 40 CFR Part

Final Regulations

63 means Part 63 of Title 40 of the Code of Federal Regulations; 40 CFR 63.1 means 63.1 in Part 63 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-100. Designated emission standards.

Subpart A - General Provisions.

40 CFR 63.1 through 63.11, 63.14 through 63.15 (applicability, definitions, units and abbreviations, prohibited activities and circumvention, construction and reconstruction, compliance with standards and maintenance requirements, performance testing requirements, monitoring requirements, notification requirements, recordkeeping and reporting requirements, control device requirements, incorporations by reference, availability of information and confidentiality)

Subpart B - Not applicable.

Subpart C - Not applicable.

Subpart D - Not applicable.

Subpart E - Not applicable.

Subpart F - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

40 CFR 63.100 through 40 CFR 63.106 (chemical manufacturing process units that manufacture as a primary product one or more of a listed chemical; use as a reactant or manufacture as a product, by-product, or co-product, one or more of a listed organic hazardous air pollutant; and are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart G - Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

40 CFR 63.110 through 40 CFR 63.152 (all process vents, storage vessels, transfer operations and wastewater streams within a source subject to subpart F, 40 CFR 63.100 through 63.106)

Subpart H - Organic Hazardous Air Pollutants for Equipment Leaks.

40 CFR 60.160 through 40 CFR 60.182 (pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or systems that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63)

Subpart I - Organic Hazardous Air Pollutants for Certain Processes. Subject to the Negotiated Regulation for Equipment Leaks.

40 CFR 63.190 through 40 CFR 63.192 (emissions of designated organic hazardous air pollutants from

processes specified in this subpart that are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart J - Reserved.

Subpart K - Reserved.

Subpart L - Coke Oven Batteries.

40 CFR 63.300 through 40 CFR 63.313 (existing by-product coke oven batteries at a coke plant, and existing nonrecovery coke oven batteries located at a coke plant)

Subpart M - Perchloroethylene Dry Cleaning Facilities.

40 CFR 63.320 through 40 CFR 63.325 (each dry cleaning facility that uses perchloroethylene)

Subpart N - Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

40 CFR 63.340 through 40 CFR 63.347 (each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing)

Subpart O - Ethylene Oxide Commercial Sterilization and Fumigation Operations.

40 CFR 63.360 through 40 CFR 63.367 (sterilization sources using ethylene oxide in sterilization or fumigation operations)

Subpart P - Reserved.

Subpart Q - Industrial Process Cooling Towers.

40 CFR 63.400 through 40 CFR 63.406 (industrial process cooling towers that are operated with chromium-based water treatment chemicals)

Subpart R - Gasoline Distribution Facilities.

40 CFR 63.420 through 40 CFR 63.429 (bulk gasoline terminals and pipeline breakout stations)

Subpart S - Reserved.

Subpart T - Halogenated Solvent Cleaning.

40 CFR 63.460 through 40 CFR 63.469 (each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, or chloroform)

Subpart U - ~~Reserved~~ Group I Polymers and Resins.

40 CFR 63.480 through 40 CFR 63.506 (elastomer product process units that produce butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon™, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion)

Subpart V - Reserved.

Subpart W - Epoxy Resins Production and Non-Nylon Polyamides Production.

40 CFR 63.520 through 40 CFR 63.527 (manufacturers of basic liquid epoxy resins and wet strength resins)

Subpart X - Secondary Lead Smelting.

40 CFR 63.541 through 40 CFR 63.550 (at all secondary lead smelters: blast, reverbatory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources)

Subpart Y - Marine Tank Vessel Tank Loading Operations.

40 CFR 63.560 through 40 CFR 63.567 (marine tank vessel unloading operations at petroleum refineries)

Subpart Z - Reserved.

Subpart AA - Reserved.

Subpart BB - Reserved.

Subpart CC - Petroleum Refineries.

40 CFR 63.640 through 40 CFR 63.654 (storage tanks, equipment leaks, process vents, and wastewater collection and treatment systems at petroleum refineries)

Subpart DD - Off-Site Waste and Recovery Operations.

40 CFR 63.680 through 40 CFR 63.697 (operations that treat, store, recycle, and dispose of waste received from other operations that produce waste or recoverable materials as part of their manufacturing processes)

Subpart EE - Magnetic Tape Manufacturing Operations.

40 CFR 63.701 through 40 CFR 63.708 (manufacturers of magnetic tape)

Subpart FF - Reserved.

Subpart GG - Aerospace Manufacturing and Rework Facilities.

40 CFR 63.740 through 40 CFR 63.752 (facilities engaged in the manufacture or rework of commercial, civil, or military aerospace vehicles or components)

Subpart HH - Reserved.

Subpart II - Shipbuilding and Ship Repair (Surface Coating).

40 CFR 63.780 through 40 CFR 63.788 (shipbuilding and ship repair operations)

Subpart JJ - Wood Furniture Manufacturing Operations.

40 CFR 63.800 through 40 CFR 63.819 (finishing materials, adhesives, and strippable spray booth coatings; storage, transfer, and application of coatings and solvents)

Subpart KK - Printing and Publishing Industry.

40 CFR 63.820 through 40 CFR 63.831 (publication rotogravure, product and packaging rotogravure, and wide-web printing processes)

Subpart LL - Reserved.

Subpart MM - Reserved.

Subpart NN - Reserved.

Subpart OO - Tanks - Level 1.

40 CFR 63.900 through 40 CFR 63.907 (for off-site waste and recovery operations, fixed-roof tanks)

Subpart PP - Containers.

40 CFR 63.920 through 40 CFR 63.928 (for off-site waste and recovery operations, containers)

Subpart QQ - Surface Impoundments.

40 CFR 63.940 through 40 CFR 63.948 (for off-site waste and recovery operations, surface impoundment covers and vents)

Subpart RR - Individual Drain Systems.

40 CFR 63.960 through 40 CFR 63.966 (for off-site waste and recovery operations, inspection and maintenance of individual drain systems)

Subpart SS - Reserved.

Subpart TT - Reserved.

Subpart UU - Reserved.

Subpart VV - Oil-Water Separators and Organic-Water Separators.

40 CFR 63.1040 through 40 CFR 63.1049 (for off-site waste and recovery operations, oil-water separators and organic-water separator roofs and vents)

Subpart WW - Reserved.

Subpart XX - Reserved.

Subpart YY - Reserved.

Subpart ZZ - Reserved.

Subpart AAA - Reserved.

Subpart BBB - Reserved.

Subpart CCC - Reserved.

Subpart DDD - Reserved.

Subpart EEE - Reserved.

Subpart FFF - Reserved.

Subpart GGG - Reserved.

Subpart HHH - Reserved.

Subpart III - Reserved.

Final Regulations

Subpart JJJ - Group IV Polymers and Resins

40 CFR 63.1310 through 40 CFR 63.1335 (facilities which manufacture acrylonitrile butadiene styrene resin, styrene acrylonitrile resin, methyl methacrylate butadiene styrene resin, polystyrene resin, poly(ethylene terephthalate) resin, or nitrile resin)

Subpart KKK - Reserved.

Subpart LLL - Reserved.

Subpart MMM - Reserved.

Subpart NNN - Reserved.

Subpart OOO - Reserved.

Subpart PPP - Reserved.

Subpart QQQ - Reserved.

Subpart RRR - Reserved.

Subpart SSS - Reserved.

Subpart TTT - Reserved.

Subpart UUU - Reserved.

Subpart VVV - Reserved.

Subpart WWW - Reserved.

Subpart XXX - Reserved.

Subpart YYY - Reserved.

Subpart ZZZ - Reserved.

Appendix A - Test methods.

Method 301 - Field validation of pollutant measurement methods from various waste media.

Method 303 - Determination of visible emissions from by-product coke oven batteries.

Method 303A - Determination of visible emissions from nonrecovery coke oven batteries.

Method 304A - Determination of biodegradation rates of organic compounds (vent option).

Method 304B - Determination of biodegradation rates of organic compounds (scrubber option).

Method 305 - Measurement of emission potential of individual volatile organic compounds in waste.

Method 306 - Determination of chromium emissions from decorative and hard chromium electroplating and anodizing operations.

Method 306A - Determination of chromium emissions from decorative and hard chromium electroplating and anodizing operations.

Method 306B - Surface tension measurement and recordkeeping for chromium plating tanks used at electroplating and anodizing facilities.

Method 307 - Determination of emissions from halogenated solvent vapor cleaning machines using a liquid level procedure.

Method 311 - Analysis of hazardous air pollutant compounds in paints and coatings by direct injection into a gas chromatograph.

Appendix B - Sources Defined for Early Reduction Provisions.

Appendix C - Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit.

Appendix D - Alternative Validation Procedure for EPA Waste and Wastewater Methods.



COMMONWEALTH of VIRGINIA

E.M. MILLER, JR.
ACTING REGISTRAR OF REGULATIONS

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February 5, 1998

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

Dear Mr. Hopkins:

This letter acknowledges receipt of the amendments to the Regulations for the Control and Abatement of Air Pollution, specifically, 9 VAC Chapters 50 and 60, Rev. Q97, relating to Federal Documents Incorporated by Reference, filed by the State Air Pollution Control Board.

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

Sincerely,

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

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

VA.R. Doc. No. R98-184; Filed January 16, 1998, 3:41 p.m.

Final Regulations

Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. SS).

9 VAC 5-20-10 et seq. General Provisions (adding 9 VAC 5-20-220 and 9 VAC 5-20-230).

9 VAC 5-80-10 et seq. Permits for Stationary Sources (adding Article 5, 9 VAC 5-80-800 through 9 VAC 5-80-1040; repealing 9 VAC 5-80-40).

Statutory Authority: §§ 10.1-1308 and 10.1-1322 of the Code of Virginia.

Effective Date: April 1, 1998.

Summary:

The regulation amendments concern provisions covering state operating permits for stationary sources. New provisions (9 VAC 5-80-800 et seq.) replace existing provisions (9 VAC 5-80-40), which are repealed. Under the new provisions, permits may be issued under this program at the request of either the source owner or the board to accomplish a variety of purposes: to designate a source as a synthetic minor, to combine a source's requirements under multiple permits into one permit, to implement emissions trading requirements, to cap the emissions of a source contributing to a violation of any air quality standard, and to establish requirements necessary to implement the federal Clean Air Act or the Virginia Air Pollution Control Law. Changes to permits may be accomplished through administrative permit amendments, minor permit amendments, or significant permit amendments. The board may issue a general permit covering a source category containing numerous similar sources that meet certain criteria. Based on a department analysis given to the board no later than three years after the effective date of this article, the board shall either continue, repeal, or amend this article.

The following substantive changes were made to the proposed regulation. The definition of "federally enforceable" is clarified and the phrase "state implementation plan" was changed to "implementation plan" in order to accurately reflect the contents of the plan, which includes federal provisions in addition to state provisions. A provision was added to require permit holders to adhere to the terms and limitations of their operating permits, and a provision was added to allow the board to issue a permit that is not federally enforceable and to seek approval of the permit from EPA.

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

Agency Contact: Copies of the regulation may be obtained from Alma Jenkins, Office of Program Development, Department of Environmental Quality, P.O. Box 10009,

Richmond, VA 23240, telephone (804) 698-4070. There is a charge of 25¢ per page for copies.

CHAPTER 20.
GENERAL PROVISIONS.

9 VAC 5-20-220. Shutdown of a stationary source.

A. Upon a final decision by the board that a stationary source or emissions unit is shut down permanently, the board shall revoke any permits by written notification to the owner and remove the stationary source or emissions unit from the emission inventory or consider its emissions to be zero in any air quality analysis conducted; and the stationary source or emissions unit shall not commence operation without a permit being issued under the applicable provisions of 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.).

B. The final decision shall be rendered as follows:

1. Upon a determination that the stationary source or emissions unit has not operated for a year or more, the board shall provide written notification to the owner (i) of its proposed decision that the stationary source or emissions unit is considered to be shut down permanently and (ii) that if the owner fails to provide within three months of the notice written response to the board that the shutdown is not to be considered permanent, the decision shall become final within six months of the notice. The response from the owner shall include the basis for the assertion that the shutdown is not to be considered permanent and a projected date for restart-up of the stationary source or emissions unit.
2. If the board should find that the basis for the assertion is not sound or the projected restart-up date allows for an unreasonably long period of inoperation, the decision to consider the shutdown permanent shall become final one year after the date of the notice of the proposed decision.

C. Nothing in any regulation of the board shall be construed to prevent the board and the owner from making a mutual determination that a stationary source or emissions unit is shut down permanently prior to any final decision rendered under subsection B of this section.

9 VAC 5-20-230. Certification of documents.

A. The following documents submitted to the board shall be signed by a responsible official: (i) any emission statement, application, form, report, or compliance certification; (ii) any document required to be so signed by any provision of the regulations of the board; or (iii) any other document containing emissions data or compliance information the owner wishes the board to consider in the administration of its air quality programs. A responsible official is defined as follows:

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

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

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

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

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

B. Any person signing a document under subsection A of this section shall make the following certification:

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

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

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

CHAPTER 80.
PERMITS FOR STATIONARY SOURCES.

PART I.
PERMITS FOR NEW AND MODIFIED SOURCES.

~~9 VAC 5-80-40. Permits—operating. (Repealed.)~~

~~A. Applicability.~~

~~1. Except as provided in subsection A 3 of this section, the provisions of this section apply to the operation of any stationary source.~~

~~2. The provisions of this section apply throughout the Commonwealth of Virginia.~~

~~3. The provisions of this section shall not apply to the following:~~

~~a. Any source exempted by the new source exemption levels in 9 VAC 5-10-20, Appendix R; or~~

~~b. Any existing source that would be exempted by the new source exemption levels in Appendix R if the source were a new source.~~

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

~~a. Provisions referring to "sources" or "stationary sources" are applicable to the operation of all stationary sources.~~

~~b. Provisions referring to "major stationary sources" are applicable to the operation of all major stationary sources as may be defined by the applicable regulation.~~

~~B. Definitions.~~

~~1. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection B 3 of this section.~~

~~2. As used in this section, all terms not defined here shall have the meaning given them in 9 VAC 5-10-10 et seq., unless otherwise required by context.~~

~~3. Terms defined.~~

~~"Actual emissions" means the actual rate of emissions of a pollutant from any stationary source. In general, actual emissions as of a particular date shall equal the highest annual rate, in tons per calendar year, at which the source actually emitted a pollutant during the consecutive five-year period which precedes the particular date and which is representative of normal source operation. The board may allow the use of a different historical time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.~~

Final Regulations

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

- ~~(1) Applicable emission standards;~~
- ~~(2) The emission limitation specified as a state or federally enforceable permit condition, including those with a future compliance date; or~~
- ~~(3) Any other applicable emission limitation, including those with a future compliance date.~~

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

~~"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any air pollutant.~~

~~"Existing source" means any stationary source other than a new source.~~

~~"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR 60 and 61, requirements within the State Implementation Plan, and any permit requirements established pursuant to (i) 40 CFR 52.21; (ii) 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30; or (iii) this section, provided the public participation requirements of subsection S of this section are met.~~

~~"Major stationary source" means any stationary source which emits, or has the potential to emit, 100 tons or more per year of any air pollutant.~~

~~"New source" means any stationary source (or portion of it), the construction or relocation of which commenced on or after March 17, 1972; and any stationary source (or portion of it), the reconstruction of which commenced on or after December 10, 1976.~~

~~"Nonattainment condition" means a condition where any area is shown by air quality monitoring data or which is shown by an air quality impact analysis (using modeling or other methods determined by the board to be reliable) to exceed the levels allowed by the ambient air quality standard for a given pollutant, regardless of whether such demonstration is based on current or future emissions data.~~

~~"Owner" means any person, including bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as~~

~~individuals, who owns, leases, operates, controls or supervises a source.~~

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

~~"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source, but do not come from the major stationary source itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.~~

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

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

~~C. General.~~

~~1. No owner or other person shall operate any stationary source without first obtaining from the board a permit to operate the source. The schedule of issuance of these permits shall be as follows:~~

- ~~a. No owner or other person shall operate any existing major stationary source after January 1, 1995, without first obtaining from the board a permit to operate the source. Permit applications to obtain these permits~~

shall be submitted between July 1, 1991, and October 1, 1994, on a schedule to be determined by the board.

b. ~~Permit applications for all other stationary sources shall be submitted on and permits shall be issued on a schedule to be approved by the board. The schedule shall be approved by the board by July 1, 1994. The provisions of this section are waived for such sources until such time as the board prescribes the required schedule.~~

2. ~~The board may combine the requirements of and the permits for emission units within a stationary source subject to 9 VAC 5-80-10 et seq. into one permit. The board may likewise combine the requirements of and applications for permits for emission units within a stationary source required by 9 VAC 5-80-10 et seq. into one application.~~

3. ~~Permits issued under the provisions of 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30 may be considered as having met the requirements of this section but shall be subject to the provisions of subsections P and R of this section.~~

4. ~~No provisions of these regulations shall limit the power of the board to issue an operating permit pursuant to this section in order to remedy a condition that may cause or contribute to the endangerment of human health or welfare or to remedy a nonattainment condition or both.~~

5. ~~Operating a stationary source without a permit issued under this section shall not constitute a violation of this section provided the failure to obtain a permit was due to the failure of the board to issue a permit without specific notice under subsection G 4 or R 5 of this section.~~

6. ~~Any decisions of the board made pursuant to this section may be appealed pursuant to 9 VAC 5-20-90 or Section I B of 9 VAC 5-10-20, Appendix F.~~

D. Applications.

1. ~~Applications for permits shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the owner; or, in the case of governmental entities, by the highest executive official of such entities. A person is a duly authorized agent only if the authorization is made in writing by the corporate president or by an equivalently responsible officer in the case of organizations other than corporations. Such signature shall constitute personal affirmation that the statements made in the application are true and complete to the best of the knowledge and belief of the signer.~~

2. ~~A single application is required identifying each emission unit subject to this section. The application shall be submitted according to procedures approved by the board. Where several units are included in one stationary source, a single application covering all units~~

~~in the source shall be submitted. A separate application is required for each location.~~

E. Information required.

1. ~~Each application for a permit shall include such information as may be required by the board to determine the effect of the stationary source on the ambient air quality and to determine compliance with applicable emission standards. The information required shall include, but is not limited to, the following:~~

a. ~~All information specified on forms furnished by the board. Any calculations shall include sufficient detail to permit assessment of the validity of such calculations;~~

b. ~~Any information or analysis that the board deems necessary to review the air quality impact of the source;~~

c. ~~Verification of compliance with the provisions of subsection N of this section; and~~

d. ~~Any additional information or documentation that the board deems necessary to review and analyze the air pollution aspects of the source.~~

2. ~~The above information and analysis shall be determined and presented according to procedures and using methods acceptable to the board.~~

F. Standards and conditions for granting permits.

1. ~~No permit shall be granted pursuant to this section unless it is shown to the satisfaction of the board that the following standards and conditions will be met:~~

a. ~~The source shall operate without causing a violation of the applicable provisions of these regulations;~~

b. ~~The source shall be in compliance with all applicable emission standards or meet the provisions of any administrative enforcement mechanism issued pursuant to 9 VAC 5-20-30 A 1;~~

c. ~~The source shall not cause or contribute to a violation of any applicable ambient air quality standard; and~~

d. ~~The source shall operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the State Implementation Plan in effect at the time that an application is submitted so as not to prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard.~~

2. ~~Permits may be granted to stationary sources located in nonattainment areas provided the requirements of subsections F 1 a, b and d of this section are met.~~

3. ~~To obtain a permit under this section, sources emitting noncriteria pollutants shall be reviewed under Rule 4-3 or Rule 5-3, as may be applicable, for the noncriteria pollutants emitted. If the review has not been completed,~~

Final Regulations

the permit may be issued if the permit contains a schedule for the evaluation of the noncriteria pollutants emitted by the affected source.

4. No permit shall be granted pursuant to this section unless it contains emission standards for the stationary source. The following criteria shall be met in establishing emission standards to the extent necessary to assure that emissions levels are met permanently:

a. If an emissions unit was subject to emission standards prescribed in these regulations prior to the date the permit is issued, a standard covering the emissions unit and pollutants subject to the emission standards shall be incorporated into the permit issued under this section;

b. A permit issued under this section may also contain emission standards for emissions units or pollutants that were not subject to emission standards prescribed in these regulations prior to the issuance of the permit;

c. Each standard shall be based on averaging time periods for the standards as appropriate based on applicable air quality standards, any emission standard applicable to the emissions unit prior to the date the permit is issued, or the operation of the emissions unit, or any combination thereof. The emission standards may include the level, quantity, rate, or concentration or any combination of them for each affected pollutant;

d. In no case shall a standard result in emissions which would exceed the lesser of the following:

(1) Allowable emissions for the emissions unit based on emission standards applicable prior to the date the permit is issued; or

(2) The emissions rate based on the potential to emit of the emissions unit.

e. The emission standards shall contain emission limitations based on the highest actual emissions documented over the five calendar years prior to the permit application date, taking into account energy, environmental, health related toxic and economic impacts, and other factors. Emission standards shall only include limitations that are determined by the board to be achievable through application of production processes or available methods, systems, and techniques, including, but not limited to, any of the following: emissions control equipment; fuel cleaning or treatment; fuel combustion techniques; or substitution of less toxic or nontoxic materials; and

f. The standard may prescribe, as an alternative to or a supplement to an emission limitation, an equipment, work practice, fuel specification, process materials, maintenance, or operational standard, or any combination of them.

5. In consideration of the factors specified below, the owner may propose and the board may establish an alternative emission standard provided the owner demonstrates to the satisfaction of the board that it meets the standards and conditions in subsection F 4 and F 4 a and d of this section:

a. The impact upon the ability of the source to operate in a competitive and efficient manner;

b. The previous efforts to reduce actual emissions taken at the owner's initiative;

c. The technological and economic practicality of reducing emissions;

d. The impact upon the availability and cost of fuels and process materials;

6. An emissions standard may be changed to allow an increase in emissions level provided the amended standard meets the requirements of subsections F 1 and F 4 a and d of this section, and the increased emission levels would not make the source subject to 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30, as appropriate.

7. Operating permits issued under this section shall contain, but not be limited to, the following elements:

a. Emission standards as set out in this subsection;

b. Conditions necessary to enforce emission standards. Conditions to provide enforceability may include, but not be limited to, the following:

(1) Limit on fuel sulfur content;

(2) Limit on production rates with time frames as appropriate to support the emission standards in this subsection;

(3) Limit on raw material usage rate; and

(4) Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment.

c. Specifications for permitted equipment, identified as thoroughly as possible. The identification shall include, but not be limited to, type, rated capacity, and size;

d. Specifications for air pollution control equipment installed or to be installed and the circumstances under which such equipment shall be operated;

e. Specifications for air pollution control equipment operating parameters, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but not be limited to, the following:

(1) Pressure indicators and required pressure drop;

(2) Temperature indicators and required temperature;

~~(3) pH indicators and required pH; and~~

~~(4) Flow indicators and required flow.~~

~~f. The expiration date of the permit; and~~

~~g. Other requirements as may be necessary to ensure compliance with the applicable state and federal regulations.~~

~~8. Operating permits issued under this section may contain, but not be limited to, the following elements:~~

~~a. Requirements for proper operation and maintenance of any pollution control equipment, and appropriate spare parts inventory;~~

~~b. Stack test requirements;~~

~~c. Reporting or recordkeeping requirements, or both;~~

~~d. Continuous emission or air quality monitoring requirements, or both; and~~

~~e. Compliance schedules.~~

~~G. Action on permit application.~~

~~1. After receipt of an application or any additional information, the board shall advise the applicant of any deficiency in such application or information.~~

~~2. When supported by justification which the board deems adequate, the board may, upon request by an owner, extend the expiration date of a permit by a period not to exceed 180 days for the purpose of allowing sufficient time for an owner to correct such deficiencies in the application as have been identified by the board and to allow completion of the application review by the board.~~

~~3. Processing time for a permit is normally 90 days following receipt of a complete application. The board may extend this time period if additional information is required. Processing steps may include, but not be limited to:~~

~~a. Completion of the preliminary review and analysis in accordance with subsection H of this section and the preliminary decision of the board;~~

~~b. Inspection of the stationary source, provided an inspection has not been conducted within the last six months;~~

~~c. Public comment period, when required by subsection S of this section; and~~

~~d. Completion of the final review and analysis and the final decision of the board.~~

~~4. The board normally will take action on all applications after completion of the review and analysis, unless more information is needed. The board shall issue the permit or notify the applicant in writing of its decision, with its reasons, not to issue the permit.~~

~~5. Within five days after receipt of the permit pursuant to subsection G 4 of this section, the applicant shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the board upon request.~~

~~H. Application review and analysis. No permit shall be granted pursuant to this section unless compliance with the standards in subsection F of this section is demonstrated to the satisfaction of the board by a review and analysis of the application performed on a source by source basis as specified below:~~

~~1. Applications shall be subject to a control technology review to determine if each emissions unit within the source is equipped to comply with all applicable emission standards.~~

~~2. Applications may be subject to an air quality analysis to determine the impact of pollutant emissions.~~

~~I. Compliance determination and verification by testing.~~

~~1. The board may require owners of sources subject to this section to conduct such tests as are necessary to determine the type or amount or both of the pollutants emitted from the source or whether the source will be in compliance with any provisions of any regulation of the board. Such tests shall be conducted in a manner acceptable to the board.~~

~~2. The requirements under subsection I 1 of this section shall be carried out in accordance with the provisions contained in 9 VAC 5 40 10 et seq., 9 VAC 5 50 10 et seq., and 9 VAC 5 60 10 et seq., as applicable, or by other means acceptable to the board.~~

~~J. Monitoring requirements.~~

~~1. The board may require owners of sources subject to this section to install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as the board may prescribe. These requirements shall be conducted in a manner acceptable to the board.~~

~~2. The requirements under subsection J 1 of this section shall be carried out in accordance with the provisions contained in 9 VAC 5 40 10 et seq., 9 VAC 5 50 10 et seq., and 9 VAC 5 60 10 et seq., as applicable, or by other means acceptable to the board.~~

~~K. Reporting requirements.~~

~~1. The board may require owners of sources subject to this section to establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the board may prescribe. Any records, notifications, reports, or tests required under this section shall be retained by the owner for at least two years following the date of such records, notifications, reports or tests.~~

Final Regulations

~~2. The requirements under subsection K 1 of this section shall be carried out in accordance with the provisions contained in 9 VAC 5-40-10 et seq., 9 VAC 5-50-10 et seq., and 9 VAC 5-60-10 et seq., as applicable, or by other means acceptable to the board.~~

~~3. If a stationary source is shut down, the owner shall notify the board within six months of the date the source is shut down and the provisions of subsection P 5 of this section shall apply.~~

~~L. Existence of permit no defense. The existence of a permit under this section shall not constitute a defense to a violation of the Virginia Air Pollution Control Law or these regulations and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.~~

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

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

~~Q. Transfer of permits.~~

~~1. No person shall transfer a permit from one location to another, or from one piece of equipment to another.~~

~~2. In the case of a transfer of ownership or name change of a stationary source, the new owner shall abide by any current permit issued to the previous owner or to the same owner under the previous source name. The new owner shall notify the board of the change in ownership or source name or both within thirty days of the transfer.~~

~~P. Expiration, extension and renewal of permits.~~

~~1. In cases where a stationary source is operational, a permit or any renewal of one shall be valid for a period not to exceed five years from the date of issuance.~~

~~2. In cases where the stationary source has been issued a permit under 9 VAC 5-80-10, 9 VAC 5-80-20, or 9 VAC 5-80-30 and is not operational, a permit or any renewal of one shall be valid for a period not to exceed five years from the date the source or any portion thereof becomes operational.~~

~~3. Not less than 180 days prior to the expiration date of the permit, the applicant shall make application for renewal of the permit if the applicant desires to continue operation of that source. Penalties may be assessed if~~

~~an owner submits an application to the board less than 180 days prior to the expiration date of the permit.~~

~~4. The application for renewal of a permit shall be substantiated with current emissions data, test results, reports or other data as deemed necessary by the board.~~

~~5. Upon a final decision by the board that a stationary source is shut down permanently, the board shall revoke the permit by written notification to the owner and remove the source from the emission inventory or consider its emissions to be zero in any air quality analysis conducted; and the source shall not commence operation without a permit being issued under the applicable provisions of 9 VAC 5-80-10 et seq.~~

~~a. The final decision shall be rendered as follows:~~

~~(1) Upon a determination that the source has not operated for a year or more, the board shall provide written notification to the owner (i) of its tentative decision that the source is considered to be shut down permanently and (ii) that if the owner fails to provide within three months of the notice written response to the board that the shutdown is not to be considered permanent, the decision shall become final within six months of the notice. The response from the owner shall include the basis for the assertion that the shutdown is not to be considered permanent and a projected date for restart up of the source.~~

~~(2) If the board should find that the basis for the assertion is not sound or the projected restart up date allows for an unreasonably long period of inoperation, the decision to consider the shutdown permanent shall become final one year after the date of the notice of the tentative decision.~~

~~b. Nothing in these regulations shall be construed to prevent the board and the owner from making a mutual determination that a source is shutdown permanently prior to any final decision rendered under paragraph 5 a of this subsection.~~

~~Q. Amendments to permits.~~

~~1. Amendments to permits issued under this section may be initiated by the board or the permittee.~~

~~2. A permittee shall request an amendment of a permit by applying to the board. The permittee shall include a statement of the reasons why amending the permit is necessary.~~

~~3. The board may order appropriate changes to any permit whenever it finds that the conditions of the permit will not be sufficient to meet all of the standards and requirements contained in this section.~~

~~4. Permit amendments shall be processed in the same manner and under the same requirements as permits issued under this section.~~

~~5. Permit amendments shall not be used to extend the term of the permit.~~

~~6. Permit amendments that cause no change in emissions from the source shall be deemed minor amendments, shall be processed in an expedited manner and shall be exempted from the public participation requirements in subsection S.~~

~~R. Enforcement.~~

~~1. Permits issued under this section shall be subject to such terms and conditions set forth in the permit as the board may deem necessary to ensure compliance with all applicable standards.~~

~~2. Regardless of the provisions of subsections R 1 or 2 of this section, the board may revoke any permit prior to its expiration date if the permittee:~~

~~a. Willfully makes material misstatements in the permit application or any amendments to it;~~

~~b. Fails to comply with the terms or conditions of the permit;~~

~~c. Fails to comply with any emission standards applicable to an emissions unit included in the permit;~~

~~d. Causes emissions from the stationary source which result in violations of, or interfere with the attainment and maintenance of, any ambient air quality standard; or fails to operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the State Implementation Plan in effect at the time that an application is submitted; or~~

~~e. Fails to comply with the applicable provisions of 9 VAC 5-80-10, 9 VAC 5-80-20 and 9 VAC 5-80-30.~~

~~3. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation contained in subsection R 2 of this section or for any other violations of these regulations.~~

~~4. Violation of these regulations shall be grounds for revocation of permits issued under this section and are subject to the civil charges, penalties and all other relief contained in 9 VAC 5-20-10 et seq. and 10.1 1309, 10.1 1311 and 10.1 1316 of the Virginia Air Pollution Control Law.~~

~~5. The board shall notify the applicant in writing of its decision, with its reasons, to change, suspend or revoke a permit.~~

~~S. Public participation.~~

~~1. Prior to the decision of the board, permit applications for major stationary sources shall be subject to a public comment period of at least 30 days.~~

~~2. When a public comment period is required, the board shall notify the public, by advertisement in at least one newspaper of general circulation in the affected air~~

~~quality control region, of the opportunity for public comment on the information available for public inspection under the provisions of paragraph 2 a of this subsection.~~

~~a. Information on the permit application (exclusive of confidential information under 9 VAC 5-20-150), as well as the preliminary review and analysis and tentative determination of the board, shall be available for public inspection during the entire public comment period in at least one location in the affected air quality control region.~~

~~b. A copy of the notice shall be sent to all local air pollution control agencies having State Implementation Plan responsibilities in the affected air quality control region, all states sharing the affected air quality control region, and to the regional administrator, U.S. Environmental Protection Agency.~~

~~3. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to reconsider the tentative determination of the board. The request shall be submitted within 30 days of the appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:~~

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

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

~~c. The reason why a hearing is requested; and~~

~~d. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including an explanation of how and to what extent such interest would be directly and adversely affected by the decision of the board.~~

~~4. The board shall review all timely requests for public hearing filed during the 30 days following the appearance of the public comment notice in the newspaper, and within 30 calendar days following the expiration of the public comment period shall grant a public hearing if it finds the following:~~

~~a. There is significant public interest in the permit application in question; and~~

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

~~5. The board shall notify by mail the applicant and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain a description of procedures for the public hearing and for the final decision under this section.~~

~~6. If the board decides to hold a public hearing, the hearing shall be scheduled at a time between 30 and 60~~

Final Regulations

~~days after mailing the notification required in subsection S 5 of this section.~~

~~7. The procedures for notification to the public and availability of information used for the public comment period or provided in paragraph 2 of this subsection shall also be followed for the public hearing. The hearing shall be held in the affected air quality control region.~~

~~8. The requirements of this subsection that provide for a public hearing shall not apply to the renewal of permits provided the renewed permit does not allow an increase in any pollutant emissions.~~

PART II.

FEDERAL OPERATING PERMITS AND PERMIT PROGRAM FEES FOR STATIONARY SOURCES.

Article 5.

State Operating Permits.

9 VAC 5-80-800. Applicability.

A. Within the limits of subsection C of this section, the provisions of this article apply to the operation of any stationary source or emissions unit of a regulated air pollutant.

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

C. Permits may be issued under this article in situations including, but not limited to, the following:

1. At the request of any owner:

- a. To designate a stationary source or emissions unit as a synthetic minor;
- b. To combine a stationary source's or emissions unit's requirements under multiple permits into one permit; or
- c. To implement emissions trading requirements.

2. At the discretion of the board:

- a. To cap the emissions of a stationary source or emissions unit contributing to a violation of any air quality standard; or
- b. To establish a source-specific emission standard or other requirements necessary to implement the federal Clean Air Act or the Virginia Air Pollution Control Law.

D. A permit may be issued under this article regardless of other permits in force provided that it does not contravene any provision of any of the other permits.

E. For permits issued pursuant to the provisions of subdivision C 2 of this section, a permit application is not required from the stationary source or emissions unit, and the provisions of 9 VAC 5-80-830 and 9 VAC 5-80-860 do not apply.

9 VAC 5-80-810. Definitions.

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

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

C. Terms defined.

"Actual emissions" means the actual rate of emissions of a pollutant from any stationary source or emissions unit. In general, actual emissions as of a particular date shall equal the highest annual rate, in tons per calendar year, at which the stationary source or emissions unit actually emitted a pollutant during the consecutive five-year period which precedes the particular date and which is representative of normal stationary source or emissions unit operation. The board may allow the use of a different historical time period upon a determination that it is more representative of normal stationary source or emissions unit operation. Actual emissions shall be calculated using the stationary source's or emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

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

1. Applicable emission standards;
2. The emission limitation specified as a state or federally enforceable permit condition, including those with a future compliance date; or
3. Any other applicable emission limitation, including those with a future compliance date.

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

"Contributing to a violation" means, in reference to the potential of a stationary source or emissions unit to emit any of the following pollutants, an air quality impact greater than any of the following amounts:

Carbon monoxide - 500 $\mu\text{g}/\text{m}^3$, 8-hour average

Carbon monoxide - 2,000 $\mu\text{g}/\text{m}^3$, 1-hour average

Nitrogen dioxide - 1 $\mu\text{g}/\text{m}^3$, annual average

PM₁₀ - 1 $\mu\text{g}/\text{m}^3$, annual average

PM_{10} - 5 $\mu\text{g}/\text{m}^3$, 24-hour average

Sulfur dioxide - 1 $\mu\text{g}/\text{m}^3$, annual average

Sulfur dioxide - 5 $\mu\text{g}/\text{m}^3$, 24-hour average

Sulfur dioxide - 25 $\mu\text{g}/\text{m}^3$, 3-hour average

"Emissions cap" means any limitation on the rate of emissions of any regulated air pollutant from one or more emissions units established and identified as an emissions cap in any permit issued pursuant to the new source review program or operating permit program.

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.

"Enforceable as a practical matter" means that the permit contains emission limitations that are enforceable by the board or the department and meet the following criteria:

1. Are permanent.
2. Contain a legal obligation for the owner to adhere to the terms and conditions.
3. Do not allow a relaxation of a requirement of the [state] implementation plan. Are technically accurate and quantifiable.
4. Are technically accurate and quantifiable.
5. Identify an averaging time that allows at least monthly (or a shorter period if necessary to be consistent with the [state] implementation plan) checks on compliance.
6. Require a level of recordkeeping, reporting and monitoring sufficient to demonstrate compliance.

"Existing stationary source" means any stationary source other than a new source.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator [~~including those requirements developed pursuant to 40 CFR Parts 60, 61, and 63, requirements within the State Implementation Plan, and any permit requirements established pursuant to (i) a new source review program or (ii) this article, provided the public participation requirements of 9 VAC 5-80-1020 are met~~ and citizens under the federal Clean Air Act or that are enforceable under other statutes administered by the administrator. Federally enforceable limitations and conditions include, but are not limited to the following:

1. Emission standards, alternative emission standards, alternative emission limitations and equivalent emission limitations established pursuant to § 112 of the federal Clean Air Act as amended in 1990.
2. New source performance standards established pursuant to § 111 of the federal Clean Air Act and emission standards established pursuant to § 112 of the federal Clean Air Act before it was amended in 1990.

3. All terms and conditions in an operating permit issued pursuant to a program approved by the U.S. Environmental Protection Agency in accordance with 40 CFR Part 70, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable.

4. Limitations and conditions that are part of the implementation plan.

5. Limitations and conditions that are part of a permit issued under the new source review program.

6. Limitations and conditions that are part of an operating permit issued pursuant to a program approved by the U.S. Environmental Protection Agency into an implementation plan as meeting the U.S. Environmental Protection Agency's minimum criteria for federal enforceability, including adequate notice and opportunity for the U.S. Environmental Protection Agency and public comment prior to issuance of the final permit and practicable enforceability.

7. Limitations and conditions in a regulation of the board or in a Virginia program that has been approved by the U.S. Environmental Protection Agency under subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing § 112 of the federal Clean Air Act.

8. Individual consent agreements that the U.S. Environmental Protection Agency has legal authority to create.]

"General permit" means a permit issued under this article that meets the requirements of 9 VAC 5-80-1030.

"Major stationary source" means any stationary source which emits, or has the potential to emit, 100 tons or more per year of any regulated air pollutant.

"New source review program" means a program for the preconstruction review and permitting of new sources or emissions units or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§ 110(a)(2)(C), 165 (relating to permits in prevention of significant deterioration areas) and 173 (relating to permits in nonattainment areas) of the federal Clean Air Act.

"New source" means any stationary source (or portion of it), the construction or relocation of which commenced on or after March 17, 1972, and any stationary source (or portion of it), the reconstruction of which commenced on or after December 10, 1976.

"Nonattainment condition" means a condition where any area is shown by air quality monitoring data or which is shown by an air quality impact analysis (using modeling or other methods determined by the board to be reliable) to exceed the levels allowed by the ambient air quality standard for a given pollutant, regardless of whether such demonstration is based on current or future emissions data.

"Owner" means any person, including bodies politic and corporate, associations, partnerships, personal

Final Regulations

representatives, trustees and committees, as well as individuals, who owns, leases, operates, controls or supervises a stationary source.

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

"Regulated air pollutant" means any of the following:

1. Nitrogen oxides or any volatile organic compound.
2. Any pollutant for which an ambient air quality standard has been promulgated.
3. Any pollutant subject to any standard promulgated under § 111 of the federal Clean Air Act.
4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the federal Clean Air Act concerning stratospheric ozone protection.
5. Any pollutant subject to a standard promulgated under or other requirements established under § 112 of the federal Clean Air Act concerning hazardous air pollutants and any pollutant regulated under Subpart C of 40 CFR 68.
6. Any pollutant subject to a regulation adopted by the board.
7. Any pollutant subject to regulation under the Virginia Air Pollution Control Law.

["~~Regulations of the board~~" means ~~regulations adopted by the State Air Pollution Control Board under a provision of the Code of Virginia.~~]

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source, but do not come from the major stationary source itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"State-enforceable" means all limitations and conditions which are enforceable as a practical matter, including those requirements developed pursuant to [~~9 VAC 5-20-110~~ 9 VAC 5-170-160], requirements within any applicable order [, regulation of the board,] or variance, and any permit

requirements established pursuant to 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.).

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant. A stationary source shall include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual (see 9 VAC 5-20-21).

"Synthetic minor" means a stationary source whose potential to emit is constrained by state-enforceable limits, by federally enforceable limits, or by both so as to place that stationary source below the threshold at which it would be subject to permit or other requirements in regulations of the board or in the federal Clean Air Act.

9 VAC 5-80-820. General.

A. The board may issue permits whose applicability is limited to one specific pollutant or to multiple specific pollutants emitted by a stationary source or emissions unit. It may also issue permits whose applicability is limited to one specific emissions unit or multiple specific emissions units within a stationary source. The issuance of such permits may occur in any of the situations specified in 9 VAC 5-80-800 C.

B. The board may combine the requirements of and the permits for emission units within a stationary source or emissions unit subject to 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) into one permit. The board may likewise combine the requirements of and applications for permits for emission units within a stationary source or emissions unit required by 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) into one application.

C. Permits issued under the provisions of 9 VAC 5-80-10, 9 VAC 5-80-30, or Article 8 (9 VAC 5-80-1700 et seq.) of this part may be considered as having met the requirements of this article but shall be subject to the provisions of 9 VAC 5-80-950, 9 VAC 5-80-960, 9 VAC 5-80-970, 9 VAC 5-80-980, 9 VAC 5-80-990, 9 VAC 5-80-1000, and 9 VAC 5-80-1010.

D. No provision of regulations of the board shall limit the power of the board to issue an operating permit pursuant to this article in order to remedy a condition that may cause or contribute to the endangerment of human health or welfare.

E. Any decisions of the board made pursuant to this article may be appealed pursuant to [~~9 VAC 5-20-90 or 9 VAC 5-20-130 B-2~~ Part VIII (9 VAC 5-170-190 et seq.) of 9 VAC 5 Chapter 170).

F. In order for a permit issued pursuant to this article to be federally enforceable, the following conditions shall be met:

1. The permit shall include a legal obligation that the permittee adhere to the terms and limitations of the permit.

2. The permit shall conform to the requirements of this article and to the requirements of any regulations of the U.S. Environmental Protection Agency that form the basis for this article.

3. The permit shall contain emission limits, controls, and other requirements that are at least as stringent as any applicable limitations and requirements contained in the implementation plan or enforceable under the implementation plan.

4. The emission limits, controls, and other requirements of the permit shall be permanent, quantifiable, and enforceable as a practical matter.

5. The permit shall be issued subject to the public participation requirements of 9 VAC 5-80-1020.

6. A copy of the proposed (draft) and final permit shall be sent to the U.S. Environmental Protection Agency on a timely basis.

G. Notwithstanding the provisions of subsection F of this section, no provision of this article shall be interpreted to prevent the board from issuing a permit that is not federally enforceable and, if appropriate, seeking approval of the permit under the then-current regulations and policies of the U.S. Environmental Protection Agency.]

9 VAC 5-80-830. Applications.

A. For permits issued under the provisions of 9 VAC 5-80-800 C 1, a single complete application is required identifying each emissions unit to be covered by the permit. The application shall be submitted according to procedures approved by the board. Where several units are included in one stationary source, a single complete application shall be submitted covering all units which are to be permitted in the stationary source. A separate complete application is required for each stationary source.

B. Any application form, report, or compliance certification submitted to the board shall meet the requirements of 9 VAC 5-20-230.

9 VAC 5-80-840. Application information required.

A. The board shall furnish application forms to applicants.

B. Each application for a permit under the provisions of 9 VAC 5-80-800 C 1 shall include, but not be limited to, the following:

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

2. A description of the source's processes and products (by Standard Industrial Classification Code).

3. All emissions of regulated air pollutants.

a. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit to be covered by the permit.

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

c. Fugitive emissions shall be included in the permit application to the extent quantifiable.

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

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

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

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

8. Calculations on which the information in subdivisions 3 through 7 of this subsection is based. Any calculations shall include sufficient detail to permit assessment of the validity of such calculations.

9. Any additional information or documentation that the board deems necessary to review and analyze the air pollution aspects of the stationary source or emissions unit.

C. The above information and analysis shall be determined and presented according to procedures and using methods acceptable to the board.

D. For permits issued pursuant to the provisions of 9 VAC 5-80-800 C 2, the provisions of subsections A and B of this section do not apply.

E. For permits issued pursuant to the provisions of 9 VAC 5-80-800 C 2, the board may request any information or documentation that it deems necessary to review and analyze the air pollution aspects of the stationary source or emissions unit.

9 VAC 5-80-850. Standards and conditions for granting permits.

A. A permit may be granted pursuant to this article if it is shown to the satisfaction of the board that the following standards and conditions will be met:

1. The stationary source or emissions unit shall operate without causing a violation of the applicable provisions of regulations of the board;

2. The stationary source or emissions unit shall be in compliance with all applicable emission standards or meet the provisions of any administrative enforcement mechanism issued pursuant to [~~9 VAC 5-20-30 A 1~~ 9 VAC 5-170-120]; and

Final Regulations

3. The stationary source or emissions unit shall operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the [State] implementation plan in effect at the time that an application is submitted so as not to prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard.

B. Permits may be granted to stationary sources or emissions unit located in nonattainment areas provided the requirements of subdivisions A 1 and 2 of this section are met.

C. Permits granted pursuant to this article may contain emissions standards as necessary to implement the provisions of this article. The following criteria shall be met in establishing emission standards to the extent necessary to assure that emissions levels are enforceable as a practical matter:

1. Standards shall be based on averaging time periods for the standards as appropriate based on applicable air quality standards, any emission standard applicable to the emissions unit prior to the date the permit is issued, or the operation of the emissions unit, or any combination thereof. The emission standards may include the level, quantity, rate, or concentration or any combination of them for each affected pollutant.

2. In no case shall a standard result in emissions which would exceed the lesser of the following:

a. Allowable emissions for the emissions unit based on emission standards applicable prior to the date the permit is issued; or

b. The emissions rate based on the potential to emit of the emissions unit.

3. Emission standards shall only include limitations that are determined by the board to be achievable through application of production processes or available methods, systems, and techniques, including, but not limited to, any of the following: emissions control equipment, fuel cleaning or treatment, fuel combustion techniques, or substitution of less toxic or nontoxic materials.

4. The standard may prescribe, as an alternative to or a supplement to an emission limitation, an equipment, work practice, fuels specification, process materials, maintenance, or operational standard, or any combination of them.

D. In consideration of the factors specified below, the owner may propose and the board may establish an alternative emission standard provided the owner demonstrates to the satisfaction of the board that it meets the standards and conditions in subsection A and subdivision C 2 of this section and is enforceable as a practical matter.

1. The impact upon the ability of the stationary source or emissions unit to operate in a competitive and efficient manner.

2. The previous efforts to reduce actual emissions taken at the owner's initiative.

3. The technological and economic practicality of reducing emissions.

4. The impact upon the availability and cost of fuels and process materials.

E. An emissions standard may be changed to allow an increase in emissions level provided the amended standard meets the requirements of subsection A of this section and the increased emission levels would not make the stationary source or emissions unit subject to the new source review program.

F. Operating permits issued under this article may contain, but not be limited to, any the following elements as necessary to ensure that the permits are enforceable as a practical matter:

1. Emission standards as set out in this section.

2. Conditions necessary to enforce emission standards. Conditions to provide enforceability may include, but not be limited to, the following:

a. Limit on fuel sulfur content;

b. Limit on production rates with time frames as appropriate to support the emission standards in this section;

c. Limit on raw material usage rate; and

d. Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment.

3. Specifications for permitted equipment, identified as thoroughly as possible. The identification shall include, but not be limited to, type, rated capacity, and size.

4. Specifications for air pollution control equipment installed or to be installed and the circumstances under which such equipment shall be operated.

5. Specifications for air pollution control equipment operating parameters, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but not be limited to, the following:

a. Pressure indicators and required pressure drop;

b. Temperature indicators and required temperature;

c. pH indicators and required pH; and

d. Flow indicators and required flow.

6. Requirements for proper operation and maintenance of any pollution control equipment, and appropriate spare parts inventory.
7. Stack test requirements.
8. Reporting or recordkeeping requirements, or both.
9. Continuous emission or air quality monitoring requirements, or both.
10. Compliance schedules.
11. Other requirements as may be necessary to ensure compliance with the applicable state and federal regulations.

[G. Permits granted pursuant to this article shall contain terms and conditions to the extent necessary to ensure that:

1. The permit meets the requirements of this article;
2. The permit is enforceable as a practical matter; and
3. The permittee adheres to the terms and conditions of the permit.]

9 VAC 5-80-860. Action on permit application.

A. After receipt of an application or any additional information, the board shall advise the applicant in writing of any deficiency in such application or information no later than 30 days after receipt of the application or additional information.

B. If no public comment period is required, processing time for a permit is normally 90 days following receipt of a complete application. If a public comment period is required, processing time for a permit is normally 180 days following receipt of a complete application. The board may extend this time period if additional information is required. Processing steps may include, but not be limited to:

1. Completion of the preliminary review and analysis in accordance with 9 VAC 5-80-870 and the preliminary decision of the board;
2. Inspection of the stationary source or emissions unit, provided an inspection has not been conducted within the last six months;
3. Public comment period, when required by 9 VAC 5-80-1020; and
4. Completion of the final review and analysis and the final decision of the board.

C. The board will normally take action on all complete applications after completion of the review and analysis, unless more information is needed. The board shall issue the permit or notify the applicant in writing of its decision, with its reasons, not to issue the permit.

D. Within five days after receipt of the permit pursuant to subsection B of this section, the applicant shall maintain the permit on the premises for which the permit has been issued

and shall make the permit immediately available to the board upon request.

E. Appeals of decisions rendered pursuant to this article shall follow the procedures outlined in [~~9 VAC 5-20-90~~ Part VIII (9 VAC 5-170-190 et seq.) of 9 VAC 5 Chapter 170].

9 VAC 5-80-870. Application review and analysis.

A. No permit shall be granted pursuant to this article unless compliance with the standards in 9 VAC 5-80-850 is demonstrated to the satisfaction of the board by a review and analysis of the application performed on a source-by-source basis as specified below:

1. Applications shall be subject to a control technology review to determine if each emissions unit that is to be permitted within the stationary source is equipped to comply with all applicable emission standards.
2. Applications may be subject to an air quality analysis to determine the impact of pollutant emissions.

B. If the board has reason to believe that a source may be in violation of an air quality standard, it may require an air quality impact model. All applications of air quality modeling involved in any air quality analysis required by this article shall be based on the applicable air quality models, data bases, and other requirements specified in Appendix W to 40 CFR Part 51.

C. Where an air quality impact model specified in Appendix W to 40 CFR Part 51 is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis, or, where appropriate, on a generic basis for a specific state program. Written approval of the board must be obtained for any modification or substitution. In addition, use of a modified or substituted model shall be subject to notice and opportunity for public comment under 9 VAC 5-80-1020.

9 VAC 5-80-880. Compliance determination and verification by testing.

A. The board may require owners of sources subject to this article to conduct such tests as are necessary to determine the type or amount or both of the pollutants emitted from the stationary source or emissions unit or whether the stationary source or emissions unit will be in compliance with any provisions of any regulation of the board. Such tests shall be conducted in a manner acceptable to the board.

B. The requirements under subsection A of this section shall be carried out in accordance with the provisions contained in Part I (9 VAC 5-40-10 et seq.) of 9 VAC 5 Chapter 40, Part I (9 VAC 5-50-10 et seq.) of 9 VAC 5 Chapter 50, and Part I (9 VAC 5-60-10 et seq.) of 9 VAC 5 Chapter 60, as applicable, or by other means acceptable to the board.

Final Regulations

9 VAC 5-80-890. Monitoring requirements.

A. The board may require owners of stationary sources subject to this article to install, calibrate, operate and maintain equipment for continuously monitoring and recording emissions or process parameters or both, and establish and maintain records, and make periodic emission reports as the board may prescribe. These requirements shall be conducted in a manner acceptable to the board.

B. The requirements under subsection A of this section shall be carried out in accordance with the provisions contained in Part 1 (9 VAC 5-40-10 et seq.) of 9 VAC 5 Chapter 40, Part 1 (9 VAC 5-50-10 et seq.) of 9 VAC 5 Chapter 50, and Part 1 (9 VAC 5-60-10 et seq.) of 9 VAC 5 Chapter 60, as applicable, or by other means acceptable to the board.

9 VAC 5-80-900. Reporting requirements.

A. The board may require owners of stationary sources subject to this article to establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the board may prescribe. Any records, notifications, reports, or tests required under this section shall be retained by the owner for at least three years following the date of such records, notifications, reports or tests. If an owner wishes to request the establishment of an average emissions baseline for a period longer than three years, that owner must maintain records for that period.

B. The requirements under subsection A of this section shall be carried out in accordance with the provisions contained in Part 1 (9 VAC 5-40-10 et seq.) of 9 VAC 5 Chapter 40, Part 1 (9 VAC 5-50-10 et seq.) of 9 VAC 5 Chapter 50, and Part 1 (9 VAC 5-60-10 et seq.) of 9 VAC 5 Chapter 60, as applicable, or by other means acceptable to the board.

C. If a stationary source or emissions unit is shut down, the owner shall notify the board within six months of the date the stationary source or emissions unit is shut down and the provisions of 9 VAC 5-80-950 shall apply.

9 VAC 5-80-910. Existence of permit no defense.

The existence of a permit under this article shall not constitute a defense to a violation of the Virginia Air Pollution Control Law or regulations of the board and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

9 VAC 5-80-920. Circumvention.

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

9 VAC 5-80-930. Compliance with local zoning requirements.

No provision of this article or any permit issued thereunder shall relieve any owner from the responsibility to comply in all respects with any existing zoning ordinances and regulations in the locality in which the stationary source is located provided, however, that such compliance does not relieve the board of its duty under [~~9 VAC 5-20-140~~ 9 VAC 5-170-170] and § 10.1-1307 E of the Virginia Air Pollution Control Law to independently consider relevant facts and circumstances.

9 VAC 5-80-940. Transfer of permits.

A. No person shall transfer a permit from one location to another, or from one piece of equipment to another.

B. In the case of a transfer of ownership or name change of a stationary source, the new owner shall abide by any current permit issued to the previous owner or to the same owner under the previous source name. The new owner shall notify the board of the change in ownership or source name or both within 30 days of the transfer or name change.

9 VAC 5-80-950. Termination of permits.

A. A permit or any amendment thereof shall be valid for the life of the source unless the board terminates the permit under the conditions of subsections B or C of this section.

B. The board may terminate a permit with the consent of the owner for good cause shown by the owner or on its own motion provided that the termination is accomplished in accordance with the provisions of regulations of the board and the Administrative Process Act.

C. Upon a final determination that a stationary source or emissions unit is shut down permanently, the board shall revoke any permits for that source or emissions unit in accordance with 9 VAC 5-20-220.

9 VAC 5-80-960. Changes to permits.

A. The general requirements for making changes to permits are as follows:

1. Changes to a permit issued under this article shall be made as specified under subsections B and C of this section and 9 VAC 5-80-970 through 9 VAC 5-80-1000.
2. Changes to a permit issued under this article may be initiated by the permittee as specified in subsection B of this section or by the board as specified in subsection C of this section.
3. Changes to a permit issued under this article and incorporated into a permit issued under Article 1 (9 VAC 5-80-50 et seq.) of this part shall be made as specified in Article 1 (9 VAC 5-80-50 et seq.) of this part.
4. This section shall not be applicable to general permits.

B. The requirements for changes initiated by the permittee are as follows:

1. The permittee may initiate a change to a permit by submitting a written request to the board for an administrative permit amendment, a minor permit amendment or a significant permit amendment. The requirements for these permit revisions can be found in 9 VAC 5-80-970 through 9 VAC 5-80-990.

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

C. The board may initiate a change to a permit through the use of permit reopenings as specified in 9 VAC 5-80-1000.

9 VAC 5-80-970. Administrative permit amendments.

A. Administrative permit amendments shall be required for and limited to the following:

1. Correction of typographical or any other error, defect or irregularity which does not substantially affect the permit.

2. Identification of a change in the name, address, or phone number of any person identified in the permit, or of a similar minor administrative change at the source.

3. Change in ownership or operational control of a source where the board determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the board and the requirements of 9 VAC 5-80-940 have been fulfilled.

4. The combining of permits as provided in 9 VAC 5-80-800 C 1 b.

B. The administrative permit amendment procedures are as follows:

1. The board will normally take final action on a complete request for an administrative permit amendment no more than 60 days from receipt of the request.

2. The board shall incorporate the changes without providing notice to the public under 9 VAC 5-80-1020. However, any such permit revisions shall be designated in the permit amendment as having been made pursuant to this section.

3. The owner may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

9 VAC 5-80-980. Minor permit amendments.

A. Minor permit amendment procedures shall be used only for those permit amendments that:

1. Do not violate any applicable regulatory requirement;
2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements that would make the permit requirements less stringent, such as a change to the method of monitoring to be used, a

change to the method of demonstrating compliance or a relaxation of reporting or recordkeeping requirements;

3. Do not require or change a case-by-case determination of an emission limitation or other standard;

4. Do not seek to establish or change a permit term or condition (i) for which there is no corresponding underlying applicable regulatory requirement and (ii) that the source has assumed to avoid an applicable regulatory requirement to which the source would otherwise be subject. Such terms and conditions include:

a. An emissions cap assumed to avoid classification as a modification under the new source review program or § 112 of the federal Clean Air Act; and

b. An alternative emissions limit approved pursuant to regulations promulgated under § 112(i)(5) of the federal Clean Air Act;

5. Are not modifications under the new source review program or under § 112 of the federal Clean Air Act; and

6. Are not required to be processed as a significant amendment under 9 VAC 5-80-990; or as an administrative permit amendment under 9 VAC 5-80-970.

B. Notwithstanding subsection A of this section, minor permit amendment procedures may be used for permit amendments involving the use of economic incentives, emissions trading, and other similar approaches, to the extent that such minor permit amendment procedures are explicitly provided for in a regulation of the board or a federally-approved program. Minor permit amendment procedures may also be used to require more frequent monitoring or reporting by the permittee or to reduce the level of an emissions cap.

C. Notwithstanding subsection A of this section, minor permit amendment procedures may be used for permit amendments involving the rescission of a provision of a permit provided there is made by the board and the owner a mutual determination that the provision is rescinded because all of the statutory or regulatory requirements (i) upon which the provision is based or (ii) that necessitated inclusion of the provision are no longer applicable.

D. A request for the use of minor permit amendment procedures shall include all of the following:

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

2. A request that such procedures be used.

E. The public participation requirements of 9 VAC 5-80-1020 shall not extend to minor permit amendments.

F. Normally within 90 days of receipt by the board of a complete request under minor permit amendment procedures, the board will do one of the following:

Final Regulations

1. Issue the permit amendment as proposed.
2. Deny the permit amendment request.
3. Determine that the requested amendment does not meet the minor permit amendment criteria and should be reviewed under the significant amendment procedures.

G. The requirements for making changes are as follows:

1. The owner may make the change proposed in the minor permit amendment request immediately after the complete request is filed.
2. After the change under subdivision 1 of this subsection is made, and until the board takes any of the actions specified in subsection E of this section, the source shall comply with both the applicable regulatory requirements governing the change and the proposed permit terms and conditions.
3. During the time period specified in subdivision 2 of this subsection, the owner need not comply with the existing permit terms and conditions he seeks to modify. However, if the owner fails to comply with the proposed permit terms and conditions during this time period, the existing permit terms and conditions he seeks to modify may be enforced against him.

9 VAC 5-80-990. Significant amendment procedures.

A. The criteria for use of significant amendment procedures are as follows:

1. Significant amendment procedures shall be used for requests for permit amendments that do not qualify as minor permit amendments under 9 VAC 5-80-980 or as administrative amendments under 9 VAC 5-80-970.
2. Significant amendment procedures shall be used for those permit amendments that:
 - a. Involve significant changes to existing monitoring, reporting, or recordkeeping requirements that would make the permit requirements less stringent, such as a change to the method of monitoring to be used, a change to the method of demonstrating compliance or a relaxation of reporting or recordkeeping requirements.
 - b. Require or change a case-by-case determination of an emission limitation or other standard.
 - c. Seek to establish or change a permit term or condition (i) for which there is no corresponding underlying applicable regulatory requirement and (ii) that the source has assumed to avoid an applicable regulatory requirement to which the source would otherwise be subject. Such terms and conditions include:

(1) An emissions cap assumed to avoid classification as a modification under the new source review program or § 112 of the federal Clean Air Act.

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

B. A request for a significant permit amendment shall include the following:

1. A description of the change, the emissions resulting from the change, and any new applicable regulatory requirements that will apply if the change occurs.
2. A suggested draft permit prepared by the applicant.

C. The provisions of 9 VAC 5-80-1020 shall apply to applications made under this section.

D. The board will normally take final action on significant permit amendments within 90 days after receipt of a complete request.

E. The owner shall not make the change applied for in the significant amendment request until the amendment is approved by the board under subsection D of this section.

9 VAC 5-80-1000. Reopening for cause.

A. A permit may be reopened and revised in any of the following situations:

1. Additional regulatory requirements or changes to existing requirements become applicable to emissions units or pollutants covered by the permit.
2. The board determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
3. The board determines that the permit must be revised to assure compliance with the applicable regulatory requirements or that the conditions of the permit will not be sufficient to meet all of the standards and requirements contained in this article.

B. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

C. Reopenings shall not be initiated before a notice of such intent is provided to the source by the board at least 30 days in advance of the date that the permit is to be reopened, except that the board may provide a shorter time period in the case of an emergency.

9 VAC 5-80-1010. Enforcement.

A. Permits issued under this article shall be subject to such terms and conditions set forth in the permit as the board may deem necessary to ensure compliance with all applicable standards.

B. Regardless of the provisions of 9 VAC 5-80-950, the board may revoke any permit if the permittee:

1. ~~Willfully~~ Knowingly] makes material misstatements in the permit application or any amendments to it;

2. Fails to comply with the terms or conditions of the permit;

3. Fails to comply with any emission standards applicable to an emissions unit included in the permit;

4. Causes emissions from the stationary source or emissions unit which result in violations of, or interfere with the attainment and maintenance of, any ambient air quality standard; or fails to operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the [State] implementation plan in effect at the time that an application is submitted; or

5. Fails to comply with the applicable provisions of 9 VAC 5-80-10, 9 VAC 5-80-30 and Article 8 (9 VAC 5-80-1700 et seq.) of this part.

C. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation contained in subsection B of this section or for any other violations of regulations of the board.

D. Violation of regulations of the board shall be grounds for revocation of permits issued under this article and are subject to the civil charges, penalties and all other relief contained in Part I (9 VAC 5-20-10 et seq.) of 9 VAC 5 Chapter 20 and §§ 10.1-1309, 10.1-1311 and 10.1-1316 of the Virginia Air Pollution Control Law.

E. The board shall notify the applicant in writing of its decision, with its reasons, to change, suspend or revoke a permit.

F. Nothing in the regulations of the board shall be construed to prevent the board and the owner from making a mutual determination that a permit is invalid or revoked prior to any final decision rendered under subsection B of this section.

G. Nothing in [~~these the~~] regulations [of the board] shall be construed to prevent the board and the owner from making a mutual determination that a permit is rescinded because all of the statutory or regulatory requirements (i) upon which the permit is based or (ii) that necessitated issuance of the permit are no longer applicable.

9 VAC 5-80-1020. Public participation.

A. Prior to the decision of the board, permit applications for permits containing provisions that are necessary for the permit to be federally enforceable shall be subject to a public comment period of at least 30 days.

B. When a public comment period is required, the board shall notify the public, by advertisement in at least one newspaper of general circulation in the affected air quality control region, of the opportunity for public comment on the information available for public inspection under the

provisions of subsection A of this section. The notification shall be published at least 30 days prior to the day of the public hearing.

1. Information on the permit application (exclusive of confidential information under [~~9 VAC 5-20-150~~ 9 VAC 5-170-60], as well as the preliminary review and analysis and tentative determination of the board, shall be available for public inspection during the entire public comment period in at least one location in the affected air quality control region.

2. A copy of the notice shall be sent to all affected local air pollution control agencies, to all states sharing the affected air quality control region, to the regional administrator of the U.S. Environmental Protection Agency, and to any other governmental entity required to be notified under state or federal law or regulation.

[~~3. Notices of public hearings published under this section shall meet the requirements of § 10.1-1307.01 of the Air Pollution Control Law.~~]

C. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to reconsider the tentative determination of the board. The request shall be submitted within 30 days of the appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:

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

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

3. The reason why a hearing is requested; and

4. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including an explanation of how and to what extent such interest would be directly and adversely affected by the decision of the board.

D. The board will normally review all timely requests for public hearing filed during the 30 days following the appearance of the public comment notice in the newspaper; and normally within 30 calendar days following the expiration of the public comment period will grant a public hearing if it finds the following:

1. There is significant public interest in the permit application in question; and

2. There are substantial, disputed issues relevant to the permit application in question.

E. The board shall notify by mail the applicant and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain a description of procedures for the public hearing and for the final decision under this section.

Final Regulations

F. If the board decides to hold a public hearing, the hearing will normally be scheduled at a time between 30 and 60 days after mailing the notification required in subsection E of this section.

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

9 VAC 5-80-1030. General permits.

A. The requirements for issuance of a general permit are as follows:

1. The board may issue a general permit covering a stationary source or emissions unit category containing numerous similar stationary sources or emissions units that meet the following criteria:

a. All stationary sources or emissions units in the category shall be essentially the same in terms of operations and processes and emit either the same pollutants or those with similar characteristics.

b. Stationary sources or emissions units shall not be subject to case-by-case standards or requirements.

c. Stationary sources or emissions units shall be subject to the same or substantially similar requirements governing operation, emissions, monitoring, reporting, or recordkeeping.

2. Stationary sources or emissions units subject to a general permit shall comply with all requirements applicable to other permits issued under this article.

3. General permits shall (i) identify the criteria by which stationary sources or emissions units may qualify for the general permit and (ii) describe the process for stationary sources or emissions units to use in applying for the general permit.

4. General permits shall be issued in accordance with § 9-6.14:4.1 C 11 of the Administrative Process Act.

5. In addition to fulfilling the requirements specified by law, the notice of public comment shall include, but not be limited to, the following:

a. The name, address and telephone number of a department contact from whom interested persons may obtain additional information including copies of the draft general permit.

b. The criteria to be used in determining which stationary sources or emissions units qualify for the general permit.

c. A brief description of the stationary source or emissions unit category that the department believes qualifies for the general permit including, but not limited to, an estimate of the number of individual stationary sources or emissions units in the category.

d. A narrative statement of the estimated air quality impact contributed by the stationary source or emissions unit category covered by the general permit including information regarding specific pollutants and the total quantity of each emitted pollutant and the type and quantity of fuels used, if applicable.

e. A brief description of the application process to be used by stationary sources or emissions units to request coverage under the general permit.

f. A brief description of the comment procedures required by 9 VAC 5-80-1020.

B. The requirements for application for a general permit are as follows:

1. Stationary sources or emissions units that would qualify for a general permit shall apply to the board for coverage under the terms of the general permit. Stationary sources or emissions units that do not qualify for a general permit shall apply for coverage under a permit issued under the other provisions of this article.

2. The application shall meet the requirements of this article and include all information necessary to determine qualification for and to assure compliance with the general permit.

3. Stationary sources or emissions units that become subject to the general permit after it is issued to other stationary sources or emissions units in the category addressed by the general permit shall file an application with the board using the application process described in the general permit. The board shall issue the general permit to the stationary source or emissions unit if it determines that the stationary source or emissions unit meets the criteria set out in the general permit.

C. The requirements for issuance of a general permit are as follows:

1. The board shall grant the conditions and terms of the general permit to stationary sources or emissions units that meet the criteria set out in the general permit covering the specific stationary source or emissions unit category.

2. The issuance of a permit to a stationary source or emissions unit covered by a general permit shall not require compliance with the public participation procedures under 9 VAC 5-80-1020.

3. A response to each general permit application may not be provided. The general permit may specify a reasonable time period after which a stationary source or emissions unit that has submitted a complete application shall be deemed to be authorized to operate under the general permit.

4. Stationary sources or emissions units covered under a general permit may be issued a letter, a certificate, or a summary of the general permit provisions, limits, and requirements, or any other document which would attest

that the stationary source or emissions unit is covered by the general permit.

5. The general permit shall specify where the general permit and the letter, certificate, summary or other document shall be maintained by the source.

D. The requirements for enforcement of a general permit are as follows:

1. The stationary source or emissions unit shall be subject to enforcement action under 9 VAC 5-80-1010 for operation without a permit issued under this article if the stationary source or emissions unit is later determined by the board or the administrator not to qualify for the conditions and terms of the general permit.

2. The act of granting or denying a request for authorization to operate under a general permit shall not be subject to judicial review.

9 VAC 5-80-1040. Review and evaluation of article.

A. Prior to [~~(three years after effective date of article)~~ April 1, 2001], the department shall perform an analysis on this article and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the article, (ii) alternatives which would achieve the stated purpose of this article in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this article, (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this article which are more stringent than federal requirements, and (v) the results of a review as to whether this article is clearly written and easily understandable by affected entities.

B. Upon review of the department's analysis, the board shall confirm the need to (i) continue this article without amendment, (ii) repeal this article, or (iii) amend this article. If the board's decision is to repeal or amend this article, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.

VA.R. Doc. No. R97-666; January 16, 1998, 3:39 p.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Title of Regulation: 11 VAC 10-70-10 et seq. Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: Stewards (amending 11 VAC 10-70-20, 11 VAC 10-70-30, 11 VAC 10-70-40, 11 VAC 10-70-50, 11 VAC 10-70-60, 11 VAC 10-70-70, 11 VAC 10-70-80, 11 VAC 10-70-110, 11 VAC 10-70-170 and 11 VAC 10-70-180).

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

Effective Date: March 19, 1998.

Summary:

The regulation establishes the duties, powers and responsibilities of stewards for the conduct of horse racing at live race meetings and simulcast horse racing at satellite facilities licensed by the Virginia Racing Commission. The regulation also incorporates some of the provisions of the Model Rules of the Association of Racing Commissioners International as well as the exemption granted by the General Assembly from the Virginia Administrative Process Act.

Summary of Public Comments and Agency Response: No comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-4200.

11 VAC 10-70-20. Appointment.

~~There shall be Three stewards, all of whom shall be employees of the commission, shall be appointed for each race meeting licensed by the commission. Two of the stewards shall be appointed by the commission and the third shall be appointed by the licensee. The licensee shall disclose its nominee for steward to the commission no later than 45 days prior to the commencement of the race meeting. No steward shall be appointed by a licensee unless first approved by the commission. The commission, in its discretion, may appoint one or more stewards for the satellite facilities licensed by the commission.~~

11 VAC 10-70-30. Senior Commonwealth Steward.

One of the ~~two~~ three stewards appointed employed by the commission for each race meeting shall be designated as the Senior Commonwealth Steward. The Senior Commonwealth Steward shall preside at all informal fact finding proceedings hearings conducted by the stewards at the race meetings. In matters pertaining to the operation of satellite facilities, a single steward shall preside at all hearings.

11 VAC 10-70-40. Authority.

The steward or stewards for each race meeting or satellite facility licensed by the commission shall be responsible to the commission for the conduct of the race meeting or for the operation of the satellite facilities in accordance with the Code of Virginia and the regulations of the commission. The steward or stewards shall have authority over all holders of permits and shall have authority to resolve conflicts or disputes that are related to the conduct of racing or operation of the satellite facilities.

11 VAC 10-70-50. General powers.

The steward or stewards shall exercise immediate supervision, control and regulation of horse racing at each race meeting or at a satellite facility licensed by the commission and shall be responsible to the commission. The powers of the stewards shall include:

Final Regulations

1. Determining all questions, disputes, protests, complaints, or objections concerning horse racing which arise during a race meeting or at a satellite facility and enforcing their rulings;
2. Taking disciplinary action against any holder of a permit found violating federal laws, state laws, local ordinances or regulations of the commission;
3. Reviewing applications for permits and either granting or denying the permits to participate in horse racing at race meetings or satellite facilities;
4. Enforcing the regulations of the commission in all matters pertaining to horse racing or satellite facilities;
5. Issuing rulings pertaining to the conduct of horse racing or satellite facilities;
6. Varying any arrangement for the conduct of a race meeting including but not limited to postponing a race or races, canceling a race, or declaring a race "no contest";
7. Requesting assistance from other commission employees, racing officials, members of industry or the licensee's security service in the investigation of possible rule infractions;
8. Conducting ~~informal fact finding proceedings~~ hearings on all questions, disputes, protests, complaints, or objections concerning racing matters or satellite facilities; and
9. Substituting another qualified person where any permit holder racing official is unable to perform his duties.

11 VAC 10-70-60. Duties.

In addition to the duties necessary and pertinent to the general supervision, control and regulation of race meetings or satellite facilities, the stewards shall have the following specific duties:

1. Causing investigations to be made in all instances of possible violations of federal laws, state laws, local ordinances and regulations of the commission;
2. Being present within the enclosure at a race meeting no less than 90 minutes before post time of the first race and remaining until 15 minutes after the last race is declared "official";
3. Being present in the stewards' stand during the running of all races at race meetings;
4. Administering examinations for applicants applying for permits as trainers, jockeys, apprentice jockeys or farriers to determine the applicants' qualifications for the permits;
5. Determining the identification of horses;
6. Determining eligibility of horses for races restricted to Virginia breeds;
7. Determining eligibility of a horse or person to participate in a race;

8. Supervising the taking of entries and the drawing of post positions;
9. Approving or denying requests for horses to be excused from racing;
10. Locking the totalizator at the start of the race so that no more pari-mutuel tickets may be sold;
11. Determining alleged violations of these regulations in the running of any race through their own observation or by patrol judges and posting the "inquiry" sign on the infield results board when there are alleged violations;
12. Determining alleged violations of these regulations in the running of any race brought to their attention by any participant and posting the "objection" sign on the infield results board when there are alleged violations;
13. Causing the "official" sign to be posted on the infield results board after determining the official order of finish for the purposes of the pari-mutuel payout;
14. Reviewing the video tapes of the previous day's races and determining the jockeys whom the stewards feel should review the films for instructional purposes;
15. Making periodic inspections of the facilities within the enclosure at race meetings including but not limited to the stable area, paddock, and jockeys' room;
16. Reporting their findings of their periodic inspections of the facilities to the commission;
17. Filing with the commission a written daily report at race meetings which shall contain a detailed written record of all questions, disputes, protests, complaints or objections brought to the attention of the stewards, a summary of any interviews relating to these actions, copies of any rulings issued by the stewards, and any emergency actions taken and the basis for the actions; and
18. Submitting to the commission after the conclusion of the race meeting a written report setting out their findings on the conduct of the race meeting, the condition of the facilities and any recommendation for improvement that they deem appropriate; and
19. Observing the conduct of simulcast horse racing at satellite facilities.

11 VAC 10-70-70. Objections and protests.

The stewards receive and hear all objections lodged by jockeys or drivers after the completion of a race, and all protests lodged by holders of a permit before or after the completion of a race under the following provisions:

1. The stewards shall keep a written record of all objections and protests;
2. Jockeys shall indicate their intention of lodging an objection ~~immediately upon arriving at the scales to weigh~~ in a manner prescribed by the stewards;

3. Drivers shall indicate their intention of lodging an objection immediately after the race by reporting to the patrol judge;
4. If the placement of the starting gate or line is in error, a protest must be made prior to the time that the first horse enters the starting gate or line;
5. Protests, other than those arising out of the running of a race, shall be in writing, clearly stating the nature of the protest, signed by the holder of a permit making the protest, and filed with the stewards at least one hour before post time of the race out of which the protest arises;
6. Protests, arising out of the running of a race, must be made to the stewards as soon as possible after the completion of the race but before the race is declared official and the stewards may call and examine any witness;
7. Until a final determination is made on an objection or protest and any administrative remedies and all appeals thereof are exhausted, the purse money for the race shall be retained by the horsemen's bookkeeper or licensee and paid only upon the approval of the stewards or commission; and
8. A holder of a permit may not withdraw a protest without the permission of the stewards.

11 VAC 10-70-80. Period of authority.

The period of authority shall commence at a period of time prior to the race meeting and shall terminate at a period of time after the end of the race meeting as designated by the commission. *The period of authority for the steward or stewards at satellite facilities shall commence and terminate at a period of time designated by the commission.*

11 VAC 10-70-110. ~~Informal fact-finding proceedings~~ Stewards hearings.

~~Informal fact-finding proceedings~~ *The following provisions shall apply to hearings conducted by the stewards includes the following:*

1. The Senior Commonwealth Steward shall preside at the ~~informal fact-finding proceeding hearing~~ or, in the case of satellite facilities, one steward shall conduct the hearing;
2. The steward or stewards may issue subpoenas to compel the attendance of witnesses or for the production of reports, books, papers, registration documents or any other materials they deem appropriate. *However, nothing in this section shall be taken to authorize discovery proceedings;*
3. The steward or stewards shall administer oaths to all witnesses;
4. The steward or stewards may examine any witnesses at ~~informal fact-finding proceedings hearings~~;

5. Written notice shall be given to the holder of a permit in a reasonable time prior to the ~~informal fact-finding proceeding hearing~~;
6. The written notice shall inform the holder of a permit of the charges against him, the basis thereof and possible penalties;
7. The holder of a permit shall be informed of his right to counsel, the right to present a defense including witnesses for that purpose, and the right to cross-examine any witnesses;
8. The steward or stewards may grant a continuance of any ~~informal fact-finding proceeding hearing~~ for good cause; and
9. A recording of the proceedings shall be made and forwarded to the commission in the event of a request for a ~~formal hearing~~ review of the decision of the steward or stewards.

11 VAC 10-70-170. Orders following disciplinary actions.

Any disciplinary action taken by the steward or stewards or by the commission shall be made *provided* in writing to the holder of a permit, setting forth the federal or state law, local ordinance or regulation that was violated, the date of the violation, the factual or procedural basis of the finding, the extent of the disciplinary action taken, and the date when the disciplinary action is to take effect. The order following disciplinary action may be hand delivered or mailed to the holder of the permit, but in either case, shall be duly acknowledged by the holder of a permit.

11 VAC 10-70-180. Fines.

All fines imposed by the steward or stewards or by the commission shall be payable within 72 hours, excluding Saturdays, Sundays or holidays. Fines shall be payable in cash, checks or money orders.

NOTICE: The forms used in administering 11 VAC 10-70-10 et seq., Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: Stewards, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

~~Steward's~~ Stewards' Decision (9/97).

Notice of Stewards Hearing (9/97).

Commonwealth of Virginia
Virginia Racing Commission

NOTICE OF STEWARDS HEARING

Race Meeting: _____ Date Notice Issued: _____
_____, is hereby
notified in writing of a Stewards Hearing to be conducted by the
Virginia Racing Commission at Time: _____;
Date: _____; and Place: _____

The Stewards Hearing will concern: _____

The basis of the Stewards Hearing is: _____

The possible penalties are: _____

The holder is hereby informed of his right to counsel, the
right to present a defense including witnesses for that purpose,
and the right to cross-examine any witnesses.

Senior Commonwealth Steward: _____
Commonwealth Steward: _____
Commonwealth Steward: _____

9/97

Commonwealth of Virginia
Virginia Racing Commission

STEWARDS' DECISION

Race Meeting: _____ Ruling No: _____
Date of Violation: _____ Date Issued: _____
Permit Holder: _____ Permit No: _____
DOB: _____ SS#: _____ Category: _____
Address: _____ City: _____ State: _____ Zip: _____

The disciplinary action of _____

is taken for the following reasons _____

for violation of _____

Senior Commonwealth Steward _____

Commonwealth Steward _____

Commonwealth Steward _____

9/97

VA.R. Doc. No. R97-350. Filed January 28, 1998. 8:52 a.m.

Virginia Register of Regulations

Title of Regulation: 11 VAC 10-90-10 et seq. Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: ~~Formal Hearings Appeals to the Commission.~~

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

Effective Date: March 19, 1998.

Summary:

The regulation establishes the rights and responsibilities of applicants for permits and holders of permits who request a review by the Virginia Racing Commission of a decision by the stewards. The regulation also sets forth the procedures to be followed in the conduct of a review by the commission.

Summary of Public Comments and Agency Response: No comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-4200.

CHAPTER 90.

REGULATIONS PERTAINING TO HORSE RACING WITH PARI-MUTUEL WAGERING: FORMAL HEARINGS APPEALS TO THE COMMISSION.

11 VAC 10-90-10. Generally.

A holder of or applicant for a permit who wishes to contest a denial of a permit or disciplinary action of the stewards may request a ~~formal hearing review~~ by the commission. A disciplinary action taken by the steward or stewards shall not be stayed or superseded by the filing of a request for a ~~formal hearing review~~ unless the commission so orders. A stay in the implementation of a disciplinary action may be granted by the executive secretary of the commission.

11 VAC 10-90-20. Where to file a request.

A request for a ~~formal hearing commission review~~ shall be sent by certified mail or hand delivered to the ~~main general business~~ office of the commission.

1. A request for a ~~formal hearing commission review~~ must be submitted within 72 hours of receipt of the order being contested by the holder of or applicant for a permit, excluding Saturdays, Sundays and holidays;
2. A request for a ~~formal hearing commission review~~ must be delivered by certified mail or by hand and will be timely only if received at the ~~main general business~~ office of the commission by 5 p.m. on or before the date prescribed;
3. Delivery to other than the ~~main general business~~ office of the commission or to other commission personnel is not effective; and

4. The applicant for or holder of a permit assumes full responsibility for the method chosen to file a request for a ~~formal hearing commission review~~.

11 VAC 10-90-30. Content of request.

The request shall state:

1. The disciplinary action of or denial of a permit by the steward or stewards being contested;
2. The basis for the request; and
3. Any additional information the applicant for or holder of a permit may wish to include concerning the request.

11 VAC 10-90-40. Withdrawal of a request.

A An applicant for or holder of a permit may withdraw a request, which has been filed with the commission, by submitting a written statement to the ~~main general business~~ office of the commission within 72 hours of filing a request declaring his intention to withdraw the request. The commission, in its discretion, may accept or reject a request to withdraw a request.

11 VAC 10-90-50. Procedures for conducting a formal hearing commission review.

The commission shall conduct a ~~formal hearing~~ *its review* within 45 days of receipt of a request for a ~~formal hearing on review of a denial of a permit or a disciplinary action taken by the steward or stewards.~~ The following provisions shall apply to ~~formal hearings reviews~~ by the commission:

1. If any commissioner determines that he has a conflict of interest or cannot accord a fair and impartial ~~hearing review~~, that commissioner shall not take part in the ~~hearing review~~;
2. The commissioners, in their discretion, may appoint an independent hearing officer to preside at the ~~formal hearing review~~ and prepare a proposed written decision for their consideration;
3. Unless the parties otherwise agree, a notice setting the ~~hearing date, time and location of the review~~ shall be sent to the holder of or applicant for a permit at least 10 days before the date set for the ~~hearing review~~;
4. The ~~formal hearing proceedings~~ shall be open to the public.
 - a. The ~~hearing proceedings~~ shall be electronically recorded and the recordings will be kept until any time limits for any subsequent court appeals have expired.
 - b. A court reporter may be used. The court reporter shall be paid by the person who requests him. If the applicant for or holder of a permit elects to have a court reporter, a transcript shall be provided to the commission. The transcript shall become part of the commission's records.
 - c. ~~The provisions of §§ 9-6.14:12 through 9-6.14:14 of the Administrative Process Act shall apply with respect~~

Final Regulations

~~to the rights and responsibilities of the holder of a permit and of the commission.~~

5. *The proceedings shall include the following:*

a. *The commission may issue subpoenas to compel the attendance of witnesses or for the production of reports, books, papers, registration documents or any other materials it deems appropriate. However, nothing in this section shall be taken to authorize discovery proceedings;*

b. *Oaths shall be administered to all witnesses;*

c. *The commission may examine any witnesses;*

d. *Written notice shall be given to the holder of or applicant for a permit in a reasonable time prior to the review;*

e. *The written notice shall inform the holder of a permit of the charges against him, the basis thereof and possible penalties;*

f. *The holder of a permit shall be informed of his right to counsel, the right to present a defense including witnesses for that purpose, and the right to cross-examine any witnesses;*

g. *The commission may grant a continuance of any review for good cause; and*

h. *A record of the proceedings shall be made.*

~~6- 6. The formal hearing review proceeding is a hearing on the record of the informal fact finding proceeding stewards hearing and not a new hearing; therefore, presentations by both sides will be limited to arguments and comments regarding the record of the informal fact finding proceeding stewards hearing.~~

~~6- 7. The commission, in its discretion, may allow new evidence to be introduced which, through the exercise of reasonable diligence, could not have been found at the time of the informal fact finding proceeding stewards hearing.~~

11 VAC 10-90-60. Decision by commission.

The commission's decision shall be in writing and shall be sent to the *applicant for or holder of a permit* by certified mail, return receipt requested. The original written decision shall be retained by the commission and become part of its records.

1. Prior to rendering its decision, the parties to the ~~formal hearing review~~ shall be given the opportunity, on request, to submit in writing for the record proposed findings and conclusions and statements of reasons therefor.

2. If the commission has appointed a hearing officer to preside at the ~~formal hearing review~~, the commission shall consider the proposed written decision of the hearing officer and any exceptions filed thereto after

which the commission may adopt, modify or reject the hearing officer's proposed decision.

3. The commission's decision shall briefly state the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the commission is operating together with the appropriate order, permit, grant of benefits, sanction, relief or denial thereof.

NOTICE: The form used in administering 11 VAC 10-90-10 et seq., Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Appeals to the Commission, is listed below and is published following the listing.

FORMS

[*Request for an Appeal to the Commission (1/98).*]

Commonwealth of Virginia
Virginia Racing Commission

REQUEST FOR AN APPEAL TO THE COMMISSION

I, _____, hereby request an
appeal to the Commission on the stewards' decision number _____,
dated _____ from _____
for the following reasons _____

Signature: _____ Date: _____

Print Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Commission Use Only

Date of Birth: _____

Social Security #: _____

Category: _____

1/98

Final Regulations

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.

Effective Date: January 28, 1998.

Summary:

The 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: Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540.

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:

| 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 | 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.

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

Final Regulations

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.

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

Final Regulations

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 ~~REGD~~ *Rural Development* loans.

a. For assumptions of FHA, VA or ~~REGD~~ *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 ~~REGD~~ *Rural Development* underwriting requirements, if any, must be met.

b. For assumptions of FHA, VA or ~~REGD~~ *Rural Development* loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA, VA or ~~REGD~~ *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.

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;

Final Regulations

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 January 27, 1998, 2:40 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

AUCTIONEERS BOARD

REGISTRAR'S NOTICE: The following fee reductions filed by the Auctioneers Board are exempt from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which excludes regulations of the regulatory board served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

Title of Regulation: 18 VAC 25-21-10 et seq. Rules and Regulations of the Virginia Auctioneers Board (amending 18 VAC 25-21-70).

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Effective Date: April 1, 1998.

Summary:

The amendments reduce the amount of fees charged to applicants for licensure and licensure renewal, including fees for initial license, license renewal, late license renewal, license reinstatement, and examination/reexamination.

Agency Contact: Copies of the regulation may be obtained from Mark N. Courtney, Regulatory Coordinator, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

18 VAC 25-21-70. Fees.

Fees are nonrefundable and shall not be prorated. The following fees shall apply:

- | | |
|--|-------------|
| 1. Individual auctioneer license | \$170 \$70 |
| 2. Auctioneer firm license | \$195 \$100 |
| 3. Examination | \$140 \$60 |
| 4. Reexamination fee | \$140 \$60 |
| 5. Renewal for individual auctioneer's license | \$170 \$90 |
| 6. Renewal for firm or corporation license | \$195 \$115 |

7. Late renewal for an individual auctioneer's license \$340 \$115

8. Late renewal for an auction firm or corporate license \$390 \$140

9. Reinstatement of the individual auctioneer's license \$340 \$190

10. Reinstatement of the firm or corporate license \$390 \$215

11. Bad check fee \$25

VA.R. Doc. No. R98-188; Filed January 26, 1998, 11:55 a.m.

DEPARTMENT OF HEALTH PROFESSIONS

REGISTRAR'S NOTICE: The following regulation filed by the Department of Health Professions is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 B 18 of the Code of Virginia, which exempts regulations for the implementation of the Health Practitioners' Intervention Program, Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 of the Code of Virginia.

Title of Regulation: 18 VAC 76-10-10 et seq. Regulations Governing the Health Practitioner's Intervention Program for the Department of Health Professions (amending 18 VAC 76-10-10).

Statutory Authority: § 54.1-2516 of the Code of Virginia.

Effective Date: January 22, 1998.

Summary:

The definition of "regulated" has been amended to include persons who have been suspended or revoked by their respective boards. While these persons are not authorized to practice a health profession, they remain in the program for monitoring and reporting purposes.

Agency Contact: Copies of the regulation may be obtained from Elaine J. Yeatts, Senior Regulatory Analyst, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

18 VAC 76-10-10. Definitions.

The words and terms used in this chapter shall have the definitions ascribed to them in § 54.1-2515 or shall have the following meanings, unless the context clearly indicates otherwise:

"Committee" means the Intervention Program Committee as defined in § 54.1-2515 of the Code of Virginia.

"Contractor" means an entity with whom the director has contracted for implementation and operation of intervention services.

"Director" means the Director of the Department of Health Professions.

Final Regulations

"Regulated" means a person who is or was licensed, certified, or registered or an applicant who is otherwise fully eligible for licensure, certification, or registration by a health regulatory board within the Virginia Department of Health Professions.

"Program" means the Health Practitioners' Intervention Program for the Virginia Department of Health Professions.

VA.R. Doc. No. R98-186; Filed January 22, 1998, 12:17 p.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REGISTRAR'S NOTICE: This regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1, which are limited to reducing fees charged to regulants and applicants. The Department of Professional and Occupational Regulation will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 18 VAC 120-30-10 et seq. Regulations Governing Polygraph Examiners.

Statutory Authority: §§ 54.1-113 and 54.1-1802 of the Code of Virginia.

Effective Date: April 1, 1998.

Summary:

The amendments reduce fees charged to individuals seeking licensure with the Polygraph Examiners Advisory Board.

Agency Contact: Copies of the regulation may be obtained from Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, Polygraph Examiners Advisory Board, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

18 VAC 120-30-100. Fees.

A. All application fees for licenses and registrations are nonrefundable and shall not be prorated. The date of receipt by the department is the date which will be used to determine whether or not the fee is on time.

B. Application and examination fees must be submitted with the application for licensure. All other fees are discussed in greater detail in later sections of this chapter.

C. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge shown below.

D. The following fees listed in the table apply:

| FEE TYPE | AMOUNT DUE | WHEN DUE |
|-------------------------------------|-------------|---|
| Application for Examiner's license | \$125 \$75 | With application |
| Application for Intern Registration | \$85 \$25 | With application |
| Dishonored Check | \$25 | Upon notification by financial institution |
| Examination | \$125 \$75 | With application |
| Reexamination | \$125 \$75 | With approval letter |
| Renewal | \$110 \$25 | Up to one calendar month after the expiration date on license |
| Reinstatement | \$220 \$100 | One to six calendar months after the expiration date on license |
| Duplicate Wall Certificate | \$25 | With written request |
| Certificate of Licensure | \$25 | With written request |

NOTICE: The forms used in administering 18 VAC 120-30-10 et seq., Regulations Governing Polygraph Examiners, are listed below. Any amended, deleted or added forms are reflected in the listing and are published following the listing.

License Exam Application/Internship Completion Form (POLYEXAPP), 12/97.

~~Application for a Polygraph Examiners License/Intern Registration Application (POLYAPP), 12/97.~~

Instructor Qualification Form

Application for Approval of Polygraph School

Polygraph School Curriculum Approval Application (POLYSCHL), 12/97.

Supervisor Endorsement Form (POLYSEND), 12/97.

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8534



Polygraph Examiners Advisory Board
LICENSE EXAM APPLICATION/INTERNSHIP COMPLETION FORM
 Fee \$75.00

Instructions:

Section A: The applicant must complete this section.

Section B: The intern supervisor must complete this section. This supervisor must be the same individual who signed the Supervisor Endorsement Form which was submitted with the applicant's original License/Intern Application.

Section A

1. Name _____
First Middle Last Generation (Sr., Jr., III)
2. Social Security Number _____
3. Date of Birth _____
4. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
5. Examination Date Requested _____ * See attached examination schedule.
6. Signature _____ Date _____

Section B

Supervisor's Name _____
First Middle Last Generation (Sr., Jr., III)

Supervisor's Business Address _____
 City, State, Zip Code _____

Telephone & Facsimile Numbers _____
() Telephone () Facsimile () Beeper, Cellular, etc.

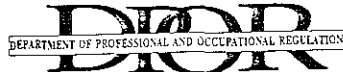
Dates of Internship From _____ To _____

I, the undersigned, certify that the above-named applicant has successfully completed a Polygraph Examiner Internship during a period of at least six months. I certify that during this internship, I provided personal and direct on-premise supervision of the intern and reviewed all the intern's charts prior to rendering any opinion or conclusion on any polygraph examination administered by the intern.

Signature _____ Date _____

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

Commonwealth of Virginia
 Dept. of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8534



Polygraph Examiners Advisory Board
 LICENSE/INTERN APPLICATION

A check or money order payable to the **TREASURER OF VIRGINIA**, or a completed credit card insert must be mailed with your application package. **ALL APPLICATION FEES ARE NON-REFUNDABLE.**

Check the **one** license/registration you are requesting.

| Type of License | Fee | X |
|------------------------------|----------|--------------------------|
| Polygraph Examiner License | \$ 75.00 | <input type="checkbox"/> |
| Intern Examiner Registration | \$ 25.00 | <input type="checkbox"/> |

To obtain a polygraph examiner license or intern examiner registration, your application package must include:

- A complete and legible application;
- Two completed fingerprint cards (available from the Department of Professional and Occupational Regulation);
- An official school transcript verifying your high school or college education (if applicable);
- An official school transcript or training certificate from a Department-approved polygraph school (if applicable);
- For reciprocity applicants, Certifications of Good Standing from each state in which you hold a current polygraph examiner license, certification, or registration; and
- For intern applicants, a completed Supervisor Endorsement Form.

1. Name _____
First Middle Last Generation (Sr., Jr., III)

2. Social Security Number _____

3. Date of Birth _____

4. Street Address (PO Box *not* accepted) _____
 City, State, Zip Code _____

5. E-mail Address _____

6. Telephone & Facsimile Numbers _____
Telephone Area Code Telephone Number Facsimile Number, Cellular, etc.

7. Do you have an expired polygraph examiner license issued by the Virginia Polygraph Advisory Board?
 No
 Yes VA License Number _____ Expiration Date _____

8. Are you applying for a Virginia Intern Examiner Registration?
 No
 Yes if yes, please include a completed Supervisor Endorsement Form with your application package

| NAME | VA | FEES | EXPIRES | EXPIRES | STATE |
|------|----|------|---------|---------|-------|
| | | | | | |

POLYAPP (1/20)

1 of 3

Polygraph Examiners Advisory Board LICENSE & INTERN APP

9. Have you ever been subject to disciplinary action imposed by any (including Virginia) local, state, or national regulatory body that resulted in suspension, revocation, or voluntary surrender of your polygraph examiner license; a monetary penalty or fine; a reprimand; or any other sanction?

- No
 Yes

If yes, list the jurisdiction in which the disciplinary action took place, the license number, and an explanation of events, including a description of the disciplinary proceeding and the type of sanctions that were imposed (i.e., suspension, revocation, fine, etc.). If necessary, attach a separate sheet of paper, and copies of any correspondence or documentation (including a copy of the final report compiled by the enforcement agency) related to this matter.

10. Have you ever been convicted of any felony; a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, or physical injury; or a misdemeanor related to the practice of your profession or trade? Please note that any plea of *nolo contendere* shall be considered a conviction for purposes of this application.

- No
 Yes

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

11. Do you have a current polygraph examiner license, certification, or registration issued by another state?

- No
 Yes

If yes, list all the licenses, certificates, and registrations in the following table and attach a Certification of Licensure/Letter of Good Standing, dated within the last 60 days from each state. Skip to Question #16.

| State/Jurisdiction | License Number | Expiration Date |
|--------------------|----------------|-----------------|
| | | |
| | | |

12. Indicate the highest level of education you have completed. Check only one.

- High School or GED At least 5 years of experience as an investigator, a detective, or in a field which demonstrates your ability to practice polygraphically is required.
- Associate Degree At least 3 years of experience as an investigator, a detective, or in a field which demonstrates your ability to practice polygraphically is required.
- Bachelors Degree No additional experience is required. Skip to Question #14

Name & Location of Educational Institution _____

Attach an official school transcript or degree verification. _____

POLYAPP (1/20)

2 of 3

Polygraph Examiners Advisory Board LICENSE & INTERN APP

13. Complete the following table to document the required experience. If necessary, attach a separate sheet of paper. Please include a letter from each employer to verify all experience entries.

| Dates | Employer's Name and Address | Description of Duties | Supervisor's Name and Title |
|-------|-----------------------------|-----------------------|-----------------------------|
| From: | | | |
| To: | | | |
| From: | | | |
| To: | | | |
| From: | | | |
| To: | | | |

14. Name and location of the polygraph school where you completed the required training in detection of deception.

Please attach an official school transcript or training certificate to your application package.

15. Have you received training from the federal government and/or United States military and administered polygraph examination as a federal employee or member of the military?

No
 Yes

16. All applicants, regardless of your current state of residence, must answer this question.

If you are not a Virginia resident, or move outside of Virginia while you hold a Virginia Polygraph Examiner License, do you understand that this application serves as a written power of attorney, whereby you appoint the Director of the Department of Professional and Occupational Regulation, and his/her successors in office, to be your true and lawful agent and attorney-in-fact, in your stead, upon whom all legal process against and notice to you may be served and who is hereby authorized to enter an appearance in your behalf in any case or proceedings arising out of the trade or profession practiced; and that by submitting this application you hereby agree that any lawful process against you which is duly served on said agent and attorney-in-fact shall be of the same legal force and validity as if served upon you?

Yes
 No If no, this application cannot be processed.

17. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information which might affect the Board's decision to issue a Polygraph Examiner License in my name. I certify that I read, understand, and have complied with all the laws of Virginia affecting Polygraph Examiners under the provisions of Title 54.1, Chapter 18, of the Code of Virginia and the Polygraph Examiners Rules and Regulations. I also certify that I understand this affidavit.

Signature _____ Date _____

18. Notarization

In the State of _____, City/County of _____ subscribed and sworn before me,

the undersigned Notary Public in and for the City/County aforesaid this _____ day of _____, 19____.

My commission expires the _____ day of _____, 19____.

Attach official seal here.

Signature of Notary Public

Commonwealth of Virginia
Dept. of Professional and Occupational Regulation
3600 West Broad Street
Post Office Box 11066
Richmond, Virginia 23230-1066
(804) 367-8534



Polygraph Examiners Advisory Board
POLYGRAPH SCHOOL CURRICULUM APPROVAL APPLICATION

- School Name _____
- Federal Employer Identification Number _____
- Street Address (PO Box not accepted) _____
City, State, Zip Code _____
- E-mail Address _____
- Telephone & Facsimile Numbers () Telephone () Facsimile () Beeper, Cellular, etc.
- School Owner(s) Please enter the name of the proprietor, partnership, association, limited liability company, or corporation. _____
- Name & Title of School Contact Person _____
- Instructor Information. Please attach a resume for each instructor listed below to verify that they possess the minimum requirements listed in the Polygraph Examiner Rules and Regulations.

| Instructor's Name | Title | Employer | Phone Number |
|-------------------|-------|----------|--------------|
| | | | |
| | | | |
| | | | |

9. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information which might affect the Board's decision to approve the polygraph curriculum offered at the above-referenced school. I also certify that I read, understand, and have complied with all the laws of Virginia affecting Polygraph Examiners under the provisions of Title 54.1, Chapter 18, of the Code of Virginia and the Polygraph Examiners Rules and Regulations.

Contact Person's Signature _____ Date _____

Important Curriculum Package Instructions

In addition to this completed application, you are required to submit a school curriculum including, but not limited to, the information listed below.

- A list of subject courses and the number of instruction hours assigned to each course
- The total number of polygraph instruments available to the school and the number of students assigned to each instrument
- A Certification of Good Standing from all states and/or jurisdictions in which the polygraph school curriculum has been approved.

Final Regulations

Commonwealth of Virginia
Dept. of Professional and Occupational Regulation
3600 West Broad Street
Post Office Box 11066
Richmond, Virginia 23230-1066
(804) 367-8534



Polygraph Examiners Advisory Board SUPERVISOR ENDORSEMENT FORM

☞ This form must be completed by the individual who will serve as the supervisor of the intern applicant.

1. Applicant's Name _____
First Middle Last Generation (Sr., Jr., III)

2. Applicant's Social Security Number _____

3. Supervisor's Name _____
First Middle Last Generation (Sr., Jr., III)

4. Do you hold a polygraph examiner license issued by the Virginia Polygraph Advisory Board?

No * If no, you must submit evidence of your qualifications to supervise the applicant's internship.

Yes VA License Number _____ Expiration Date _____

* A Certification of Good Standing, dated within the last 60 days from the state or jurisdiction in which you are licensed, certified or registered must be attached.

5. Supervisor's Business Address _____
City, State, Zip Code _____

6. Telephone & Facsimile Numbers () () ()
Telephone Facsimile Beeper, Cellular, etc.

7. Describe the frequency of contact expected between you and the intern during the applicant's internship.

8. Describe the procedures you plan to use to review and evaluate the intern's performance.

9. Describe the polygraph techniques the intern will be using during the internship.

10. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information which might affect the Board's decision to issue a Polygraph Examiner Intern Registration to the above-named applicant. I agree to supervise the applicant's internship as required by the Polygraph Examiners Rules and Regulations. I understand that I must provide personal and direct on-premise supervision of the intern and review all the intern's charts prior to rendering any opinion or conclusion on any polygraph examination administered by the intern. I also understand that I must submit a written statement to Department of Professional and Occupational Regulation when the internship has been successfully completed.

Signature _____ Date _____

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-30).

Statutory Authority: § 54.1-2400 and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: April 1, 1998.

Summary:

The amendment increases the fee for licensure renewal in compliance with § 54.1-113 of the Code of Virginia which requires that the board collect fees sufficient to cover the expenses of administering the licensure program.

Summary of Public Comment and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Janet Delorme, Deputy Executive Director, Board of Psychology, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575.

18 VAC 125-20-30. Fees required by the board.

A. The board has established fees for the following:

- 1. Registration of residency (per residency request) \$100
- 2. Application processing \$150
- 3. Biennial renewal of license ~~\$125~~ \$200
- 4. Late renewal \$10
- 5. Endorsement to another jurisdiction \$10
- 6. Additional or replacement [license/] wall certificate \$15
- 7. Returned check \$15
- 8. Rereview fee \$25

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

C. Examination fees shall be paid directly to the examination service according to its requirements.

NOTICE: The forms used in administering 18 VAC 125-20-10 et seq., Regulations Governing the Practice of Psychology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Psychologist Licensure Application, Form 1, rev. 4/97.

Registration of Residency - Post-Graduate Degree Supervised Experience, Form 2, rev. 6/97.

Verification of Supervision, Form 3, rev. 6/97.

Internship Verification, Form 4, rev. 6/97.

Doctoral Program Approval of Internship, Form 5, rev. 6/97.

Final Regulations

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Telephone:
License, certificate or registration number:

| | | | | | |
|-----------------|-------------------------|--------------------------|------|-------------------|------------------------------------|
| TYPE OF RENEWAL | CURRENT EXPIRATION DATE | CURRENT AMOUNT DUE \$ | FROM | RENEWAL PERIOD TO | AMOUNT DUE IF RECEIVED AFTER \$ |
|-----------------|-------------------------|--------------------------|------|-------------------|------------------------------------|



C-45128

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"
RETURN PAYMENT AND THE COMPLETED BOTTOM PORTION ONLY IN THE ENCLOSED ENVELOPE
KEEP TOP PORTION FOR YOUR RECORDS

| | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|--|--|
| <p>DISCLOSURE OF SOCIAL SECURITY OR VIRGINIA DMV CONTROL NUMBER In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. If the boxes below are empty, write in your Social Security or Virginia DMV Control Number. If the boxes do contain numbers, please verify that they are correct and make any necessary changes.</p> <p>NO LICENSE, CERTIFICATION OR REGISTRATION WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> <td style="border: 1px solid black; width: 15%; height: 20px;"></td> </tr> </table> <p><small>*In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security Number will be required.</small></p> | | | | | | | | | | | <p>INSTRUCTIONS</p> <ol style="list-style-type: none"> 1. Verify Social Security or Virginia DMV Control Number at left. 2. Complete item "A" below if you do not wish to renew. 3. Make any <u>address</u> changes on this application when renewing. 4. Make any <u>name</u> changes on this application and enclose a copy of your marriage license or court order. 5. Note name and license, certificate or registration number on all enclosures. 6. Return the bottom portion of this application in the enclosed envelope. <p>A. <input type="checkbox"/> Check here if you <u>do not</u> wish to renew, and sign below.</p> <p style="text-align: right;">_____ Signature</p> |
| | | | | | | | | | | | |

THIS BOTTOM PORTION MUST BE RETURNED IN ORDER TO RENEW

Department of Health Professions
Type of renewal:
License, certificate or registration number:

Rev. 8/97

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

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

Title of Regulation: 19 VAC 30-20-10 et seq. **Motor Carrier Safety Regulations (amending 19 VAC 30-20-10, 19 VAC 30-20-70, 19 VAC 30-20-80, 19 VAC 30-20-140, 19 VAC 30-20-150, and 19 VAC 30-20-160).**

Statutory Authority: § 52-8.4 of the Code of Virginia.

Effective Date: March 18, 1998.

Summary:

Amendment 8 adopts and incorporates by reference changes made by the U.S. Department of Transportation, Federal Highway Administration, to 49 CFR Parts 390 through 397 promulgated and in effect as of January 2, 1998. These changes include:

1. Making technical amendments to 49 CFR Parts 390, 391, 392, and 395 to correct minor errors and make conforming metrication amendments;
2. Amending 49 CFR Part 390 by removing subpart C concerning intermodal transportation by withdrawing the final rule, and removing the definition for the term "farm-to-market transportation" because it is no longer necessary;
3. Amending 49 CFR Part 391 by removing all requirements and references to Part 391, subpart H, Controlled Substance Testing; the implementation of Part 382 makes subpart H obsolete;
4. Amending 49 CFR by removing and reserving appendices D and E to subchapter B of Chapter III;
5. Amending 19 VAC 30-20-10 by amending the definition of a commercial motor vehicle due to amendments made by the 1996 session of the General Assembly to § 52-8.4 of the Code of Virginia, which became effective January 1, 1998; and
6. Amending 19 VAC 30-20-70 due to enactment of § 52-8.4:2 of the Code of Virginia by the 1997 session of the General Assembly allowing prepayment of certain offenses designated as traffic infractions.

Agency Contact: Copies of the regulation may be obtained from Lieutenant Herbert B. Bridges, Department of State Police, Motor Carrier Safety, P.O. Box 27472, Richmond, VA

23261-7472, telephone (804) 378-3489. There is a \$5.00 charge for copies.

19 VAC 30-20-10. Definitions.

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

"Commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in interstate or intrastate commerce to transport passengers or property if (i) such vehicle (i) has a gross vehicle weight rating or gross combination weight rating of more than ~~26,000~~ 10,000 pounds when operated interstate or more than 26,000 pounds when operated intrastate, (ii) is designed to transport more than 15 passengers, including the driver, regardless of weight or (iii) is used to transport hazardous materials in a quantity requiring placards by regulations issued under authority of Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, Transportation of Hazardous Materials.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle or a private carrier of property or passengers by motor vehicle. This term also encompasses any agent, officer, representative or employee who is responsible for hiring, supervision, training, assignment or dispatching of drivers.

"Planting and harvesting season" means January 1 to December 31 of each calendar year as it relates to these regulations only.

"Safety inspections" means the detailed examination of a vehicle for compliance with safety regulations promulgated under § 52-8.4 of the Code of Virginia and includes a determination of the qualifications of the driver and his hours of service.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth of Virginia.

"Transport vehicle" means any vehicle owned or leased by a motor carrier used in the transportation of goods or persons.

19 VAC 30-20-70. Penalties.

Except for those offenses listed in § 52-8.4:2 of the Code of Virginia, any violation of the provisions of the regulations adopted pursuant to § 52-8.4 of the Code of Virginia, shall constitute a traffic infraction punishable by a fine of not more than \$1,000 for the first offense or by a fine of not more than \$5,000 for a subsequent offense. Each day of violation shall constitute a separate offense; however, any violation of any out-of-service order issued under authority of such regulations or under authority of the Federal Motor Carrier Safety Regulations shall be punished as provided in § 46.2-341.21 of the Code of Virginia and the disqualification provisions of § 46.2-341.21 of the Code of Virginia also shall

Final Regulations

apply to any driver as convicted. *Notwithstanding subsection C of § 52-8.4 of the Code of Virginia, any violation of certain provisions of the regulations adopted pursuant to § 52-8.4, and listed in § 52-8.4:2, shall constitute traffic infractions as defined in § 46.2-100 of the Code of Virginia and shall be eligible for designation as traffic infractions for which a pretrial waiver of appearance, plea of guilty, and fine payment may be accepted pursuant to § 16.1-69.40:1 of the Code of Virginia.*

19 VAC 30-20-80. Compliance.

Every person and commercial motor vehicle subject to the Motor Carrier Safety Regulations operating in interstate or intrastate commerce within or through the Commonwealth of Virginia shall comply with the Federal Motor Carrier Safety Regulations promulgated by the United States Department of Transportation, Federal Highway Administration, with amendments promulgated and in effect as of January 2, ~~1997~~ 1998, pursuant to the United States Motor Carrier Safety Act found in 49 CFR Parts 390 through 397, which are incorporated in these regulations by reference, with certain exceptions, as set forth below.

19 VAC 30-20-140. Resolution of conflicts of medical evaluation - § 391.47.

The commissioner reserves the right to resolve medical conflicts involving those drivers used wholly in intrastate commerce ~~effective May 1, 1996.~~

19 VAC 30-20-150. Waiver of certain physical defects - § 391.49.

A person who is not physically qualified to drive under § 49 CFR 391.41 (b)(1) ~~or~~, (b)(2) ~~or~~, (b)(3) or (b)(10), and is not subject to Article 7 (§ 10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, Regulations Governing the Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.), and who is otherwise qualified to drive a property-carrying motor vehicle, may drive a property-carrying motor vehicle in intrastate commerce if granted a waiver by the ~~superintendent, or after May 1, 1996, the commissioner.~~

19 VAC 30-20-160. Driver qualification files - § 391.51.

The applicable date referred to in § 49 CFR 391.51 (b) and (c) shall be July 9, 1986, for drivers used wholly in intrastate commerce. The ~~superintendent's, or after May 1, 1996, the commissioner's~~ letter granting a waiver of a physical disqualification to an intrastate driver, if a waiver was issued under § 49 CFR 391.49, shall be in the driver qualification files.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

E. M. MILLER, JR.
ACTING REGISTRAR OF REGULATIONS

JANE D. CHAFFIN
DEPUTY REGISTRAR

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

February 5, 1998

Colonel M. Wayne Huggins
Superintendent
Department of State Police
P.O. Box 27472
Richmond, Virginia 23261-7472

Dear Colonel Huggins:

This letter acknowledges receipt of the amendments to 19 VAC 30-20-10 et seq., Motor Carrier Safety Regulations, submitted by the Department of State Police.

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

Sincerely,

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

VA.R. Doc. No. R98-183; Filed January 16, 1998, 10:28 a.m.

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been revised by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's regional offices listed below. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Form Implementing the Minerals Other than Coal Surface Mining Reclamation Regulations (4 VAC 25-30-10 et seq.)
(May be viewed at the department's Charlottesville office.)

Mineral Mining Annual Tonnage Report, DMM-146, rev. 12/97

Forms Implementing the Coal Surface Mining Reclamation Regulations (4 VAC 25-130-10 et seq.) (May be viewed at the department's Big Stone Gap office.)

Request for Relinquishment, DMLR-PT-027, rev. 1/98

Written Findings, DMLR-PT-237, rev. 1/98

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
900 Natural Resources Drive
P. O. Box 3727
Charlottesville, VA 22903
(804) 961-5000

MINERAL MINING ANNUAL TONNAGE REPORT

REPORT FOR PERIOD BEGINNING _____, 19__ AND ENDING _____, 19__

1. COMPANY NAME _____ PERMIT NO. _____
2. MINE NAME/NUMBER _____ COUNTY _____
3. MINERAL PRODUCED _____ TOTAL TONNAGE _____

4. WORKERS - Include the number of full or part-time employees who worked for any part of the period covered by this report. Include any owners, officers, clerical help, engineers and others who worked at the mine.

WORKER INFORMATION

| TOTAL NUMBER | TOTAL HOURS WORKED | TOTAL DAYS OPERATED | TOTAL WAGES |
|--------------|--------------------|---------------------|-------------|
| _____ | _____ | _____ | _____ |

OFFICE _____
QUARRY _____
PLANT _____

NOTICE FOR WAIVERED OPERATIONS: IS THIS OPERATION COMPLETE?
() YES () NO

REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.4-1, Section 45.1-161.292.35. A requires this form to be filled out and returned to this office by the 15th day of February. Operations which do not submit tonnage reports may be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief.

DATE _____ SIGNED _____
TELEPHONE _____ TITLE _____

DMM-146
REV. 12/97



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P. O. DRAWER 900, BIG STONE GAP, VA 24219
TELEPHONE: (540) 523-8202

REQUEST FOR RELINQUISHMENT

As the duly authorized representative of _____

(Permittee), I hereby relinquish the Permittee's rights under Coal
Surface Mining Operations (CSMO) Permit Number _____ for _____ acres
located _____

Upon the Division's approval, this acreage is to be permitted to _____

(under Permit Application or CSMO
Permit Number _____).

Signed this _____ day of _____, 19 _____

By: _____
(Signature)

(Print Name and Position with the Company)

For: _____
(Company Name)

NOTARIZATION:

Subscribed and sworn or affirmed to before me by _____
this _____ day of _____, 19 _____, in the City/County of _____

(SEAL) _____
(Notary Public)

My Commission expires _____, 19 _____



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
P. O. DRAWER 900, BIG STONE GAP, VA 24219
TELEPHONE: (540) 523-8202

WRITTEN FINDINGS

Application Approval - 4 VAC 25-130-773.15(c)

Permit/Revision Application No.: _____ Permit No.: _____

Company Name: _____

For each item on this list - initial, date, and indicate whether such was applicable. The abbreviation for the appropriate reviewer is noted in the 1st column. (Note that regulation references are preceded with 4 VAC 25-130-7.)

| | Item | Initial | Date | Finding |
|----|--|---------|------|---------|
| RI | 1. Approval or disapproval of exploration of more than 250 tons (773.12(d)). | | | |
| RI | 2. Applicant has submitted proof that any violation cited under Act (773.15(b)(1)): a. has been corrected. b. is in the process of being corrected, or c. has established that the applicant has filed, and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the violation's validity. A stay on the violation has been rendered. | | | |
| RI | 3. The applicant/operator does not and has not controlled mining operations with a demonstrated pattern of willful violations as set forth under 773.15(b)(3). | | | |
| RI | 4. Criteria for permit approval or denial (773.15(c)). | | | |
| RI | 5. The application is accurate, complete, and all applicable requirements of the regulatory program have been complied with. (773.15(c)(1)). | | | |
| RI | 6. Applicant has demonstrated that reclamation operations can be feasibly accomplished under the application's reclamation operations plan (773.15(c)(2)). | | | |
| RI | 7. The proposed permit area is: (see 773.15(c)(3) & 761.11): a. within an area under study for designation as unsuitable. b. Applicant has proven SLFC ² c. within an area designated as unsuitable for mining. d. located on any lands within: i. the National Park System. ii. the National Wildlife Refuge System. iii. the National System of Trails. iv. the National Wilderness Preservation System | | | |

¹ RI - Review Inspector, Eng = Engineer, Agr = Agronomist/Ecologist, ES = Environmental Specialist (pollution control)

² SLFC = substantial legal and financial commitments made prior to 1/4/77 in relation to the operation covered by the application.

Division of Mined Land Reclamation
Written Findings - Application Approval

Permit/Revision Application No.

| | Item | Initial | Date | Finding |
|-----|--|---------|------|---------|
| | v. the Wild and Scenic Rivers System (including any area under study). | | | |
| | vi. any National Recreation Areas. | | | |
| | vii. 100 feet of the outside right of way of any public road. (hearing held _____) | | | |
| | viii. 300 feet of any occupied dwelling(s). | | | |
| | ix. 300 feet of any public building, school, church, community or institutional building or public park. | | | |
| | x. 100 feet of a cemetery. | | | |
| | <u>Valid existing rights determined for items:</u> | | | |
| RI | 8. The proposed operation will not adversely affect any publicly owned park or place included in the National Register of Historic Places (773.15(e)(3)(ii) & 761.11(c)). | | | |
| RI | 9. Where the private mineral estate has been severed from the surface estate, the applicant has submitted: (per 773.15(c)(4) & 778.15(b)) a. a copy of the written consent of the surface owner for the extraction of coal by surface coal mining methods, or b. a copy of the document of conveyance that expressly grants or reserves the right to extract coal by surface mining methods, or c. when a conveyance does not exist, documentation that under applicable State law, the applicant has the legal authority to extract the coal by those methods. | | | |
| ES | 10. The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance has been made and the operations, as proposed, have been designed to prevent damage to the hydrologic balance outside the proposed permit area (773.15(c)(5)). | | | |
| Eng | 11. Criteria for permit approval or denial, existing structures (773.15(c)(6) & 773.16). | | | |
| RI | 12. The applicant has paid all required fees and penalty assessments from previous and existing operations (773.15(c)(7)). | | | |
| RI | 13. The Division has made all specific approvals required under Subchapter VK (773.15(c)(8)). | | | |
| Agr | 14. The proposed post mining land use has been approved (773.15(c)(9)). | | | |
| Agr | 15. The operations will not effect the continued existence of endangered or threatened species, or result in the destruction or adverse modification of their critical habitat (773.15(c)(10)). | | | |
| RI | 16. The mining and reclamation operations will not adversely affect a private family burial ground (773.15(c)(11)). | | | |
| Eng | 17. For a proposed re-mining operation and reclamation under 816/817.106, the site of the operation has been determined to be a previously mined area. (773.15(c)(12)). | | | |

Division of Mined Land Reclamation
Written Findings - Application Approval

Permit/Revision Application No.

| | Item | Initial | Date | Finding |
|-----|--|---------|------|---------|
| Eng | 18. For a permit issued under 785.25, the permit application contains (773.15(c)(14)): a. lands eligible for re-mining. b. identification of the potential environmental and safety problems related to prior mining activity. c. mitigation plan(s) to sufficiently address the potential environmental and safety problems. | | | |
| RI | 19. The applicant has submitted performance bond or other equivalent guarantee (773.15(d)). | | | |
| RI | 20. Transfer, assignment, or sale of permit rights: obtaining approval (774.17) | | | |
| Eng | 21. Reclamation plan: basins, impoundments, banks, dams, and embankments (780.25(a)(1)(v) & 784.16(a)(1)(v)). | | | |
| Eng | 22. Experimental practices mining (785.13(d)) | | | |
| Eng | 21. Mountaintop removal mining (785.14(c)) | | | |
| Eng | 22. Steep slope mining (785.15(c)) | | | |
| Eng | 23. Permits incorporating variances from AOC ³ contour restoration requirements for steep slope mining (785.16(a)). | | | |
| Agr | 24. Prime farmlands (785.17(e)) | | | |
| Agr | 25. With respect to prime farmland, the applicant has: a) obtained a negative determination, or b) satisfied the permit application provisions of 785.17 | | | |
| Eng | 26. Variances for delay in contemporaneous reclamation requirement in combined surface/underground mining operations (785.18(c)) | | | |
| Eng | 27. Augering (785.20(c)) | | | |
| Eng | 28. Coal processing plants/support facilities not located within permit area (785.21(c)) | | | |
| Eng | 29. In situ processing activities (785.22(c)) | | | |

By noting that all items on this list have been initialed by appropriate Division personnel, I find that the application is complete and has complied with the requirements of the Virginia Coal Surface Mining and Reclamation Regulations.

Signature: _____ Date: _____

³ AOC = approximate original contour

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-140-10 et seq. Regulation for Emissions Trading.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. It is mandated by state law. Protecting and improving Virginia's air quality is of the highest priority and this proposed regulation represents an innovative, creative approach to reaching that goal. However, the Department of Planning and Budget has set forth several concerns in its analysis, and I strongly urge the board to address DPB's specific concerns before final adoption.

/s/ George Allen, Governor

Date: January 11, 1998

VA.R. Doc. No. R95-173; Filed January 15, 1998, 10:45 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-60-10 et seq. Virginia Hazardous Waste Management Regulations.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. These proposed regulations are to conform state regulations to federal counterparts. It is imperative that hazardous waste management regulations protect the health and safety of Virginians. Therefore, I reserve the right to take action authorized by the Administrative Process Act during the final adoption period based on the information and public comment then available.

/s/ George Allen, Governor

Date: May 19, 1997

VA.R. Doc. No. R97-433; Filed January 16, 1998, 2:14 p.m.

STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. The regulation is mandated by federal and state law. I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, and I look forward to receiving public comment and input. Protecting our state's water quality is a top priority. I am specifically requesting that the State Water Control Board address the issues discussed in the Economic Impact Analysis conducted by the Department of Planning and

Budget (DPB). There must be no lowering of standards in protecting water quality.

/s/ George Allen, Governor

Date: December 29, 1997

VA.R. Doc. No. R98-21; Filed January 15, 1998, 10:45 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-50-10 et seq. High Dose Chemotherapy and Bone Marrow Transplantation: Amount, Duration, and Scope of Medical and Remedial Care Services.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor

Date: January 7, 1998

VA.R. Doc. No. R97-721; Filed January 16, 1998, 2:14 p.m.

Title of Regulation: 12 VAC 30-50-10 et seq. Expansion of Coverage of School-Based Health Services: Amount, Duration, and Scope of Medical and Remedial Care Services.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. It is mandated by federal and state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor

Date: January 7, 1998

VA.R. Doc. No. R97-722; Filed January 16, 1998, 2:14 p.m.

Title of Regulation: 12 VAC 30-90-10 et seq. Reimbursement for Individuals with Traumatic Brain Injury: Methods and Standards for Establishing Payment Rates for Long-Term Care.

Governor's Comment:

Governor

I have reviewed this proposed regulation on a preliminary basis. It is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor
Date: January 7, 1998

VA.R. Doc. No. R97-723; Filed January 16, 1998, 2:14 p.m.

Title of Regulation: **12 VAC 30-120-10 et seq. Consumer Directed Personal Attendant Services: Waivered Services.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor
Date: January 7, 1998

VA.R. Doc. No. R97-724; Filed January 16, 1998, 2:14 p.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. It is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor
Date: January 10, 1998

VA.R. Doc. No. R98-64; Filed January 16, 1998, 2:13 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Title of Regulation: **18 VAC 60-20-10 et seq. Virginia Board of Dentistry Regulations.**

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. It is mandated by state law. While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

/s/ George Allen, Governor
Date: January 7, 1998

VA.R. Doc. No. R97-728; Filed January 16, 1998, 2:13 p.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

January 20, 1998

Administrative Letter 1998-1

TO: All Title Insurance Companies Licensed in Virginia
RE: Guidelines for Conducting Title Insurance Company/Underwriter Audits of Escrow Accounts Maintained by Title Insurance Settlement Agent

Attached are the State Corporation Commission Bureau of Insurance guidelines for conducting title insurance company/underwriter audits of escrow accounts maintained by title insurance settlement agents pursuant to Virginia Code § 6.1-2.21 E 2 and 14 VAC 5-395-50 C. The results of the annual audits are required to be filed with the Bureau of Insurance by June 30.

Any accounting or auditing questions pertaining to these guidelines should be referred to David Smith at (804) 371-9061. Any other questions should be referred to Michael Beavers at (804) 371-9465.

Please make sure that the appropriate person within your organization receives these guidelines.

/s/ Alfred W. Gross
Commissioner of Insurance

GUIDELINES FOR CONDUCTING TITLE INSURANCE COMPANY/UNDERWRITER AUDITS OF ESCROW ACCOUNTS MAINTAINED BY TITLE INSURANCE AGENTS PURSUANT TO THE VIRGINIA CONSUMER REAL ESTATE SETTLEMENT PROTECTION ACT (Virginia Code § 6.1-2.19 et seq.)

Title insurance companies/underwriters conducting annual audits of title insurance agent escrow accounts pursuant to Virginia Code § 6.1-2.21 E 2 and 14 VAC 5-395-50 C shall comply with the following guidelines. The guidelines are intended to be used as minimum guidelines in conducting annual audits of title insurance agent escrow accounts. Additional procedures conducted by the title insurance companies should be documented in the Standard Report (see attached) issued by the title insurance company. The results of such audits of escrow accounts maintained by title insurance agents are required to be filed with the Bureau of Insurance by June 30 in the format as outlined in the Standard Report.

1. Obtain a listing of all agency bank accounts, including operating and other nonfiduciary accounts. Have the agent certify that the listing of bank accounts is complete and accurate. The listing should contain all of the information that is included in Schedule A of the Standard Report.

2. Obtain a listing of all of the agency's affiliated companies.* Have the agent certify that the listing of affiliated companies is complete and accurate. The listing should contain all of the information that is included in Schedule B of the Standard Report.

3. Review and test the agent's 3-way reconciliations (bank statement to book balance to open escrow trial balance) at December 31 for all agent escrow accounts including, without limitation, all multiple and individual customer escrow accounts (regular, special/interest bearing, etc.), accounts established in connection with IRC Code § 1031 tax deferred exchanges, and other fiduciary accounts. The test of the reconciliations should, at a minimum, include the following procedures:

- a. Foot reconciliation and any supporting schedules;
- b. Compare bank balance per reconciliation with bank statement and have agent resolve differences;
- c. Compare book balance per reconciliation with control account such as check book balance, general ledger, etc. and have agent resolve differences;
- d. Compare reconciled balances to the related trial balance of the same date and have agent resolve differences;
- e. Verify deposits in transit by tracing deposits to validated deposit slip or bank statement for the following month;
- f. Verify outstanding check list by tracing to canceled checks returned with the subsequent month's bank statement. Follow up on all large outstanding checks not clearing in the subsequent month;
- g. Verify propriety of other material reconciling items by reviewing appropriate support;
- h. Note any material reconciling items more than 30 days old and discuss with agency personnel;
- i. Examine voided checks and verify that they are properly defaced.

4. Review 3-way reconciliations for all agent escrow accounts (same accounts as referred to in item # 3 of these guidelines) for three months of the calendar year which shall be selected on a random basis. Determine the timeliness of the preparation of bank reconciliations. Determine management review and approval. Any reconciliations that were not prepared in a timely manner or reviewed by management should be noted in the Specific Findings section of the Standard Report.

5. Review the agent's December 31 trial balance for all escrow accounts for unusual items and investigate any such items. The lack of a trial balance and/or any unusual items that are not adequately resolved by the auditor should be noted in the Specific Findings section of the Standard Report.

General Notices/Errata

6. Review all escrow account bank statements and trial balances for unusual items, e.g., negative balances, nonsufficient funds or other large or frequent bank service charges, or large even-dollar disbursements, and investigate any such items. Any unusual items that are not adequately resolved by the auditor should be noted in the Specific Findings section of the Standard Report.

7. For each escrow account select a representative sample of canceled checks and wire transfers and review same for unusual items. The actual number of canceled checks and wire transfers sampled should be disclosed in the Standard Report, along with an explanation of the number selected. The following items, although not all inclusive, should result in further investigation and resolution by the auditor. Any of the following items that are not adequately resolved by the auditor should be noted in the Specific Findings section of the Standard Report:

- a. Checks or wire transfers for large amounts payable to the agency or its affiliates or owners which do not appear to be fees;
- b. Large even-dollar amounts;
- c. Checks or wire transfers with no file reference;
- d. Checks or wire transfers with unusual references;
- e. Slow clearing payoffs or proceeds;
- f. Improper or unusual endorsements;
- g. Alterations to canceled checks;
- h. Checks payable to "cash" or "bearer" or to banks for cashier's checks; and
- i. Unusual transfers between files and/or bank accounts.

8. Review the clearing of a representative sample of December 31 outstanding payoff, proceeds, or other large escrow account checks or wire transfers. Trace payments to underlying source documentation. The actual number of payoffs, proceeds, or other large escrow account checks or wire transfers sampled should be disclosed in the Standard Report, along with an explanation of the number selected. Investigate instances in which such large checks or wire transfers failed to clear within 30 days of issuance. Any unusual items that are not adequately resolved by the auditor should be noted in the Specific Findings section of the Standard Report.

9. Review a representative sample of files for written external support of the escrow account records, e.g., signed HUD-1 settlement statements, external invoices or lender instructions. The files for review should be selected from the 3-way reconciliation review from significant untimely clearing items at steps 3 and 8 above, dormant files and open and closed files at random. The actual number of files sampled should be

disclosed in the Standard Report, along with an explanation of the number selected. Any instances of inadequate external support that are not resolved by the auditor should be noted in the Specific Findings section of the Standard Report.

Title insurance companies/underwriters conducting annual audits of title insurance agent escrow accounts pursuant to Virginia Code § 6.1-2.21 E 2 and 14 VAC 5-395-50 C shall make all work papers prepared in the conduct of such audits available to the Bureau upon request.

The title insurance company/underwriter may condition its provision of audit services in satisfaction of Virginia Code § 6.1-2.21 E 2 and 14 VAC 5-395-50 C upon the title insurance agent undertaking and providing to the title insurance company/underwriter all documentation and records reasonably deemed necessary to accomplish the foregoing audit guidelines.

* An affiliated company is defined as any person that is, directly or indirectly, owned or controlled by the same person or by the same group of persons that directly or indirectly, own or control the agency. This term includes parent and subsidiaries. Control and affiliated status shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or hold proxies, representing 10% or more of the voting securities of any other person.

**VIRGINIA CONSUMER REAL ESTATE
SETTLEMENT PROTECTION ACT ("CRESPA")
Standard Report of Escrow Accounts Maintained by Title Insurance Agents**

Title Insurance Company/Underwriter _____

Title Insurance Agent/Agency _____

Name of Owner/Principal Officer _____

Agency Address _____

Procedures

In accordance with the guidelines for "Title Insurance Company/Underwriter Audits of Escrow Accounts Maintained by Title Insurance Agents Pursuant to CRESPA," (Title Insurance Company Name) performed the following procedures:

1. Obtained a listing of all agency bank accounts, including operating and other non-fiduciary accounts. See Schedule A.
2. Obtained a listing of all of the agency's affiliated companies. See Schedule B.
3. Reviewed and tested the agent's 3-way reconciliation(s) (bank statement to book balance to open escrow trial balance) at December 31 for all agent escrow accounts.
4. Reviewed 3-way reconciliations for all agent escrow accounts for the last three months of the calendar year. Determined the timeliness of the preparation of bank reconciliations. Determined management review and approval.
5. Reviewed the agent's December 31 trial balance for all escrow accounts for "unusual items" and investigated any such items.
6. Reviewed all escrow account bank statements and trial balances for "unusual items" and investigated any such items.
7. Reviewed a representative sample of canceled checks and wire transfers, if any, for "unusual items" as defined in the Guidelines. **(The actual number of canceled checks and wire transfers sampled should be disclosed here, along with an explanation of the number selected.)**
8. Reviewed the clearing of a representative sample of December 31 outstanding payoff, proceeds, or other large escrow account checks or wire transfers. Traced payments to underlying source documentation. **(The actual number of payoffs, proceeds, or other large escrow account checks or wire transfers sampled should be disclosed here, along with an explanation of the number selected.)**
9. Reviewed a representative sample of files for written external support of the escrow account records. **(The actual number of files sampled should be disclosed here, along with an explanation of the number selected.)**

General Notices/Errata

Specific Findings

In accordance with the guidelines for "Title Insurance Company/Underwriter Audits of Escrow Accounts Maintained by Title Insurance Agents Pursuant to CRESPA," (Title Insurance Company Name) noted the following specific findings during the audit of (Title Insurance Agent).

This report is intended solely for the use of (Title Insurance Agent) and the Virginia State Corporation Commission Bureau of Insurance and should not be used for any other purpose.

By signing below, I certify that I have performed the procedures above, and have noted the applicable specific findings, and the report is accurate and complete to the best of my knowledge.

Signature of Title Insurance Company Representative

Print Name

Title of Representative

Date of Report

SCHEDULE A
LISTING OF AGENCY BANK ACCOUNTS

AGENCY NAME: _____

DATE: _____

| BANK NAME | ACCOUNT NUMBER | BANK ADDRESS | AUTHORIZED CHECK SIGNERS | DATE OF MOST CURRENT RECONCILIATION |
|-----------|----------------|--------------|--------------------------|-------------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

I HEREBY CERTIFY THAT THIS IS A COMPLETE AND ACCURATE LISTING OF ALL BANK ACCOUNTS MAINTAINED BY:

(Agency Name)

Printed Name: _____

Signature: _____

Job Title: _____

Date: _____

General Notices/Errata

**SCHEDULE B
LISTING OF AFFILIATED COMPANIES OF THE AGENCY**

AGENCY NAME: _____

DATE: _____

| COMPANY | AFFILIATION | TYPE OF BUSINESS TRANSACTED WITH AGENCY, IF ANY |
|---------|-------------|---|
| | | |
| | | |
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| | | |
| | | |

I HEREBY CERTIFY THAT THIS IS A COMPLETE AND ACCURATE LISTING OF ALL AFFILIATED COMPANIES OF:

(Agency Name)

Printed Name: _____

Signature: _____

Job Title: _____

Date: _____

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Comment

The Virginia Department of Environmental Quality seeks written comment from interested persons on the procedures describing the processes for determining and defining impaired waters in the Commonwealth. Impaired waters are those stream segments, lakes, and portions of the estuary which do not fully support fishing, shellfishing, swimming, aquatic life, or drinking water uses due to violations of the state's water quality standards. Impairments are generally caused by pollutants from point and nonpoint sources.

The impaired waters and the pollutants causing the impairment are published and submitted to the U.S. Environmental Protection Agency in the biennial 303(d) Total Maximum Daily Load (TMDL) Priority List report in April of even-numbered years.

Section 62.1-44.19:5 C of the Code of Virginia requires the Department of Environmental Quality to publish and seek public comment on the procedures used for determining impaired waters to be included in Virginia's 1998 303(d) TMDL Priority List report.

The public comment period will end on March 18, 1998. Draft copies of the procedures for determining and defining impaired waters are available upon request. Questions or information requests should be addressed to the person listed below. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Mr. Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 698-4462, FAX (804) 698-4136, or e-mail chmartin@deq.state.va.us.

COMMISSION ON LOCAL GOVERNMENT

Schedule of Assessments of Mandates on Local Government

Pursuant to the provisions of paragraph 7 of Executive Memorandum 5-94, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Allen, represents the precise timetable which the listed executive agencies will follow in conducting their assessments of the new and newly identified state and federal mandates on local governments which they administer. In conducting these assessments, agencies will follow the process established by Executive Memorandum 5-94 which became effective April 22, 1994.

For further information call Larry McMillan, Senior Policy Analyst, Commission on Local Government, at 786-6508.

COMMERCE AND TRADE SECRETARIAT

Department of Professional and Occupational Regulation

Mandate: Waterworks and Wastewater Works Operators License (SCT.DPOR002)

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia § 54.1-2302

Assessment Schedule: Start Date 7-1-98 End Date 9-30-98

EDUCATION SECRETARIAT

Department of Education

Mandate: School-to-Work Transition Programs (SOE.DOE084)

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia §§ 22.1-208.2:2 and 22.1-209.01

Assessment Schedule: Start Date 7-1-98 End Date 9-30-98

Mandate: Notice of Parental Involvement in Schools (SOE.DOE085)

Type: Compulsory Order

Statutory Authority: Code of Virginia § 22.1-279.3

Assessment Schedule: Start Date 5-1-98 End Date 7-31-98

Mandate: Prevention of Crime and Violence on School Property (SOE.DOE086)

Type: Compulsory Order

Statutory Authority: Code of Virginia § 22.1-280.1

Assessment Schedule: Start Date 5-1-98 End Date: 7-31-98

Mandate: School Uniforms (SOE.DOE087)

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia § 22.1-79.2

Assessment Schedule: Start Date 5-1-98 End Date 7-31-98

Mandate: Sight and Hearing of Pupil to be Tested (SOE.DOE088)

Type: Compulsory Order

Statutory Authority: Code of Virginia § 22.1-273

Assessment Schedule: Start Date 5-1-98 End Date 7-31-98

Mandate: Sale of School Property (SOE.DOE089)

Type: Compulsory Order

Statutory Authority: Code of Virginia § 22.1-129

Assessment Schedule: Start Date 5-1-98 End Date 7-31-98

General Notices/Errata

HEALTH AND HUMAN RESOURCES SECRETARIAT

Department of Health

Mandate: Inspection of Local Correctional Facilities (SHHR.VDH022)

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 35.1-1, 53.1-68, 53.1-127

Assessment Schedule: Start Date 7-1-98 End Date 9-30-98

Department of Mental Health, Mental Retardation and Substance Abuse Services

Mandate: Human Research (SHHR.DMHMRSAS008)

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia § 37.1-24.01

Assessment Schedule: Start Date 3-1-98 End Date 5-31-98

Department of Social Services

Mandate: Local Board and Superintendent of Public Welfare (SHHR.DSS061)

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 63.1-38, 63.1-59

Assessment Schedule: Start Date 4-1-98 End Date 6-30-98

NATURAL RESOURCES SECRETARIAT

Department of Conservation and Recreation

Mandate: Virginia Recreational Trails Fund (SNR.DCR009)

Type: Condition of Financial Aid

Statutory Authority: National Recreational Trails Act (Fed.)

Assessment Schedule: Start Date 3-1-98 End Date 6-30-98

PUBLIC SAFETY SECRETARIAT

Department of Criminal Justice Services

Mandate: Community Policing Fund (SPS.DCJS014)

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia § 58.1-346.5

Assessment Schedule: Start Date 2-1-98 End Date 4-30-98

Mandate: Crime Prevention Grants (SPS.DCJS015)

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia §§ 9-170, 9-173.16

Assessment Schedule: Start Date 2-1-98 End Date 4-30-98

Mandate: STOP Violence Against Women Grants (SPS.DCJS016)

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia § 9-170; P. L. 103-322 (Fed.)

Assessment Schedule: Start Date 2-1-98 End Date 4-30-98

Mandate: Pretrial Services Program (SPS.DCJS017)

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia §§ 19.2-152.2 through 19.2-152.7, 53.1-82.1

Assessment Schedule: Start Date 2-1-98 End Date 4-30-98

Department of Emergency Services

Mandate: Appoint Local Hazardous Materials Coordinator (SPS.VDES009)

Type: Compulsory Order

Statutory Authority: Code of Virginia § 44-146.38

Assessment Schedule: Start Date 1-1-99 End Date 1-31-99

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Mailing List Update

Any individuals or groups who are interested in (i) advising the department in developing or amending existing state regulations, (ii) participating in developing or amending the department's strategic plan and state plans for vocational rehabilitation, supported employment, and independent living services, and (iii) receiving notice of the department's public hearings should contact the department to be added to the mailing list. The deadline is March 1, 1998. Please send your name (include your title and organization's name, if any) and your street or P.O. Box mailing address to Gloria O'Neal, Department of Rehabilitative Services, P.O. Box K300, Richmond VA 23288-0300, FAX (804) 662-7696.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Blue Ridge Stone Corporation

The State Water Control Board proposes to enter into a Consent Special Order with the Blue Ridge Stone Corporation (Blue Ridge Stone). The parties have agreed to the terms of a Consent Special Order to resolve violations of the State Water Control Law and regulations at the Blue Ridge Stone Corporation facility located near Stuarts Draft in Augusta County. In June of 1997, the Blue Ridge Stone stormwater treatment facility experienced violations resulting in the unpermitted discharge of clay slurry from the settling basin to Stony Run at levels which exceeded the State Water Quality Standards and which violated conditions authorized in the permit for the facility. Blue Ridge Stone has completed corrective actions by adding new, and improving existing, sedimentation ponds and improving the existing stormwater retention pond so that the ponds now have the capacity to handle a 50-year storm event. The company is now routinely inspecting the ponds and has conducted some in-stream restoration work under a permit issued by the Corp of Engineers. The proposed Consent Special Order settles the outstanding Notices of Violation and incorporates a civil

charge of \$7,500 in settlement. Of this civil charge, \$6,750 will be suspended upon Blue Ridge Stone's successful completion of a Supplemental Environmental Project (SEP). This SEP includes Blue Ridge Stone's donation and delivery of 550 tons of stone to the National Forest Service for use in an environmental enhancement project.

The board will receive written comments relating to the proposed Consent Special Order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia 22801, and should refer to the Consent Special Order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Special Order Robert Campbell

The State Water Control Board proposes to take an enforcement action against Black Hills Farm #2 for the above listed owner. Under the terms of the proposed Special Order, the owner of this facility has agreed to be bound by the terms and conditions for waste management and reporting requirements contained in individual appendices within the respective order. These requirements contained in the order bring the facility into compliance with state law and will protect water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the special order until March 16, 1998. Comments should be addressed to Dallas Sizemore, Department of Environment Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, Virginia 24212, and should refer to the Consent Special Order.

The proposed order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia.

Copies of the individual order may be obtained in person or by mail from the above office.

VIRGINIA CODE COMMISSION

Notice to Subscribers

Beginning with Volume 14, Issue 1 of the Virginia Register (14:1 VA.R. September 29, 1997), the format of the Register changed slightly. Regulations and other information previously published in the State Corporation Commission, Marine Resources Commission, State Lottery Department, and Tax Bulletin sections have been merged into the Proposed Regulations, Final Regulations, Emergency Regulations, or General Notices sections as appropriate. In addition, regulations appear in order by Virginia

Administrative Code (VAC) title order to correspond with the VAC.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material on Dates for Publication in The Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Community Mental Retardation Services.
12 VAC 30-60-10 et seq. Standards Established and
Methods Used to Assure High Quality Care.
12 VAC 30-120-10 et seq. Waivered Services.

Publication: 14:7 VA.R. 1100-1122, December 22, 1997.

Corrections to Final Regulation:

Page 1108, 12 VAC 30-60-145, column 1, subdivision 1,
line 5, after "services shall be" insert "*initially*"

Page 1109, 12 VAC 30-120-210, column 2, definition
"Personal assistance," line 4, after "residential support"
strike "*or supportive living*"

Page 1113, 12 VAC 30-120-230 C 4, column 2, line 4,
after "*supportive residential services*" insert "*or day
support services*"

Page 1114, 12 VAC 30-120-230 C 8, column 1, line 4,
after "DMHMRSAS" insert "*licensed*"

General Notices/Errata

Page 1114, 12 VAC 30-120-230 C 10, column 1, line 4, strike "employees of CSBs who are licensed registered nurses or licensed practical nurses" and insert "a licensed registered nurse or licensed practical nurse contracted or employed by the CSB"

Page 1115, 12 VAC 30-120-230 H, column 1, line 3, strike "DMAS" and insert "DMHMRSAS"; line 4, after "occur" insert ". Furthermore, it shall be the responsibility of DMHMRSAS to update DMAS when any of the following events occur:"

Page 1116, 12 VAC 30-120-240 A 3, column 1, strike "one-on-one to the individual" and insert "on an individual basis according to the plan of care and service setting requirements"

Page 1119, 12 VAC 30-120-250 B 1, column 1, line 1, strike "coordinate" and insert "complete"; line 2, after "reassessment" strike the comma and insert "in coordination with the consumer, family , and service providers."; line 3, first word, strike "and if warranted" and insert "If warranted, the case manager shall coordinate"; line 5, strike "This" insert "The"; line 7, after "data" strike "based on the recipient's characteristics"

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

VIRGINIA AGRICULTURAL COUNCIL

† **March 23, 1998 - 9 a.m.** -- Open Meeting

† **March 24, 1998 - 8:30 a.m.** -- Open Meeting

Days Hotel, 1901 Emmet Street, Charlottesville, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs special accommodations in order to participate at the meeting should contact Thomas R. Yates at least five days before the meeting so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, Washington Bldg., 1100 Bank St., Room 903, Richmond, VA 23219, telephone (804) 786-6060 or toll-free 1-800-828-1120/TDD☎

BOARD OF AGRICULTURE AND CONSUMER SERVICES

February 25, 1998 - 9 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Richmond, Virginia.

A regular meeting to discuss Virginia agriculture and consumer issues. 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 Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 211, Richmond, VA 23218, telephone (804) 786-3535.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

† **March 3, 1998 - 10 a.m.** -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, Training Room, Charlottesville, Virginia.♿

A meeting to review past minutes, review tax collections and budget, and discuss marketing plans for the 1998-99 season. Potential changes to the Code of Virginia will also be reviewed. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1008, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

Virginia Bright Flue-Cured Tobacco Board

February 24, 1998 - 10 a.m. -- Open Meeting

Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia.♿

A meeting to consider funding proposals for research, promotion, and education projects pertaining to Virginia flue-cured tobacco, and to conduct other business that may come before the board. The board will entertain public comment at the conclusion of all other business

Calendar of Events

for a period not to exceed 30 minutes. Any person who needs special accommodation in order to participate at the meeting should contact D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Secretary, Virginia Bright Flue-Cured Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

Virginia Corn Board

February 19, 1998 - 8 a.m. -- Open Meeting
Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia. ☎

A meeting to discuss checkoff revenues and the financial status resulting from sales of the 1997 corn crop and to hear FY 1998-99 project proposals. Following all presentations, the group will make funding decisions for the fiscal year beginning on July 1, 1998. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Corn Board, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Cotton Board

February 23, 1998 - 1:30 p.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. ☎

An organizational meeting following the certification of referendum results and creation of the board by Governor George Allen on September 26, 1997, to elect a board chairman and vice-chairman with the Commissioner of the Department of Agriculture and Consumer Services, J. Carlton Courter, II, presiding. Following the election the board members will receive orientation and hear presentations on the Freedom of Information Act, procurement and contracting requirements, board funding and state travel regulations. 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 Susan K. Simpson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Special Programs Manager, Virginia Cotton Board, Washington Bldg., 1100 Bank St.,

Room 1002, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

March 3, 1998 - 9 a.m. -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. ☎

The first working meeting of the board to discuss the status and volume of the 1997 cotton crop and to discuss and approve contractual arrangements with national and regional organizations and hearing project proposal grant requests by Virginia Tech and Virginia State cotton production researchers. Financial reports will also be heard and approved. 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 D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Program Director, Virginia Cotton Board, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

Virginia Farmers' Market Board

February 17, 1998 - 1:30 p.m. -- Open Meeting
Department of Forestry, Fontaine Research Park, 300 Natural Resources Drive, Charlottesville, Virginia. ☎

A quarterly meeting to (i) conduct business to benefit the Virginia Farmers' Market System, (ii) hear and approve the financial report, (iii) approve the minutes of the prior meeting, and (iv) hear a report on two Capital Outlay Projects, the construction of both the Southeast Virginia Farmers' Market and the Northern Neck of Virginia Farmers' Market. In addition, contracted farmers market operators of all four markets in the system will present financial and status reports. 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 Susan Simpson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Special Programs Manager, Department of Agriculture and Consumer Services, Division of Marketing, 1100 Bank St., Suite 1002, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

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.

Virginia Peanut Board

† **March 9, 1998 - 11 a.m.** -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6231 Holland Road, Suffolk, Virginia ☎

A meeting to review peanut research projects for possible funding in 1998. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Russell C. Schools at least five days before the meeting date so that suitable arrangements can be made.

Contact: Russell C. Schools, Program Director, Virginia Peanut Board, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573.

Virginia Sweet Potato Board

† **March 4, 1998 - 7:30 p.m.** -- Open Meeting
Eastern Shore Agricultural Research and Extension Center, Research Drive, Painter, Virginia ☎

A meeting to discuss programs regarding promotion, research and education; the annual budget; and other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-1041.

Virginia Soybean Board

March 4, 1998 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia ☎

A meeting to discuss checkoff revenues and the financial status resulting from sales of the 1997 soybean crop and to hear FY 1997-98 project reports and FY 1998-99 project proposals and make funding decisions. 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 Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Soybean Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

ALCOHOLIC BEVERAGE CONTROL BOARD

February 23, 1998 - 9:30 a.m. -- Open Meeting

March 9, 1998 - 9:30 a.m. -- Open Meeting

March 23, 1998 - 9:30 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia ☎

A meeting to receive and discuss reports and activities of staff members. Other matters have not been determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409 or FAX (804) 213-4442.

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

† **March 20, 1998 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the 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 ☎

Interior Design Section

† **March 5, 1998 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

Calendar of Events

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 ☎

Landscape Architect Section

February 26, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the 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 ☎

Land Surveyor Section

February 18, 1998 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the 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 ☎

February 19, 1998 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 East, Richmond, Virginia. ♿

The Land Surveyor Section and invited subject matter experts will conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

VIRGINIA BOARD FOR ASBESTOS AND LEAD

† March 19, 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 business. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TDD ☎, or e-mail asbestos@dpor.state.va.us

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Management Team

† March 5, 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 procedure to the State Executive Council on the Comprehensive Services Act.

Contact: Elizabeth Hutton, Secretary, Department of Health, P. O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 19, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A general board meeting. Public comment will be heard for 15 minutes prior to the meeting.

Contact: Senita Booker, Senior Program Support Technician, 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 ☎

† **March 19, 1998 - 1 p.m.** -- Open Meeting
The Doubletree Hotel, 2350 Seminole Trail, Charlottesville, Virginia. ☎

A presentation at the Speech and Hearing Association of Virginia conference to discuss general issues of the board.

Contact: Senita Booker, Senior Program Support Technician, 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 ☎

VIRGINIA AVIATION BOARD

February 25, 1998 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular bimonthly meeting of the board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2422, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

STATE CERTIFIED SEED BOARD

† **February 19, 1998 - 8 a.m.** -- Open Meeting
The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

A meeting to (i) review yearly activities of the Virginia Seed Certification and Foundation seed programs; (ii) review laboratory data concerning the quality, germination and availability of certified seed peanuts for the 1998 planting season; and (iii) make any recommendations deemed appropriate to the Virginia Seed Certifying Agency concerning the labeling of certified seed peanuts or any other seed crops.

Contact: David L. Whitt, Coordinator, Agricultural Program, State Certified Seed Board, 9142 Atlee Station Road, Mechanicsville, VA 23116, telephone (804) 746-4884 or FAX (804) 746-9447.

BOARD FOR CONTRACTORS

† **February 26, 1998 - 9 a.m.** -- Open Meeting
† **February 27, 1998 - 9 a.m.** -- Open Meeting
National Assessment Institute, 3813 Gaskins Road, Richmond, Virginia. ☎

Board members and subject matter experts will conduct an examination workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

BOARD OF CORRECTIONAL EDUCATION

† **February 19, 1998 - 10 a.m.** -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A monthly meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

BOARD OF CORRECTIONS

† **February 18, 1998 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Administration Committee

† **February 18, 1998 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss administrative matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

† **February 17, 1998 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

Calendar of Events

A meeting to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

BOARD FOR COSMETOLOGY

† **March 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 Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least 10 days in advance.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

BOARD OF DENTISTRY

March 20, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

April 3, 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 Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20-10 et seq. Regulations Governing the Practice of Dentistry and Dental Hygiene.** A new regulation is proposed to replace the emergency regulation which establishes an inactive license for dentists and dental hygienists who are retired or out-of-state and who do not wish to or need to comply with continuing education requirements.

Statutory Authority: §§ 54.1-2400 and 54.1-2709 of the Code of Virginia.

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) 662-9943.

BOARD OF EDUCATION

February 26, 1998 - 9 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Conference Rooms B and C, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

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. The agenda is available upon request.

Contact: Dr. James E. Laws, Jr., Administrative Assistant to the Superintendent for Board Relations, Department of Education, 101 N. 14th St., P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540, FAX (804) 225-2524 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **March 4, 1998 - 3 p.m.** -- Open Meeting
Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

Selby Jacobs, coordinator of the Disaster Recovery Task Force will give a presentation on the Disaster Recovery Task Force. Election of officers will also take place.

Contact: L. A. Miller, Fire Chief, Winchester Fire and Rescue Dept., 126 N. Cameron St., Winchester, VA 22601, telephone (540) 662-2298 or (540) 665-5645 ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **February 18, 1998 - 7 p.m.** -- Public Hearing
Portsmouth City Council Chambers, City Hall Building, 801 Crawford Street, 6th Floor, Portsmouth, Virginia.

A public hearing to receive comments on the proposed issuance of a permit for the storage of hazardous waste at the Norfolk Naval Shipyard in Portsmouth.

Contact: Douglas Brown, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182.

† **February 23, 1998 - 1 p.m.** -- Public Hearing
Blacksburg Community Center, 725 Patrick Henry Drive, Blacksburg, Virginia.

A public hearing to receive comments on proposed modifications to the hazardous waste post-closure permit for the Federal-Mogul Corporation Powertrain Products Operation Plant's closed hazardous waste surface impoundments. The proposed modifications will require the permittee to implement a ground water corrective action program that will extract, treat, and contain contaminated ground water.

Contact: Glenn von Gonten, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4231.

Ad Hoc Advisory Group

March 11, 1998 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia. ☎

The first meeting of the group to assist the Department of Environmental Quality in developing a technical assistance guide for local governments on the process for siting solid waste management facilities. In developing this guide, the Department of Environmental Quality will solicit the input of private operators and local government officials.

Contact: Ulysses B. Brown, Jr., Environmental Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4198 or FAX (804) 698-4327.

Virginia Coastal Resources Management Program

† **February 25, 1998 - 9 a.m.** – Open Meeting
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia. ☎

A meeting to discuss development of the four-year strategic plan. The contractor for this work, University of Virginia's Institute for Environmental Negotiation, will present key issues for the strategic plan and examples of other state coastal management programs. A draft strategic plan is due in June and the plan is expected to be finalized by fall 1998.

Contact: Laura McKay, Virginia Coastal Program Manager, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4323 or FAX (804) 698-4319.

Virginia Ground Water Protection Steering Committee

† **March 17, 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

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 FUNERAL DIRECTORS AND EMBALMERS

† **March 11, 1998 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A general board meeting. Public comment will be received during the first 15 minutes of the meeting.

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, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

Special Conference Committee

February 17, 1998 - 9 a.m. -- Open Meeting
February 18, 1998 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to conduct informal conference hearings. No public comment will be received.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

† **March 3, 1998 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to conduct informal conference hearings. No public comment will be received.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

Trainee Task Force and Examination Committee


February 18, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎


A meeting to discuss the Resident Trainee Program. Public comment will be received during the first 15 minutes of the 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, FAX (804) 662-9523 or (804) 662-7197/TDD ☎

Calendar of Events

DEPARTMENT OF GAME AND INLAND FISHERIES


† **February 18, 1998 - 7 p.m.** – Open Meeting
Department of Game and Inland Fisheries, Marion Fish Cultural Station, Highway 16 South, Marion, Virginia. 
(Interpreter for the deaf provided upon request)

† **February 19, 1998 - 7 p.m.** – Open Meeting
Department of Game and Inland Fisheries, Verona (Staunton) Regional Office, 4725 Lee Highway, Verona, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to receive suggestions from anglers and other interested citizens for changes to the state's freshwater fishing regulations. Interested individuals are invited to join the Department of Game and Inland Fisheries' staff to discuss fishing regulations and agency programs. The board's schedule for this year's regular biennial review of fishing regulations is for (i) staff to recommend and the board to propose regulation amendments at its August 20, 1998, meeting; (ii) a public comment period on any proposed amendments to run from that date until October 22, 1998; (iii) the agency to hold further public input meetings on any proposed regulations during the August 20 through October 22 comment period; and (iv) the board to adopt as final any regulations or amendments at its October 22, 1998, meeting. The process is intended to provide multiple opportunities for the public's participation in amending freshwater fishing regulations. The purpose of the meetings being announced under this notice is to solicit and collect initial citizen input for Department of Game and Inland Fisheries staff to consider preparing the recommendations it will submit to the board in August.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2511.

STATE BOARD OF HEALTH


February 25, 1998 - 10 a.m. – Public Hearing
Department of Health, 3600 West Broad Street, 3rd Floor Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A public hearing pursuant to § 32.1-102.3:2 of the Code of Virginia on the proposed Request for Applications (RFA). This RFA is a request for certificate of public need (COPN) applications for projects which will result in an increase in the number of Medicaid-certified nursing facility units dedicated to the provision of complex, high acuity care for pediatric patients, i.e., persons under the age of 21. The RFA issuance process is outlined in the Virginia Medical Care Facilities COPN Rules and Regulations at 12 VAC 5-220-320. Copies of the proposed RFA can be obtained by contacting the COPN program of the Center for Quality Health Care Services and Consumer Protection at the address below or by calling (804) 367-2126.


Contact: Carrie Eddy, Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2102 or FAX (804) 367-2149.

DEPARTMENT OF HEALTH PROFESSIONS


Intervention Program Committee

† **February 27, 1998 - 9 a.m.** – Open Meeting
† **March 20, 1998 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting with the committee's contractor and representatives to review procedures and reports for the Health Practitioner's Intervention Program. The committee will meet in open session to discuss educational efforts, contracts for entry in the program and the process for stayed disciplinary action. The committee may meet in executive sessions for the purpose of consideration of specific requests for applicants or participants in the program.

Contact: John W. Hastly, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TDD 

BOARD FOR HEARING AID SPECIALISTS

† **March 13, 1998 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. 

A routine business meeting. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TDD , e-mail hearingaidspec@dpor.state.va.us

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Executive Committee

† **February 27, 1998 - 2 p.m.** – Audioconferences
 Wharton, Aldhizer and Weaver, Harrisonburg, Virginia.
 The Monitor Group Corporation, Fairfax, Virginia.
 Penn Stuart, Abingdon, Virginia.
 McGuire, Woods, Battle and Boothe, Suite 9000, Norfolk, Virginia.
 Patten, Wornom and Watkins, Suite 360, Newport News, Virginia.
 State Council of Higher Education, James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia.

A regular meeting via audioconference.

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

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.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

February 23, 1998 - 10 a.m. – Public Hearing
 Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

March 20, 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 Board of Housing and Community Development intends to amend regulations entitled: **13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code/1996.** The purpose of the proposed action is to establish standards for automatic sprinkler (fire) systems in certain dormitories at colleges and universities.

Statutory Authority: §§ 36-98 and 36-99.3 of the Code of Virginia.

Public comments may be submitted until March 20, 1998.

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7170 or FAX (804) 371-7092.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **February 24, 1998 - 11 a.m.** -- Open Meeting
 Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

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. Various committees of the board will also meet. Please contact the library for further information.

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.

VIRGINIA MANUFACTURED HOUSING BOARD

February 18, 1998 - 10 a.m. -- Open Meeting
 Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TDD

Calendar of Events

MARINE RESOURCES COMMISSION

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 ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

March 20, 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 Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.** The purpose of the proposed action is to provide reimbursement for high dose chemotherapy and bone marrow/stem cell transplants for individuals over the age of 21 who have been diagnosed with lymphoma or breast cancer. This package will also clarify the reimbursement policy for transplants.

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

Public comments may be submitted until March 20, 1998, to Anita Cordill, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

March 20, 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 Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.** This action proposes to expand the array of services which can be provided by school-employed medical personnel and reimbursed by Medicaid.

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

Public comments may be submitted until March 20, 1998, to Jeff Nelson, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

March 20, 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 Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.** These regulations propose to provide additional reimbursement to certain nursing facilities which provide special services to individuals who have traumatic brain injuries.

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

Public comments may be submitted until March 20, 1998, to Regina Anderson-Cloud, LTC Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

March 20, 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 Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-120-10 et seq. Waivered Services.** The proposed regulation specifies the requirements and

standards for the provision of consumer-directed personal attendant services. The consumer-directed PAS program will provide home and community-based care personal attendant services to consumers who meet Medicaid eligibility and financial requirements. The service will allow qualifying consumers to remain in their homes, directing their own care, rather than receiving services under the home health agency model or being institutionalized. This proposal is mandated by Chapter 924, 1997 Appropriation Act. Public hearings have already been held on these regulations.

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

Public comments may be submitted until March 20, 1998, to Karen Lawson, LTC Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

Drug Utilization Review Board

February 19, 1998 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: Marianne Rollings, Department of Medical Assistance Services, Pharmacy Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

Pharmacy Liaison Committee

April 6, 1998 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: David Shepherd, R.Ph., Supervisor, Pharmacy Unit, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2773.

BOARD OF MEDICINE

February 26, 1998 - 8:30 a.m. -- Open Meeting
February 27, 1998 - 8:30 a.m. -- Open Meeting
February 28, 1998 - 8:30 a.m. -- Open Meeting
March 1, 1998 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A panel of the board will convene pursuant to §§ 54.1-2400 and 9-6.14:12 of the Code of Virginia to inquire into

allegations that a practitioner may have violated laws and regulations governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

March 6, 1998 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

April 3, 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 Board of Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture.** The purpose of the proposed action is to amend the regulations pursuant to Executive Order 15 (94), which called for clarification, simplification, and where possible, a reduction in the regulatory burden. Amendments will lower certain application fees, eliminate the confusion in terminology for licensure by endorsement or by examination, and repeal unnecessary regulations.

Statutory Authority: §§ 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

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 (804) 662-9943.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Licensure Work Group

February 18, 1998 - 10 a.m. -- Open Meeting
Capitol Medical Center (Richmond Metropolitan Hospital), 701 West Grace Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review definitions included in the current regulations and discuss needed changes to those definitions.

Contact: Greg Stolcis, Regional Field Supervisor, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA

Calendar of Events

23218, telephone (804) 225-3410, FAX (804) 786-4146 or (804) 371-8977/TDD ☎

Performance Outcome Measurement System (POMS) Work Group

† February 24, 1998 - 10:30 a.m. -- Open Meeting
Hanover Community Services Board, 12300 Washington Highway, Ashland, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to (i) review the progress in implementation at pilot sites; (ii) discuss the Prevention POMS; and (iii) discuss issues related to implementation and coordination with other pilot projects.

Contact: Will Ferriss, Research and Evaluation Associate, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 371-7428 or FAX (804) 786-9428.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

March 20, 1998 - 10 a.m. -- Open Meeting
March 21, 1998 - 10 a.m. -- Open Meeting
The Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☎

A special meeting to discuss and plan the fund raising campaign.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or (540) 464-7660/TDD ☎

STATE MILK COMMISSION

February 18, 1998 - 10:30 a.m. -- Open Meeting
Milk Commission, 200 North Ninth Street, Suite 915, Richmond, Virginia. ☎

A regular meeting to (i) discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and (ii) review reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 915, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TDD ☎

DEPARTMENT OF MINES, MINERALS AND ENERGY

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).

Division of Mined Land Reclamation

February 20, 1998 - 1 p.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23 South, Conference Room 116, Big Stone Gap, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to give interested persons an opportunity to be heard in regard to the FY 98 Abandoned Mine Land Consolidated Grant Application to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247 or toll-free 1-800-828-1120 (VA Relay Center).

BOARD OF NURSING

Special Conference Committee

† February 18, 1998 - 9 a.m. -- Open Meeting
† February 23, 1998 - 9 a.m. -- Open Meeting
† February 24, 1998 - 9 a.m. -- Open Meeting
† February 25, 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)

The committee will conduct informal conferences with licensees or certificate holders or both. Public comment will not be received.

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

† **February 26, 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)

The Joint Boards of Nursing and Medicine and the Board of Nursing will conduct informal conferences with licensees. Public comment will not be received.

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

BOARD OF OPTOMETRY

February 20, 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)

Informal conferences. This is a public meeting; however, no public comment will 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 ☎

POLYGRAPH EXAMINERS ADVISORY BOARD

March 10, 1998 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action. The polygraph examiners licensing examination will be administered to eligible polygraph examiner interns. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodation. The department fully complies with the Americans with Disabilities Act. Contact the board for confirmation of meeting date and time.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation,

3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or (804) 367-9753/TDD ☎

BOARD FOR 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

Discipline Committee

† **March 6, 1998 - 12:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

Informal hearing regarding allegations of practitioner misconduct. No public comment will be received.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

Examination Committee

† **March 6, 1998 - 10:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting to review examinations administered on April 8, 1998. Public comment will be received at the beginning of the meeting.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

VIRGINIA RACING COMMISSION

† **February 18, 1998 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

A regular monthly meeting to include a review of the regulation pertaining to criteria for unlimited licenses.

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

Calendar of Events

REAL ESTATE APPRAISER BOARD

† **April 7, 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

† **February 18, 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 meeting to discuss regulations. 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) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD

February 19, 1998 - 9 a.m. -- Open Meeting
The Omni Hotel, 100 South 12th Street, Potomac Room G,
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) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD

February 20, 1998 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, Alexandria
Regional Office, 501 Montgomery Street, Alexandria,
Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact-finding conferences pursuant to the Administrative Process Act of § 9-6.14:11 of the Code of Virginia. Persons desiring to participate in the meeting and requiring special accommodations or

interpreter services should contact Karen O'Neal at (804) 367-8552 at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Stacie Camden, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2393, FAX (804) 367-2179, or (804) 367-9753/TDD

Common Interest Community Management Information Fund Advisory Committee

† **February 18, 1998 - 1 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to develop recommendations for the Real Estate Board on uses of moneys collected pursuant to the Common Interest Community Management Information 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

Continuing Education Committee

February 19, 1998 - 8 a.m. -- Open Meeting
The Omni Hotel, 100 South 12th 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) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD

Fair Housing Committee

February 19, 1997 - 8 a.m. -- Open Meeting
The Omni Hotel, 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) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **March 3, 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)

A quarterly meeting to discuss legislation from the 1997 and 1998 sessions of the General Assembly which impact the council. The council was established by the General Assembly in 1993 to develop strategies to enhance the markets for recyclables. Meetings are dependent on a quorum of 10. Subcommittee meetings may be held prior to or after the general council meeting. Call Paddy Katzen for details or e-mail pmkatzen@deq.state.va.us.

Contact: Paddy Katzen, Special Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 698-4488.

BOARD OF REHABILITATIVE SERVICES

March 12, 1998 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly 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 ☎

DEPARTMENT OF REHABILITATIVE SERVICES

State Rehabilitation Advisory Council And Statewide Independent Living Council

† **March 16, 1998 - 4 p.m.** -- Public Hearing
Department of Rehabilitative Services, Central Office, 8004 Franklin Farms Drive, Lee Building, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **March 19, 1998 - 7 p.m.** -- Public Hearing
Woodrow Wilson Rehabilitation Center, Watson Recreation Building, Dining Hall, Fishersville, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **March 23, 1998 - 4:30 p.m.** -- Public Hearing
Devonshire Center, 2831 Graham Road, Falls Church, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **March 30, 1998 - 4 p.m.** -- Public Hearing
Hampton Roads Planning District Commission, 723 Woodlake Drive, Regional Building, Chesapeake, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **April 1, 1998 - 4 p.m.** -- Public Hearing
Virginia Highlands Community College, Exit 14 off I-81 (use parking lot # 4), Room 220, Abingdon, Virginia. ☎ (Interpreter for the deaf provided upon request)

† **April 2, 1998 - 4 p.m.** -- Public Hearing
Blue Ridge Independent Living Center, 1502-D Williamson Road, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public hearing to provide the public with an opportunity to comment on vocational rehabilitation, supported employment, and independent living services. Public comments shall be considered in the Department of Rehabilitative Services' policy formation and in the development of the FY 1999 State Plan for Vocational Rehabilitation and Employment and the FY 1999-2002 State Plan for Independent Living. Special accommodations may be requested through Gloria O'Neal. If members of the public are unable to attend the public hearing, comments may be received by (i) notifying Gloria O'Neal by March 1, 1998, that you wish to be contacted by telephone during the public hearing to provide a comment or (ii) submitting a comment to Gloria O'Neal by April 1, 1998.

Contact: Gloria O'Neal, Program Support Technician, Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23288-0300, telephone (804) 662-7611, FAX (804) 662-7696, toll-free 1-800-552-5109, ext. 7611, or 1-800-464-9950, ext. 7611/TDD/☎, or e-mail onealgb@drsmail.state.va.us

VIRGINIA RESOURCES AUTHORITY

March 10, 1998 - 9:30 a.m. -- Open Meeting
The Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior month, and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

Calendar of Events

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

February 26, 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.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **March 4, 1998 - 10 a.m.** -- Open Meeting
Hanover County School Administration Building, 200 Berkley Street, Board Room, Ashland, Virginia.

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Gary L. Hagy, Acting Secretary, Sewage Handling and Disposal Appeal Review Board, Department of Health, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022 or FAX (804) 225-4003.

BOARD OF SOCIAL SERVICES

February 18, 1998 - 9 a.m. -- Open Meeting
February 19, 1998 - 9 a.m. (if necessary) -- Open Meeting
Department of Social Services, Central Region Office, 1604 Santa Rosa Road, Wythe Building, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A work session and formal business meeting of the board.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1949, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TDD ☎

COMMONWEALTH TRANSPORTATION BOARD

February 18, 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: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

February 19, 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: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

TREASURY BOARD

February 19, 1998 - 9 a.m. -- Open Meeting
† **March 18, 1998 - 9 a.m.** -- Open Meeting
† **April 15, 1998 - 9 a.m.** -- Open Meeting
† **May 20, 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 OF VETERINARY MEDICINE

February 17, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss reinstatements and licensure by endorsement, board matters, and other board business as necessary. Brief public comment will be received at the beginning of the meeting.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

February 18, 1998 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

BOARD FOR THE VISUALLY HANDICAPPED

† **April 18, 1998 - 10 a.m.** -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

March 7, 1998 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

February 24, 1998 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add drugs and drug products to the formulary that became effective January 15, 1996, and its most recent supplement. Copies of the proposed revisions to the formulary are available for inspection at the Department of Health, Bureau of Pharmacy Services, Monroe Building, 101 North 14th Street, Room S-45, P.O. Box 2448, Richmond, VA 23218. Written comments sent to the above address and received prior to 5 p.m. on February 24, 1998, will be made a part of the hearing record.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WASTE MANAGEMENT BOARD

March 5, 1998 - 10 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, First Floor, Training Room, Richmond, Virginia.

April 15, 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-60-10 et seq. Hazardous Waste Management Regulations.** The purpose of amendment 14 is to incorporate the changes made by the United States Environmental Protection Agency from July 1, 1991, through September 19, 1994, plus the Universal Waste Rule of May 11, 1995. The changes reflect EPA changes in the management of used oil, land disposal restrictions, corrective action management units, and other technical corrections for recordkeeping, exporting of hazardous waste, boilers and industrial furnaces, revised treatment standards for hazardous wastes, and universal treatment standards. New, simplified rules for universal waste handlers are included. The corrections include other changes designed to correct inconsistencies between the Virginia regulation and that of EPA. The requirement for annual reports is reduced to a biennial report requirement to be consistent with EPA.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on April 15, 1998.

Contact: Robert Wickline, Office of Air Program Development, Department of Environmental Quality, P.O.

Calendar of Events

Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/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 ☎

STATE WATER CONTROL BOARD

† **March 25, 1998 - 7 p.m.** – Public Hearing
Northampton County Circuit Court Room, 16404 Courthouse Road, Eastville, Virginia.

† **March 26, 1998 - 3 p.m.** – Public Hearing
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

April 17, 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 State Water Control Board intends to amend regulations entitled: **9 VAC 25-610-10 et seq. Ground Water Withdrawal Regulation.** The proposed amendments (i) establish ground water withdrawal requirements for agricultural ground water users; (ii) incorporate 1994 legislative amendments, and (iii) require the Department of Environmental Quality to perform technical evaluations of proposed withdrawals.

Statutory Authority: § 62.1-256 of the Code of Virginia.

Contact: Terry D. Wagner, Environmental Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043 or FAX (804) 698-4032.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

February 17

- Agriculture and Consumer Services, Department of
 - Virginia Farmers' Market Board
 - Virginia Horse Industry Board
- † Corrections, Board of
 - Correctional Services Committee
- Funeral Directors and Embalmers, Board of
 - Special Conference Committee
- Veterinary Medicine, Board of

February 18

- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
 - Land Surveyor Section
- † Corrections, Board of
 - Administration Committee
- Funeral Directors and Embalmers, Board of
 - Special Conference Committee
 - Trainee Task Force and Examination Committee
- † Game and Inland Fisheries, Department of
- Manufactured Housing Board, Virginia
- Mental Health, Mental Retardation and Substance Abuse Services, State Board of
 - Licensure Work Group
- Milk Commission, State
- † Nursing, Board of
- † Racing Commission, Virginia
- † Real Estate Board
 - Common Interest Community Management Information Fund Advisory Committee
- Social Services, Board of
- Transportation Board, Commonwealth
- Veterinary Medicine, Board of

February 19

- Agriculture and Consumer Services, Department of
 - Virginia Corn Board
- Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
 - Land Surveyor Section
- Audiology and Speech-Language Pathology, Board of
- † Certified Seed Board, State
- † Correctional Education, Board of

- † Game and Inland Fisheries, Department of
Medical Assistance Services, Department of
- Drug Utilization Review Board
Real Estate Board
- Continuing Education Committee
- Fair Housing Committee
Social Services, Board of
Transportation Board, Commonwealth
Treasury Board
- February 20**
Family and Children's Trust Fund Board
Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
Optometry, Board of
Real Estate Board
- February 23**
Agriculture and Consumer Services, Department of
- Virginia Cotton Board
Alcoholic Beverage Control Board
Library Board
† Nursing, Board of
- February 24**
Agriculture and Consumer Services, Department of
- Virginia Bright Flue-Cured Tobacco Board
† Housing Development Authority, Virginia
Marine Resources Commission
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Performance Outcome Measurement System Work
Group
† Nursing, Board of
- February 25**
Agriculture and Consumer Services, Board of
Aviation Board, Virginia
† Environmental Quality, Department of
- Virginia Coastal Resources Management Program
† Nursing, Board of
- February 26**
Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Landscape Architect Section
† Contractors, Board for
Education, Board of
Medicine, Board of
† Nursing, Board of
Richmond Hospital Authority
- Board of Commissioners
- February 27**
† Contractors, Board for
† Health Professions, Department of
- Intervention Program Committee
† Higher Education, State Council of
- Executive Committee
Medicine, Board of
Waste Management Facility Operators, Board for
- February 28**
Medicine, Board of
- March 1**
Medicine, Board of
- March 2**
† Cosmetology, Board for
- March 3**
Agriculture and Consumer Services, Department of
- Virginia State Apple Board
- Virginia Cotton Board
† Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council
† Recycling Markets Development Council, Virginia
- March 4**
Agriculture and Consumer Services, Department of
- Virginia Soybean Board
- Virginia Sweet Potato Board
† Emergency Planning Committee, Local - Winchester
† Sewage Handling and Disposal Appeals Review Board
- March 5**
Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Interior Design Section
† At-Risk Youth and Their Families, Comprehensive
Services for
- State Management Team
- March 6**
† Psychology, Board of
- Discipline Committee
- Examination Committee
- March 7**
Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council
- March 9**
Agriculture and Consumer Services, Department of
- Virginia Peanut Board
Alcoholic Beverage Control Board
Professional and Occupational Regulation, Board for
- March 10**
Polygraph Examiners Advisory Board
Resources Authority, Virginia
- March 11**
Environmental Quality, Department of
- Ad Hoc Advisory Group
† Funeral Directors and Embalmers, Board of
- March 12**
Rehabilitative Services, Board of
- March 13**
† Hearing Aid Specialists, Board for

Calendar of Events

March 17

† Environmental Quality, Department of
- Virginia Ground Water Protection Steering
Committee

March 18

† Treasury Board

March 19

† Asbestos and Lead, Virginia Board for
† Audiology and Speech-Language Pathology, Board of

March 20

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
† Health Professions, Department of
- Intervention Program Committee
Military Institute, Virginia
- Board of Visitors

March 21

Military Institute, Virginia
- Board of Visitors

March 23

† Agricultural Council, Virginia
Alcoholic Beverage Control Board

March 24

† Agricultural Council, Virginia
Marine Resources Commission

April 6

Medical Assistance Services, Department of
- Pharmacy Liaison Committee

April 7

† Real Estate Appraiser Board

April 15

† Treasury Board

April 18

† Visually Handicapped, Board for the

May 20

† Treasury Board

March 6

Medicine, Board of

March 16

† Rehabilitative Services, Department of, State
Rehabilitation Advisory Council and Statewide
Independent Living Council

March 19

† Rehabilitative Services, Department of, State
Rehabilitation Advisory Council and Statewide
Independent Living Council

March 20

Dentistry, Board of

March 25

† Water Control Board, State

March 26,

† Water Control Board, State

March 30

† Rehabilitative Services, Department of, State
Rehabilitation Advisory Council and Statewide
Independent Living Council

April 1

† Rehabilitative Services, Department of, State
Rehabilitation Advisory Council and Statewide
Independent Living Council

April 2

† Rehabilitative Services, Department of, State
Rehabilitation Advisory Council and Statewide
Independent Living Council

PUBLIC HEARINGS

February 18

† Environmental Quality, Department of

February 23

† Environmental Quality, Department of
Housing and Community Development, Board of

February 24

Voluntary Formulary Board, Virginia

February 25

Health, State Board of

March 5

Waste Management Board, Virginia