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# THE VIRGINIA REGISTER INFORMATION PAGE

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

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension

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

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

## EMERGENCY REGULATIONS

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

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) 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 SCHEDULE AND DEADLINES

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This schedule is available on the *Register's* Internet home page (<http://legis.state.va.us/codecomm/register/regindex.htm>).

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## March 1999 through December 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
15:12	February 10, 1999	March 1, 1999
15:13	February 24, 1999	March 15, 1999
15:14	March 10, 1999	March 29, 1999
<b>INDEX 2 - Volume 15</b>		<b>April 1999</b>
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<b>INDEX 3 - Volume 15</b>		<b>July 1999</b>
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\*Filing deadlines are Wednesdays unless otherwise specified.

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 1. Administration</b>			
1 VAC 30-130-10	Amended	15:1 VA.R. 44 (4390)	9/15/98
1 VAC 30-140-10	Amended	15:7 VA.R. 978	12/1/98
<b>Title 2. Agriculture</b>			
2 VAC 20-50-10 et seq.	Repealed	15:11 VA.R. 1692	3/17/99
2 VAC 20-51-10 through 2 VAC 20-51-210	Added	15:11 VA.R. 1693-1700	3/17/99
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4 VAC 15-320-20	Amended	15:5 VA.R. 574	1/1/99
4 VAC 15-320-30	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-100	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-120	Amended	15:5 VA.R. 576	1/1/99
4 VAC 15-320-160	Added	15:5 VA.R. 576	1/1/99
4 VAC 15-330-110	Amended	15:5 VA.R. 577	1/1/99
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4 VAC 15-330-160	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-340-60	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-360-10	Amended	15:5 VA.R. 579	1/1/99
4 VAC 20-20-10	Amended	15:5 VA.R. 579	10/28/98
4 VAC 20-20-35	Added	15:5 VA.R. 579	10/28/98
4 VAC 20-260-30	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-260-40	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-560-40	Amended	15:7 VA.R. 978	12/1/98
4 VAC 20-560-50	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-620-30	Amended	15:9 VA.R. 1157	1/1/99
4 VAC 20-620-40	Amended	15:5 VA.R. 580	10/28/98
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4 VAC 20-720-40	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-50	Amended	15:3 VA.R. 321	10/1/98
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4 VAC 20-720-70	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-70	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-720-80	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-90	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-105	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-960-45	Amended	15:7 VA.R. 982	1/1/99
4 VAC 25-30 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-30 (Forms)	Amended	15:10 VA.R. 1351	--
4 VAC 25-35 (Forms)	Amended	15:1 VA.R. 46 (4392)	--
4 VAC 25-40 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-130-700.5	Amended	15:6 VA.R. 811	1/6/99
4 VAC 25-130-779.22	Repealed	15:6 VA.R. 823	1/6/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 25-130-779.25	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.23	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.25	Amended	15:6 VA.R. 825	1/6/99
4 VAC 25-130-780.35	Amended	15:6 VA.R. 826	1/6/99
4 VAC 25-130-783.25	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.15	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.16	Amended	15:6 VA.R. 828	1/6/99
4 VAC 25-130-784.23	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-800.40	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-816.46	Amended	15:6 VA.R. 832	1/6/99
4 VAC 25-130-816.49	Amended	15:6 VA.R. 834	1/6/99
4 VAC 25-130-816.74	Amended	15:6 VA.R. 836	1/6/99
4 VAC 25-130-816.81	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.89	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.104	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-816.105	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.46	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.49	Amended	15:6 VA.R. 840	1/6/99
4 VAC 25-130-817.74	Amended	15:6 VA.R. 842	1/6/99
4 VAC 25-130-817.81	Amended	15:6 VA.R. 843	1/6/99
4 VAC 25-130-817.89	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-840.11	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-843.14	Amended	15:6 VA.R. 845	1/6/99
4 VAC 25-130-845.17	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.18	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.19	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130-846.17	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130 (Forms)	Amended	15:11 VA.R. 1736	--
4 VAC 25-150-10	Amended	15:2 VA.R. 135	11/11/98
4 VAC 25-150-50	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-60	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-70	Repealed	15:2 VA.R. 139	11/11/98
4 VAC 25-150-80 through 4 VAC 25-150-130	Amended	15:2 VA.R. 139-143	11/11/98
4 VAC 25-150-90	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-135	Added	15:2 VA.R. 143	11/11/98
4 VAC 25-150-160 through 4 VAC 25-150-360	Amended	15:2 VA.R. 143-156	11/11/98
4 VAC 25-150-380 through 4 VAC 25-150-430	Amended	15:2 VA.R. 156-159	11/11/98
4 VAC 25-150-435	Added	15:2 VA.R. 159	11/11/98
4 VAC 25-150-440 through 4 VAC 25-150-460	Amended	15:2 VA.R. 161-162	11/11/98
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4 VAC 25-150-500	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-540	Repealed	15:2 VA.R. 165	11/11/98
4 VAC 25-150-560	Amended	15:2 VA.R. 167	11/11/98
4 VAC 25-150-560	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-570	Repealed	15:2 VA.R. 167	11/11/98
4 VAC 25-150-580 through 4 VAC 25-150-610	Amended	15:2 VA.R. 168-169	11/11/98
4 VAC 25-150-610	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-640	Repealed	15:2 VA.R. 171	11/11/98
4 VAC 25-150-650 through 4 VAC 25-150-700	Amended	15:2 VA.R. 171-172	11/11/98
4 VAC 25-150-690	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-710	Repealed	15:2 VA.R. 172	11/11/98
4 VAC 25-150-711	Added	15:2 VA.R. 172	11/11/98
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8 VAC 35-30-50	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-160	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-200	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-210	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-220	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-230	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-240	Amended	15:11 VA.R. 1709	1/18/99
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9 VAC 5-20-204	Amended	15:2 VA.R. 174	1/1/99
9 VAC 5-20-205	Amended	15:2 VA.R. 175	1/1/99
9 VAC 5-80-30	Repealed	15:11 VA.R. 1717	4/1/99
9 VAC 5-80-2000 through 9 VAC 5-80-2190	Added	15:11 VA.R. 1717-1728	4/1/99
9 VAC 20-60-10	Repealed	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-12	Added	15:9 VA.R. 1158	2/17/99
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9 VAC 20-60-18	Added	15:9 VA.R. 1158	2/17/99
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9 VAC 20-60-70	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-100	Repealed	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-110	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-120	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-124	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-130	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-140	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-150	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-160	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-170	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-180	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-190	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-200	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-210	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-220	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-230	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-240	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-250	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-260	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-261	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-262	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-263	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-264	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-265	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-266	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-268	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-270	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-273	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-279	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-280	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-290	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-300	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-305	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-310	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-315	Added	15:9 VA.R. 1158	2/17/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-320	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-325	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-330	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-340	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-350	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-360	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-370	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-380	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-390	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-400	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-410	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-420	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-430	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-440	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-450	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-460	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-470	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-480	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-490	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-500	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-510	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-520	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-530	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-540	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-550	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-560	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-570	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-580	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-590	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-600	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-610	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-620	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-630	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-640	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-650	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-660	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-670	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-680	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-710	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-720	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-730	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-740	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-750	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-760	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-770	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-780	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-790	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-800	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-810	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-820	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-830	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-840	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-850	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-860	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-870	Repealed	15:9 VA.R. 1159	2/17/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-880	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-890	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-930	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-940	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-950	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-970	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-980	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-990	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1000	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1010	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1030	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1040	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1050	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1060	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1080	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1090	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1100	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1110	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1120	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1130	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1140	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1150	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1160	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1170	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1180	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1200	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1250	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1260	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1270	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1280	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1310	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1330	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1340	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1350	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1360	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1370	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1380	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1390	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1400	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1410	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1420	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1430	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1440	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1450	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1460	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1470	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1480	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1495	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1505	Added	15:9 VA.R. 1158	2/17/99
9 VAC 25-150-10 et seq.	Repealed	15:9 VA.R. 1159	6/30/99
9 VAC 25-151-10 et seq.	Added	15:9 VA.R. 1160-1224	6/30/99
9 VAC 25-151 (Forms)	Added	15:9 VA.R. 1224	--
9 VAC 25-160-10 et seq.	Repealed	15:9 VA.R. 1224	6/30/99
9 VAC 25-170-10 et seq.	Repealed	15:9 VA.R. 1224	6/30/99
9 VAC 25-180-10	Amended	15:9 VA.R. 1225	6/30/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-180-20	Amended	15:9 VA.R. 1227	6/30/99
9 VAC 25-180-30	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-40	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-50	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-60	Amended	15:9 VA.R. 1229	6/30/99
9 VAC 25-180-70	Amended	15:9 VA.R. 1231	6/30/99
9 VAC 25-180 (Forms)	Amended	15:9 VA.R. 1247-1250	--
9 VAC 25-192 (Forms)	Added	15:3 VA.R. 331	--
9 VAC 25-192-40	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-50	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-60	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-70	Amended	15:3 VA.R. 324	12/1/98
9 VAC 25-193-70	Erratum	15:2 VA.R. 241	--
9 VAC 25-430-20	Amended	15:6 VA.R. 849	1/6/99
9 VAC 25-430-30	Amended	15:6 VA.R. 853	1/6/99
9 VAC 25-430-40	Amended	15:6 VA.R. 861	1/6/99
9 VAC 25-430-60	Amended	15:6 VA.R. 864	1/6/99
9 VAC 25-440-150	Amended	15:6 VA.R. 872	1/6/99
9 VAC 25-440-151	Added	15:6 VA.R. 880	1/6/99
9 VAC 25-610-10	Amended	15:5 VA.R. 581	1/1/99
9 VAC 25-610-30	Repealed	15:5 VA.R. 582	1/1/99
9 VAC 25-610-90	Amended	15:5 VA.R. 582	1/1/99
9 VAC 25-610-110	Amended	15:5 VA.R. 586	1/1/99
9 VAC 25-610-130	Amended	15:5 VA.R. 589	1/1/99
9 VAC 25-610-140	Amended	15:5 VA.R. 590	1/1/99
9 VAC 25-610-160	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-250	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-330	Amended	15:5 VA.R. 592	1/1/99
9 VAC 25-610-400	Added	15:5 VA.R. 592	1/1/99
<b>Title 12. Health</b>			
12 VAC 5-90-10	Amended	15:6 VA.R. 880	1/6/99
12 VAC 5-90-10	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-40	Amended	15:6 VA.R. 882	1/6/99
12 VAC 5-90-50	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-60	Repealed	15:6 VA.R. 883	1/6/99
12 VAC 5-90-70	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-80	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-90	Amended	15:6 VA.R. 885	1/6/99
12 VAC 5-90-90	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-100	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-110	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-120	Repealed	15:6 VA.R. 888	1/6/99
12 VAC 5-90-130	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-150	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-160	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-170	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-180	Amended	15:6 VA.R. 889	1/6/99
12 VAC 5-90-190	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-210	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-220	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-230	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-240	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-250	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-260	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-270	Added	14:26 VA.R. 4251	10/14/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-110	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:6 VA.R. 893	1/6/99
12 VAC 30-50-150	Amended	15:6 VA.R. 894	1/6/99
12 VAC 30-50-160	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-210	Amended	15:5 VA.R. 595	1/1/99
12 VAC 30-50-270 emer	Amended	15:10 VA.R. 1342	1/1/99-12/31/99
12 VAC 30-60-40	Amended	14:26 VA.R. 4254	1/1/99
12 VAC 30-60-40	Amended	15:6 VA.R. 895	1/6/99
12 VAC 30-60-120	Amended	15:6 VA.R. 896	1/6/99
12 VAC 30-60-130 emer	Amended	15:10 VA.R. 1343	1/1/99-12/31/99
12 VAC 30-60-320	Amended	14:26 VA.R. 4257	1/1/99
12 VAC 30-60-340	Amended	14:26 VA.R. 4259	1/1/99
12 VAC 30-80-30	Amended	15:6 VA.R. 900	1/6/99
12 VAC 30-80-30 emer	Amended	15:10 VA.R. 1345	1/1/99-12/31/99
12 VAC 30-90-264	Amended	14:26 VA.R. 4261	1/1/99
12 VAC 30-90-290	Amended	14:26 VA.R. 4264	1/1/99
12 VAC 30-130-480 emer	Amended	15:10 VA.R. 1346	1/1/99-12/31/99
12 VAC 30-130-490 emer	Amended	15:10 VA.R. 1346	1/1/99-12/31/99
12 VAC 30-130-530 emer	Amended	15:10 VA.R. 1347	1/1/99-12/31/99
12 VAC 30-140-10 through 12 VAC 30-140-50 emer	Added	15:4 VA.R. 478-480	10/23/98-10/22/99
12 VAC 30-150-10 and 12 VAC 30-150-20 emer	Added	15:4 VA.R. 481-483	10/23/98-10/22/99
12 VAC 30-160-00 through 12 VAC 30-160-299 emer	Added	15:4 VA.R. 483-486	10/23/98-10/22/99
12 VAC 30-170-10 and 12 VAC 30-170-20 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
<b>Title 13. Housing</b>			
13 VAC 5-100-10 emer	Added	15:10 VA.R. 1349	1/6/99-1/5/00
13 VAC 5-100-20 emer	Added	15:10 VA.R. 1350	1/6/99-1/5/00
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
<b>Title 14. Insurance</b>			
14 VAC 5-395-10	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-30	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-50	Amended	14:26 VA.R. 4267	8/20/98
<b>Title 16. Labor and Employment</b>			
16 VAC 25-50-10	Amended	15:5 VA.R. 600	1/1/99
16 VAC 25-50-15	Added	15:5 VA.R. 603	1/1/99
16 VAC 25-50-20	Amended	15:5 VA.R. 603	1/1/99
16 VAC 25-50-50	Amended	15:5 VA.R. 604	1/1/99
16 VAC 25-50-70	Amended	15:5 VA.R. 605	1/1/99
16 VAC 25-50-80	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-90	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-120	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-150	Amended	15:5 VA.R. 607	1/1/99
16 VAC 25-50-190	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-240	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-250	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-270	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-290	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-350	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-360	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-370	Amended	15:5 VA.R. 612	1/1/99
16 VAC 25-50-380	Amended	15:5 VA.R. 615	1/1/99
16 VAC 25-50-390	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-430	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-440	Amended	15:5 VA.R. 617	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-50-480	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-90-1910.109	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.110	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.111	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.141	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.142	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.151	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.156	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.183	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.261	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.262	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.265	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.267	Repealed	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.268	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1017	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1018	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1029	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1052	Amended	15:5 VA.R. 628	1/1/99
16 VAC 25-100-1915.1001	Amended	15:5 VA.R. 633	1/1/99
16 VAC 25-175-1926.31	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.50	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.152	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.906	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.1101	Amended	15:5 VA.R. 633	1/1/99
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 40-20-20	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-110	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-120	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-130	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-140	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-150	Amended	15:10 VA.R. 1314	3/3/99
18 VAC 40-20-170	Amended	15:10 VA.R. 1314	3/3/99
18 VAC 45-20-10	Amended	15:9 VA.R. 1251	3/1/99
18 VAC 45-20-20	Amended	15:9 VA.R. 1251	3/1/99
18 VAC 45-20 (Forms)	Added	15:9 VA.R. 1252-1253	--
18 VAC 50-30-10	Amended	15:10 VA.R. 1314	3/3/99
18 VAC 50-30-20	Amended	15:10 VA.R. 1316	3/3/99
18 VAC 50-30-30	Amended	15:10 VA.R. 1316	3/3/99
18 VAC 50-30-40	Amended	15:10 VA.R. 1317	3/3/99
18 VAC 50-30-50	Amended	15:10 VA.R. 1318	3/3/99
18 VAC 50-30-60	Amended	15:10 VA.R. 1318	3/3/99
18 VAC 50-30-70	Amended	15:10 VA.R. 1319	3/3/99
18 VAC 50-30-80	Amended	15:10 VA.R. 1319	3/3/99
18 VAC 50-30-90	Amended	15:10 VA.R. 1319	3/3/99
18 VAC 50-30-100	Amended	15:10 VA.R. 1320	3/3/99
18 VAC 50-30-120	Amended	15:10 VA.R. 1320	3/3/99
18 VAC 50-30-130	Amended	15:10 VA.R. 1320	3/3/99
18 VAC 50-30-140	Amended	15:10 VA.R. 1321	3/3/99
18 VAC 50-30-150	Amended	15:10 VA.R. 1321	3/3/99
18 VAC 50-30-170	Amended	15:10 VA.R. 1321	3/3/99
18 VAC 50-30-190	Amended	15:10 VA.R. 1321	3/3/99
18 VAC 50-30-200	Amended	15:10 VA.R. 1322	3/3/99
18 VAC 50-30 (Forms)	Added	15:10 VA.R. 1322	--
18 VAC 60-20-10	Amended	15:5 VA.R. 636	12/23/98
18 VAC 60-20-15	Added	15:5 VA.R. 637	12/23/98

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-20-16	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 646	12/23/98
18 VAC 60-20-20 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-30	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 647	12/23/98
18 VAC 60-20-30 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-50	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-60	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-70	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-80	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-90	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-110	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-120	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-130	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-140	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-150	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-160	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-170	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-180	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-190	Amended	15:5 VA.R. 643	12/23/98
18 VAC 60-20-195	Added	15:5 VA.R. 644	12/23/98
18 VAC 60-20-220	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-230	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-240	Amended	15:5 VA.R. 645	12/23/98
18 VAC 65-20-10	Amended	15:7 VA.R. 982	1/20/99
18 VAC 65-20-20	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-30	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-40	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-50	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-60	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-70	Amended	15:4 VA.R. 426	12/9/98
18 VAC 65-20-80	Repealed	15:4 VA.R. 426	12/9/98
18 VAC 65-20-90	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-100	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-110	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-120	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-130	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-140	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-150	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-160	Repealed	15:7 VA.R. 985	1/20/99
18 VAC 65-20-170	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-180 through 18 VAC 65-20-230	Repealed	15:7 VA.R. 986	1/20/99
18 VAC 65-20-235	Added	15:7 VA.R. 986	1/20/99
18 VAC 65-20-240	Amended	15:7 VA.R. 986	1/20/99
18 VAC 65-20-250 through 18 VAC 65-20-340	Repealed	15:7 VA.R. 987	1/20/99
18 VAC 65-20-350	Amended	15:7 VA.R. 987	1/20/99
18 VAC 65-20-360 through 18 VAC 65-20-390	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-400	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-410	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-430	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-440	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-450 through 18 VAC 65-20-490	Repealed	15:7 VA.R. 988-989	1/20/99
18 VAC 65-20-500	Amended	15:7 VA.R. 989	1/20/99
18 VAC 65-20-510	Amended	15:7 VA.R. 990	1/20/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-20-520	Repealed	15:7 VA.R. 990	1/20/99
18 VAC 65-20-530	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-540	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-550	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-560	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-580	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-590	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-600	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-610	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-620	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-630	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-640 through 18 VAC 65-20-690	Repealed	15:7 VA.R. 992-994	1/20/99
18 VAC 65-20-700	Amended	15:7 VA.R. 994	1/20/99
18 VAC 65-30-10	Amended	15:7 VA.R. 995	1/20/99
18 VAC 65-30-20	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-30	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-40	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-50	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-60	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-70	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-80	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-90	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-110	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-120	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-140	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-150	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-160	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-170	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-180	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-190	Repealed	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-200	Amended	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-210	Repealed	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-220	Added	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-230	Added	15:7 VA.R. 1003	1/20/99
18 VAC 65-40-10	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-20	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-30	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-40	Amended	15:4 VA.R. 433	12/9/98
18 VAC 65-40-50	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-60	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-70	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-80	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-90	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-100	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-110	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-120	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-130	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-140	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-150	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-160	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-170	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-180	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-190	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-200	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-201	Added	15:7 VA.R. 1009	1/20/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-210	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-220	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-230	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-240	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-250	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-260	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-270	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-280	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-290	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-300	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-310	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-320	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-330	Amended	15:7 VA.R. 1011	1/20/99
18 VAC 65-40-340	Amended	15:7 VA.R. 1011	1/20/99
18 VAC 65-40-350 through 18 VAC 65-40-630	Repealed	15:7 VA.R. 1011-1014	1/20/99
18 VAC 65-40-640	Amended	15:7 VA.R. 1014	1/20/99
18 VAC 85-40-10 emer	Amended	15:11 VA.R. 1730	1/21/99-1/20/00
18 VAC 85-40-40 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-50 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-60 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-70 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-80 emer	Amended	15:11 VA.R. 1732	1/21/99-1/20/00
18 VAC 85-40-25 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-45 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-65 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-110-10	Amended	15:4 VA.R. 436	12/9/98
18 VAC 85-110-20	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-30	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-35	Added	15:4 VA.R. 437	12/9/98
18 VAC 85-110-40	Repealed	15:4 VA.R. 438	12/9/98
18 VAC 85-110-50	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-60	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-70	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-80	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-90	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-100	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-120	Repealed	15:4 VA.R. 439	12/9/98
18 VAC 85-110-150	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-160	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-170	Repealed	15:4 VA.R. 440	12/9/98
18 VAC 90-20-10	Amended	15:3 VA.R. 333	12/3/98
18 VAC 90-20-20	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-35	Added	15:3 VA.R. 334	12/3/98
18 VAC 90-20-40	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-50	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-60	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-70	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-80	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-90	Amended	15:3 VA.R. 336	12/3/98
18 VAC 90-20-95	Added	15:3 VA.R. 337	12/3/98
18 VAC 90-20-100	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-110	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-120	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-130	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-140	Amended	15:3 VA.R. 339	12/3/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98
18 VAC 90-20-160	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-170	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-180	Repealed	15:3 VA.R. 340	12/3/98
18 VAC 90-20-190	Amended	15:3 VA.R. 340	12/3/98
18 VAC 90-20-210	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-250	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-260	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-275	Added	15:3 VA.R. 341	12/3/98
18 VAC 90-20-280	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-290	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300 emer	Amended	15:11 VA.R. 1733	1/26/99-1/25/00
18 VAC 90-20-310	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-330	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-340	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-350	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-400	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-410	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-420 through 18 VAC 90-20-460 emer	Added	15:11 VA.R. 1733-1735	1/26/99-1/25/00
18 VAC 90-30-10	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-30	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-40	Repealed	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-70	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-80	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-90	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-120	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-140	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-150	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-160	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-170 through 18 VAC 90-30-210	Repealed	15:7 VA.R. 1017	1/20/99
18 VAC 95-20-10	Amended	15:4 VA.R. 452	12/9/98
18 VAC 95-20-20	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-30	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-40	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-50	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-70	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-80	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-90	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-100	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-110	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-120	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-130	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-140	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-150	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-160	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-170	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-175	Added	15:4 VA.R. 455	12/9/98
18 VAC 95-20-180	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-190	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-200	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-210	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-220	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-225	Added	15:4 VA.R. 457	12/9/98
18 VAC 95-20-230	Amended	15:4 VA.R. 457	12/9/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-250	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-260	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-270	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-280	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-290	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-300	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-310	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-320	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-330	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-340	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-350	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-360	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-370	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-380	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-390	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-400	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-410	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-420	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-430	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-440	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-450	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-460	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-470	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-480 through 18 VAC 95-20-740	Repealed	15:4 VA.R. 460-463	12/9/98
Appendices I, II and III of 18 VAC 95-20	Repealed	15:4 VA.R. 463-464	12/9/98
18 VAC 105-20-10	Amended	15:6 VA.R. 902	1/6/99
18 VAC 105-20-15	Added	15:6 VA.R. 902	1/6/99
18 VAC 105-20-20	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-30	Repealed	15:6 VA.R. 903	1/6/99
18 VAC 105-20-40	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-45	Added	15:6 VA.R. 904	1/6/99
18 VAC 105-20-50	Amended	15:6 VA.R. 905	1/6/99
18 VAC 105-20-60	Amended	15:6 VA.R. 906	1/6/99
18 VAC 105-20-70	Amended	15:6 VA.R. 906	1/6/99
18 VAC 110-20-10 emer	Amended	15:6 VA.R. 926	11/5/98-11/4/99
18 VAC 110-20-10	Amended	15:8 VA.R. 1070	2/3/99
18 VAC 110-20-20	Amended	15:8 VA.R. 1073	2/3/99
18 VAC 110-20-30	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-40	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-50	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-60	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-70	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-90	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-100	Amended	15:8 VA.R. 1076	2/3/99
18 VAC 110-20-110	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-130 emer	Amended	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-130	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-135 emer	Added	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-140 emer	Amended	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-170	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-190	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-200	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-210	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-220	Amended	15:8 VA.R. 1079	2/3/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-230	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-240	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-260	Repealed	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-270	Amended	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-280	Amended	15:8 VA.R. 1081	2/3/99
18 VAC 110-20-290	Amended	15:8 VA.R. 1081	2/3/99
18 VAC 110-20-330	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-350	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-355	Added	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-360	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-395	Added	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-400	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-420	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-470	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-500	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-540	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-550	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-555	Added	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-570	Amended	15:8 VA.R. 1086	2/3/99
18 VAC 110-20-580	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-590	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-620	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-621	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-622	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-640	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-650	Repealed	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-680	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-690 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-700 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-710 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 110-20-720 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 135-20-10	Amended	15:5 VA.R. 648	1/1/99
18 VAC 135-20-20	Amended	15:5 VA.R. 649	1/1/99
18 VAC 135-20-30	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-40	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-45	Added	15:5 VA.R. 650	1/1/99
18 VAC 135-20-50	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-60	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-80	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-90	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-100	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-110	Amended	15:5 VA.R. 653	1/1/99
18 VAC 135-20-120	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-150	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-160	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-170	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-180	Amended	15:5 VA.R. 655	1/1/99
18 VAC 135-20-190	Amended	15:5 VA.R. 656	1/1/99
18 VAC 135-20-200	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-210	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-220	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-240	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-250	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-260	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-270	Amended	15:5 VA.R. 658	1/1/99

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 135-20-280	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-290	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-300	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-310	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-320	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-350	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-360	Amended	15:5 VA.R. 661	1/1/99
18 VAC 135-20-370	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-380	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-390	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-400	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-410	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-420	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-430	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-440	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 140-20-10	Amended	15:5 VA.R. 663	12/23/98
18 VAC 140-20-30	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-35	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-37	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-40	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-45	Added	15:5 VA.R. 665	12/23/98
18 VAC 140-20-50	Amended	15:5 VA.R. 665	12/23/98
18 VAC 140-20-60	Amended	15:5 VA.R. 667	12/23/98
18 VAC 140-20-70	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-80	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-90	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-110	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-150	Amended	15:5 VA.R. 669	12/23/98
18 VAC 150-20-10	Amended	15:5 VA.R. 687	12/23/98
18 VAC 150-20-30	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-40	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-50	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-60	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-70	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-75	Added	15:5 VA.R. 690	12/23/98
18 VAC 150-20-80	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-90	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-100	Amended	15:5 VA.R. 690	12/23/98
18 VAC 150-20-110	Amended	15:5 VA.R. 691	12/23/98
18 VAC 150-20-115	Added	15:5 VA.R. 691	12/23/98
18 VAC 150-20-120	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-130	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-140	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-150	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-160	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-170	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-180	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-185	Added	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Erratum	15:9 VA.R. 1276	--
18 VAC 150-20-195	Added	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Amended	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Erratum	15:9 VA.R. 1276	--
18 VAC 150-20-205	Added	15:5 VA.R. 701	12/23/98
18 VAC 150-20-210	Amended	15:5 VA.R. 701	12/23/98

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## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 19. Public Safety</b>			
19 VAC 30-20-80	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-20-220	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-20-250	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-70-5	Amended	15:2 VA.R. 177	11/11/98
19 VAC 30-70-7	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-10	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-50	Amended	15:2 VA.R. 180	11/11/98
19 VAC 30-70-70 through 19 VAC 30-70-100	Amended	15:2 VA.R. 181-184	11/11/98
19 VAC 30-70-140	Amended	15:2 VA.R. 185	11/11/98
19 VAC 30-70-160	Amended	15:2 VA.R. 187	11/11/98
19 VAC 30-70-180	Amended	15:2 VA.R. 190	11/11/98
19 VAC 30-70-180	Erratum	15:8 VA.R. 1099	--
19 VAC 30-70-200	Amended	15:2 VA.R. 192	11/11/98
19 VAC 30-70-440 through 19 VAC 30-70-500	Amended	15:2 VA.R. 192-203	11/11/98
19 VAC 30-70-550	Amended	15:2 VA.R. 207	11/11/98
19 VAC 30-70-570	Amended	15:2 VA.R. 208	11/11/98
19 VAC 30-70-580	Amended	15:2 VA.R. 209	11/11/98
19 VAC 30-70-680	Amended	15:2 VA.R. 211	11/11/98
<b>Title 22. Social Services</b>			
22 VAC 40-35-10	Amended	15:6 VA.R. 922	1/6/99
22 VAC 40-35-125	Added	15:6 VA.R. 924	1/6/99
22 VAC 40-40-10 et seq.	Repealed	15:9 VA.R. 1256	2/17/99
22 VAC 40-41-10 et seq.	Added	15:9 VA.R. 1256-1258	2/17/99
22 VAC 40-41 (Forms)	Added	15:9 VA.R. 1258	--
22 VAC 40-71-10	Amended	15:9 VA.R. 1259	2/18/99
22 VAC 40-71-490	Amended	15:9 VA.R. 1262	2/18/99
22 VAC 40-140-10 et seq.	Repealed	15:10 VA.R. 1323	3/3/99
22 VAC 40-141-10 through 22 VAC 40-141-210	Added	15:10 VA.R. 1323-1331	3/3/99
22 VAC 40-141 (Forms)	Added	15:10 VA.R. 1331-1338	--
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-200-10	Amended	14:26 VA.R. 4267	10/14/98
24 VAC 30-200-10	Erratum	15:1 VA.R. 50 (4396)	--
24 VAC 30-200-20	Amended	14:26 VA.R. 4268	10/14/98
24 VAC 30-200-30	Amended	14:26 VA.R. 4269	10/14/98
24 VAC 30-200-40	Added	14:26 VA.R. 4270	10/14/98
24 VAC 30-200-40	Erratum	15:1 VA.R. 50	--
24 VAC 30-470-10	Amended	15:10 VA.R. 1339	1/11/99

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## 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 High Quality Care; 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates-Other Types of Care; 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.** The recommended changes will conform Medicaid's hospice services to the Medicare hospice service changes made recently in the federal Balanced Budget Act of 1997. In addition, DMAS intends to repeal its hospice state-only regulations ( Part VII: 12 VAC 30-130-470 through 12 VAC 30-130-530) because all of the provisions are covered in other regulations. 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 17, 1999, to Tamara Whitlock, Manager, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, 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. R99-89; Filed January 26, 1999, 2:02 p.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF DENTISTRY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-20-10 et**

**seq. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to replace emergency regulations establishing application and renewal fees for volunteer licensure as a dentist or a dental hygienist. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 17, 1999.

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

VA.R. Doc. No. R99-80; Filed January 21, 1999, 9:40 a.m.

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers.** The purpose of the proposed action is to consider amending regulations to replace the emergency regulations on the registration of crematories pursuant to Chapter 867 of the 1998 Acts of the Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 31, 1999.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

VA.R. Doc. No. R99-103; Filed February 2, 1999, 11:44 a.m.

### BOARD OF MEDICINE

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed action is

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# Notices of Intended Regulatory Action

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to replace emergency regulations establishing requirements for licensure of respiratory care practitioners pursuant to § 54.1-2900 et seq. of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 17, 1999.

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

VA.R. Doc. No. R99-81; Filed January 21, 1999, 9:39 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 Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-80-10 et seq. Regulations for Licensure of Occupational Therapists.** The purpose of the proposed action is to replace emergency regulations establishing requirements for licensure of occupational therapists pursuant to Chapter 593 of the 1998 Acts of Assembly. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 31, 1999.

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

VA.R. Doc. No. R99-96; Filed January 29, 1999, 12:01 p.m.

## BOARD OF NURSING

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-20-10 et seq. Regulations of the Board of Nursing.** The purpose of the proposed action is to consider amendments for the replacement of emergency regulations on the delegation of nursing tasks and procedures to unlicensed persons. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 17, 1999.

**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 or FAX (804) 662-9943.

VA.R. Doc. No. R99-92; Filed January 27, 1999, 11:23 a.m.

## BOARD OF NURSING HOME ADMINISTRATORS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled: **18 VAC 95-20-10 et seq. Regulations of the Board of Nursing Home Administrators.** The purpose of the proposed action is to establish an inactive license for nursing home administrators who are not practicing in Virginia and who want to meet requirements for continuing education. The board will also establish a renewal fee and the conditions by which a practitioner could return to active practice. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-2400 and Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until March 17, 1999.

**Contact:** Elizabeth Young Tisdale, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111 or FAX (804) 662-9943.

VA.R. Doc. No. R99-91; Filed January 27, 1999, 11:23 a.m.

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## TITLE 22. SOCIAL SERVICES

### STATE 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 State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-30-10 et seq. Food Stamp Program--Resource Exclusion.** The purpose of the proposed action is to repeal the regulation that allows an exclusion of a special savings account from the resource evaluation for the Food Stamp Program. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until March 17, 1999.

**Contact:** Patricia Duva, Food Stamp Program Manager, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.

VA.R. Doc. No. R99-86; Filed January 25, 1999, 10:18 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC 40-295-10 et seq. Temporary Assistance for Needy Families (TANF)**. The purpose of the proposed action is to promulgate a regulation that will implement the recommendations of the TANF Advisory Committee and will serve as a comprehensive TANF regulation. On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted, introducing welfare reform at the federal level. In Title I of the Act, Congress replaced the Aid to Families with Dependent Child (AFDC) Program with the Temporary Assistance for Needy Families (TANF) block grant. This block grant considerably reduced federal regulation of cash assistance and employment services programs, allowing states to design their programs within limited parameters.

Because the framework of the AFDC programs was repealed by Congress, Virginia adopted pre-TANF federal definitions of eligibility criteria in order to maintain the program as it currently operated in Virginia. To that end, the 1997 Virginia General Assembly adopted legislation that codified the old rules, and an advisory committee comprised of legislators, social services directors and workers, local government officials, and citizens was formed to consider new TANF options. The committee made recommendations to simplify and streamline the TANF and VIEW programs. The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until March 17, 1999.

**Contact:** Mark L. Golden, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1730 or FAX (804) 692-1704.

VA.R. Doc. No. R99-85; Filed January 25, 1999, 10:18 a.m.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-880-10 et seq. Child Support Enforcement Program**. The purpose of the proposed action is to update selected sections of the current child support enforcement regulation. Changes will be made only to sections impacted by recent state and federal legislation. The current regulation encompasses all functions of the child support enforcement program including application, eligibility for services, location, paternity establishment, order establishment, enforcement, collection, distribution, and case closure. This regulation became effective February 1990, and was last updated in 1995. These changes are necessary to

incorporate new state and federal legislation into the current regulation. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until March 17, 1999.

**Contact:** Bill Brownfield, Manager, Division of Child Support Enforcement, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2401 or FAX (804) 692-2410.

VA.R. Doc. No. R99-87; Filed January 25, 1999, 10:17 a.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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 change from the proposed text of the regulation.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-80).**

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: February 1, 1999.

Summary:

*This amendment changes the market oyster harvest quota from 10,000 bushels to 15,000 bushels for the James River Seed and Clean Cull Areas.*

Agency Contact: Copies of the regulation may be obtained from Katherine V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2120.

#### **4 VAC 20-720-80. Quotas and catch limits.**

A. In the James River Seed Areas there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached. In the James River Seed and Clean Cull Areas there shall be an oyster harvest quota of ~~40,000~~ 15,000 bushels of market oysters. It shall be unlawful for any person to harvest market oysters from the James River Seed and Clean Cull Areas after the ~~40,000~~ 15,000 bushel quota has been reached.

B. In the Rappahannock River west of the Route 3 bridge, including the Corrotoman River, and in the Nomini, Lower Machodoc, Coan and Yeocomico Rivers, there shall be a six-bushel per person daily limit of clean cull oysters. It shall be unlawful to possess more than six bushels of clean cull oysters per person in the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and in the Nomini, Lower Machodoc, Coan and Yeocomico Rivers.

VA.R. Doc. No. R99-94; Filed January 29, 1999, 9:30 a.m.

\* \* \* \* \*

Title of Regulation: **4 VAC 20-1020-10 et seq. Pertaining to Bay Scallops.**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: February 2, 1999.

Summary:

*This regulation establishes a total moratorium on the harvest of bay scallops from Virginia waters. This regulation also allows for an exception to this moratorium for those persons who take or possess hatchery raised bay scallops from any aquaculture facility.*

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2248.

#### CHAPTER 1020. PERTAINING TO BAY SCALLOPS.

#### **4 VAC 20-1020-10. Purpose.**

*The purpose of this chapter is to conserve and protect beds of bay scallops in Virginia waters until such time this resource can support a sustainable fishery.*

#### **4 VAC 20-1020-20. Definitions.**

*The following term when used in this regulation shall have the following meaning unless the context clearly indicates otherwise.*

*"Bay scallop" means any scallop of the species *Argopecten irradians*.*

#### **4 VAC 20-1020-30. Moratorium.**

A. *It shall be unlawful for any person to take, harvest, possess or attempt to take or harvest any bay scallop from Virginia waters, except as described in subsection B of this section.*

B. *It shall be lawful to take or possess hatchery raised bay scallops from any aquaculture facility.*

#### **4 VAC 20-1020-40. Penalty.**

*As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.*

VA.R. Doc. No. R99-93; Filed February 2, 1999, 10:50 a.m.



**TITLE 9. ENVIRONMENT**

**PART I.  
AIR POLLUTION EPISODES.**

**STATE AIR POLLUTION CONTROL BOARD**

**9 VAC 5-70-40. Episode determination.**

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. A97).**

**9 VAC 5-30-10 et seq. Ambient Air Quality Standards (repealing 9 VAC 5-30-20).**

**9 VAC 5-70-10 et seq. Air Pollution Episode Prevention (amending 9 VAC 5-70-40).**

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

Effective Date: April 1, 1999.

Summary:

*The regulation amendments concern provisions covering total suspended particulate (TSP) ambient air quality standards. The amendments remove references to TSP from 9 VAC 5 Chapter 30, Ambient Air Quality Standards, and from 9 VAC 5 Chapter 70, Air Pollution Episode Prevention.*

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

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

**9 VAC 5-30-20. Particulate matter (TSP). (Repealed.)**

~~A. The primary ambient air quality standards are as follows:~~

- ~~1. 75 micrograms per cubic meter annual geometric mean.~~
- ~~2. 260 micrograms per cubic meter maximum 24-hour concentration not to be exceeded more than once per year.~~

~~B. The secondary ambient air quality standards are as follows:~~

- ~~1. 60 micrograms per cubic meter annual geometric mean, as a guide to be used in assessing achievement of the 24-hour standard in subsection B-2 of this section.~~
- ~~2. 150 micrograms per cubic meter maximum 24-hour concentration not to be exceeded more than once per year.~~

~~C. Particulate matter shall be measured by the reference method described in Appendix B of 40 CFR 50, or other method designated as such, or by an equivalent method.~~

A. A condition justifying the proclamation of a watch, alert, warning or emergency stage shall be deemed to exist whenever the board determines that the accumulation of one or more air pollutants in any place, locality, county or other area in the state may attain, is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the public health. In making this determination the conditions specified in subsections B, C and D of this section shall be used as guidance.

B. Episode criteria.

1. Watch stage. An internal administrative watch shall be declared by the board whenever the national, local or department meteorologist issues a forecast indicating an atmosphere stagnation will cover any substantial portion of the state for an extended period. Such a weather forecast will indicate meteorological conditions which are expected to inhibit pollutant dispersion. The watch shall be in effect for those areas of the state covered by the weather forecast and it shall continue throughout the atmospheric stagnation period. Such weather forecasts indicating atmospheric stagnation will take the form of:

- a. A regional air stagnation advisory, including any substantial part of the state, issued by the National Weather Service; and
- b. A forecast by the department meteorologist indicating local meteorological conditions which inhibit dispersion for an extended period of time.

2. An alert stage shall be declared by the board when any one of the following pollutant levels is reached at any monitoring site concurrent with:

- a. Consultation with the national, local or department meteorologist which indicates that an atmospheric stagnation exists; or
- b. A determination by the board that the pollutant level is representative of air quality in an air quality control region and the concentrations of pollutants can be expected to remain at the following indicated levels for 12 or more hours or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken. Consultation with the air pollution control agencies of the affected jurisdictions will be accomplished to help evaluate local situations.

POLLUTANT	AVERAGE	µg/m <sup>3</sup>	ppm
SO <sub>2</sub>	24 hour	800	.3
PM <sub>10</sub>	24 hour	350	N/A
Particulates (TSP)	24 hour	375	(3.0 COH)
Product of SO <sub>2</sub> x Particulates (TSP)	24 hour	65,000	(.2 COH ppm product)
CO	8 hour	17,000	15.0

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Ozone	1 hour	400	.2
NO <sub>2</sub>	1 hour	1,130	.6
	24 hour	282	.15

3. A warning stage shall be declared by the board when any one of the following pollutant levels is reached at any monitoring site concurrent with:

- a. Consultation with the national, local or department meteorologist which indicates that an atmospheric stagnation exists; or
- b. A determination by the board that the pollutant level is representative of air quality in an air quality control region and the concentrations of pollutants can be expected to remain at the following indicated levels for 12 or more hours or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken. Consultation with the air pollution control agencies of the affected jurisdictions will be accomplished to help evaluate local situations.

POLLUTANT	AVERAGE	µg/m <sup>3</sup>	ppm
SO <sub>2</sub>	24 hour	1,600	.6
PM <sub>10</sub>	24 hour	420	N/A
Particulates (TSP)	24 hour	625	(5.0 COH)
Product of SO <sub>2</sub> x Particulates (TSP)	24 hour	261,000	(8 COH ppm product)
CO	8 hour	34,000	30.0
Ozone	1 hour	800	.4
NO <sub>2</sub>	1 hour	2,260	1.2
	24 hour	565	.3

4. An emergency stage shall be declared by the Governor of the Commonwealth of Virginia when any of the following pollutant levels is reached at any monitoring site concurrent with:

- a. Consultation with the national, local or department meteorologist which indicates that an atmospheric stagnation exists; or
- b. A determination by the board that the pollutant level is representative of air quality in an air quality control region and the concentrations of pollutants can be expected to remain at the following indicated levels for 12 or more hours or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken. Consultation with the air pollution control agencies of the affected jurisdictions will be accomplished to help evaluate local situations.

POLLUTANT	AVERAGE	µg/m <sup>3</sup>	ppm
SO <sub>2</sub>	24 hour	2,100	.8
PM <sub>10</sub>	24 hour	500	N/A
Particulates (TSP)	24 hour	875	(7.0 COH)

Product of SO <sub>2</sub> x Particulates (TSP)	24 hour	393,000	(1.2 COH ppm product)
CO	8 hour	46,000	40.0
Ozone	1 hour	1,000	.5
NO <sub>2</sub>	1 hour	3,000	1.6
	24 hour	750	.4

5. Termination of any existent stage of air pollution episode shall be declared by the Governor of the Commonwealth of Virginia or the board based on:

- a. Consultation with the national, local or department meteorologist which indicates that the atmospheric conditions justify termination; or
- b. Appropriate reduction in pollutant levels. As the criteria for a given stage are no longer being met, the lowest appropriate stage will be assumed.

C. When the board determines that a specified criteria level is being approached and may be reached at one or more monitoring sites solely because of emissions from a limited number of sources, it may act to prevent the attainment of the episode level by notifying such sources that the preplanned abatement strategies of Table VII-A, B or C or the standby plans are required, insofar as it applies to such sources, and shall be put into effect until a satisfactory reduction in the ambient pollution concentration has been achieved.

D. The alert, warning and emergency stages may be activated on the basis of deteriorating air quality alone (i.e., an air stagnation advisory need not be in effect) subject to the determination specified in ~~subsections~~ *subdivisions* B 2 b, B 3 b and B 4 b of this section.

VA.R. Doc. No. R97-393; Filed February 8, 1999, 1:46 p.m.

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**Title of Regulation:** Regulations for the Control and Abatement of Air Pollution (Rev. B97).  
**9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. B97) (repealing 9 VAC 5-40-5350 through 9 VAC 5-40-5480).**

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

**Effective Date:** April 1, 1999.

**Summary:**

*This regulation, which requires the owners and operators of perchloroethylene dry cleaning systems to limit air emissions, is no longer required by federal mandate and no longer essential to protect the health, safety or welfare of citizens and, therefore, has been repealed.*

**Summary of Public Comments and Agency's Response:** No public comment was received by the promulgating agency.

Agency Contact: Alma Jenkins, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4070.

Article 38.

Emission Standards for Dry-Cleaning Systems (Rule 4-38).

**9 VAC 5-40-5350. Applicability and designation of affected facility. (Repealed.)**

A. ~~The affected facility to which the provisions of this article apply is each perchloroethylene dry-cleaning system.~~

B. ~~The provisions of this article apply only to sources of volatile organic compounds in volatile organic compound emissions control areas designated in 9 VAC 5-20-206.~~

**9 VAC 5-40-5360. Definitions. (Repealed.)**

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

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

C. ~~Terms defined.~~

~~"Dry cleaning system" means a system for the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The system includes, but is not limited to, the washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attending piping and valves.~~

**9 VAC 5-40-5370. Standard for volatile organic compounds. (Repealed.)**

A. ~~No owner or other person shall use or permit the use of any perchloroethylene dry-cleaning system unless such system meets the following requirements:~~

- ~~1. There shall be no liquid leakage of solvent from the system;~~
- ~~2. The entire dryer exhaust shall be vented through a carbon adsorber or equally effective control device such that the maximum solvent concentration in the vent from the dryer control device shall not exceed 100 ppm before dilution; and~~
- ~~3. Filter and distillation wastes.~~
  - ~~a. The residue from the diatomaceous earth filter shall be cooked or treated so that wastes shall not contain more than 55 pounds of solvent per 220 pounds of wet waste material.~~
  - ~~b. The residue from a solvent still shall not contain more than 132 pounds of solvent per 220 pounds of wet waste material.~~
  - ~~c. Filtration cartridges shall be drained in the filter housing for at least 24 hours before being discarded.~~

~~The drained cartridges should be dried in the dryer tumbler after draining if at all possible.~~

~~d. Any other filtration or distillation system may be used if equivalency to these guidelines is demonstrated. For purposes of equivalency demonstration, any system reducing waste losses below 2.2 pounds solvent per 220 pounds clothes cleaned will be considered equivalent.~~

~~B. Subsection A 2 of this section shall not be applicable to plants where an adsorber cannot be accommodated because of inadequate space or to plants where no or insufficient steam capacity is available to desorb adsorbers. The board may exclude other plants from the provisions of subsection A 2 of this section if it appears that other hardships justify such an exclusion.~~

**9 VAC 5-40-5380. Standard for visible emissions. (Repealed.)**

~~The provisions of Article 1 (9 VAC 5-40-60 et seq.) of this chapter (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.~~

**9 VAC 5-40-5390. Standard for fugitive dust/emissions. (Repealed.)**

~~The provisions of Article 1 (9 VAC 5-40-60 et seq.) of this chapter (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.~~

**9 VAC 5-40-5400. Standard for odor. (Repealed.)**

~~The provisions of Article 2 (9 VAC 5-40-130 et seq.) of this chapter (Emission Standards for Odor, Rule 4-2) apply.~~

**9 VAC 5-40-5410. Standard for toxic pollutants. (Repealed.)**

~~The provisions of Article 3 (9 VAC 5-40-160 et seq.) of this chapter (Emission Standards for Toxic Pollutants, Rule 4-3) apply.~~

**9 VAC 5-40-5420. Compliance. (Repealed.)**

~~The provisions of 9 VAC 5-40-20 (Compliance) apply.~~

**9 VAC 5-40-5430. Test methods and procedures. (Repealed.)**

~~The provisions of 9 VAC 5-40-30 (Emission Testing) apply.~~

**9 VAC 5-40-5440. Monitoring. (Repealed.)**

~~The provisions of 9 VAC 5-40-40 (Monitoring) apply.~~

**9 VAC 5-40-5450. Notification, records and reporting. (Repealed.)**

~~The provisions of 9 VAC 5-40-50 (Notification, Records and Reporting) apply.~~

**9 VAC 5-40-5460. Registration. (Repealed.)**

~~The provisions of 9 VAC 5-20-160 (Registration) apply.~~

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## **9 VAC 5-40-5470. Facility and control equipment maintenance or malfunction. (Repealed.)**

The provisions of 9 VAC 5-20-180 (Facility and Control Equipment Maintenance or Malfunction) apply.

## **9 VAC 5-40-5480. Permits. (Repealed.)**

A permit may be required prior to beginning any of the activities specified below and the provisions of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) and 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) may apply. Owners contemplating such action should contact the appropriate regional office for guidance.

- ~~1. Construction of a facility.~~
- ~~2. Reconstruction (replacement of more than half) of a facility.~~
- ~~3. Modification (any physical change to equipment) of a facility.~~
- ~~4. Relocation of a facility.~~
- ~~5. Reactivation (restart up) of a facility.~~

VA.R. Doc. No. R97-533; Filed February 8, 1999, 1:46 p.m.

\* \* \* \* \*

## **Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. E97).**

## **9 VAC 5-40-10 et seq. Existing Stationary Sources (amending 9 VAC 5-40-880, 9 VAC 5-40-890, 9 VAC 5-40-900, 9 VAC 5-40-940, and 9 VAC 5-40-1040).**

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

**Effective Date:** April 1, 1999.

### **Summary:**

*The regulation amendments concern provisions covering fuel burning equipment. The regulation has been revised to clarify that internal combustion engines (stationary combustion turbines) are considered to be fuel burning equipment, and that stationary internal combustion engines have been specifically exempted from this rule. The type of activity for which a permit may be required is classified as well.*

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

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

## **9 VAC 5-40-880. Applicability and designation of affected facility.**

A. Except as provided in subsections C and, D, and E of this section, the affected facility to which provisions of this article apply is fuel burning equipment.

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

C. Exempted from the provisions of this article are the following:

1. Any fuel burning equipment unit using solid fuel with a maximum heat input of less than 350,000 Btu per hour.
2. Any fuel burning equipment unit using liquid fuel (exclusive of coal slurry mixtures) with a maximum input of less than 1,000,000 Btu per hour.
3. Any fuel burning equipment unit using gaseous fuel with a maximum heat input of less than 10,000,000 Btu per hour.

D. The provisions of this article do not apply to fuel burning equipment units that power mobile sources but are removed for maintenance or repair and testing.

E. *The provisions of this article do not apply to stationary internal combustion engines.*

## **9 VAC 5-40-890. Definitions.**

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

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

C. Terms defined.

*"Capacity factor"* means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

*"Fossil fuel"* means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat.

*"Fossil-fuel fired steam generator"* means furnace or boiler, or both, used in the process of burning fossil fuel for the primary purpose of providing steam by heat transfer.

*"Fuel burning equipment"* means any furnace, with fuel burning equipment appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat to be utilized by indirect heat transfer, or producing by indirect production of power. This includes facilities that are designed as boilers to produce steam or heated water and are designed to burn either fossil fuel or refuse derived fuel. It does not include such facilities if designed primarily to burn raw refuse. This includes fuel burning equipment units (both permanently installed units and portable units) used to

replace the power used by mobile sources. *For the purposes of this article, stationary combustion turbines are considered to be fuel burning equipment.*

*"Fuel burning equipment installation"* means all fuel burning equipment units within a stationary source in operation prior to October 5, 1979.

*"Heat input"* means the total gross calorific value of all fuels burned.

*"Rated capacity"* means the capacity as stipulated in the purchase contract for the condition of 100% load, or such other capacities as mutually agreed to by the board and owner using good engineering judgment.

*"Refuse derived fuel (RDF)"* means fuel produced from solid or liquid waste (includes materials customarily referred to as refuse and other discarded materials), or both, which has been segregated and classified, with the useable portions being put through a size reduction and classification process which results in a relatively homogeneous mixture.

*"Stationary combustion turbine"* means any air-breathing internal combustion engine consisting of an air compressor, combustion chamber, and a turbine wheel.

*"Stationary internal combustion engine"* means an engine in which fuel is burned within a machine in which energy is converted directly into mechanical motion or work. The energy is used directly for the production of power, locomotion or work. Internal combustion engines include, but are not limited to, diesel engines, gasoline engines, and diesel pumps. *For the purposes of this article, stationary combustion turbines are not considered to be stationary internal combustion engines.*

*"Total capacity"* means with reference to a fuel burning equipment installation, the sum of the rated capacities (expressed as heat input) of all units of the installation which must be operated simultaneously under conditions of 100% use load.

**9 VAC 5-40-900. Standard for particulate matter.**

A. Fuel burning equipment installations.

No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits.

1. In AQCR 1 through 6.
  - a. For fuel burning equipment installations with total capacity less than 10 million (10 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ratio shall be 0.6 pounds of particulate per million Btu input.
  - b. For fuel burning equipment installations with total capacity between 10 million (10 X 10<sup>6</sup>) and 10 billion (10,000 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ration, E, in pounds of particulate per million Btu input, shall be determined by the following

equation:  $E = 1.0906H^{-0.2594}$ , where H is the total capacity in millions of Btu per hour.

c. For fuel burning equipment installations with total capacity in excess of 10 billion (10,000 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ratio shall be 0.1 pounds of particulate per million Btu input.

~~d. Figure 4-8A illustrates the above emission limit.~~

2. In AQCR 7.

a. For fuel burning equipment installations with total capacity less than 100 million (100 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ratio shall be 0.3 pounds of particulate per million Btu input.

b. For fuel burning equipment installations with total capacity between 100 million (100 X 10<sup>6</sup>) and 10 billion (10,000 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ratio, E, in pounds of particulate per million Btu input, shall be determined by the following equation:  $E = .9000H^{-0.2386}$ , where H is the total capacity in millions of Btu per hour.

c. For fuel burning equipment installations with total capacity in excess of 10 billion (10,000 X 10<sup>6</sup>) Btu per hour, the maximum allowable emission ratio shall be 0.1 pounds of particulate per million Btu input.

~~d. Figure 4-8B illustrates the above emission limit.~~

B. Fuel burning equipment units.

1. The maximum allowable particulate emissions for each fuel burning equipment unit shall be the product of the rated capacity and the emission ratio (determined in accordance with subsection A of this section).

2. The allowable particulate emissions for each fuel burning equipment unit when operating at less than rated capacity shall be the product of the emission ratio, actual heat input and efficiency factor for the collection equipment. The efficiency factor for the collection equipment of each unit shall be determined using procedures set forth in 9 VAC 5-40-920.

3. For fuel burning equipment installations consisting of multiple fuel burning equipment units, except where all of the units burn liquid or gaseous fuels, or both, exclusively, the maximum allowable particulate emissions for each unit may be determined as provided in 9 VAC 5-40-910.

**9 VAC 5-40-940. Standard for visible emissions.**

A. The provisions of Article 1 (9 VAC 5-40-60 et seq.) of this chapter (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply except that the provisions in subsection B of this section apply instead of 9 VAC 5-40-80 A.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment unit any visible emissions which exhibit greater than 20% opacity, except for one ~~six minute~~, *six-minute*

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period in any one hour of not more than 60% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

## 9 VAC 5-40-1040. Permits.

A permit may, ~~under certain conditions,~~ be required prior to beginning any of the activities specified below ~~and if the provisions of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) and 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) may apply.~~ Owners contemplating such action should *review those provisions and* contact the appropriate regional office for guidance *on whether those provisions apply.*

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.
6. *Operation of a facility.*

VA.R. Doc. No. R97-411; Filed February 8, 1999, 1:48 p.m.

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## Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. L97).**

**9 VAC 5-40-10 et seq. Existing Stationary Sources (amending 9 VAC 5-40-1660, 9 VAC 5-40-1670, 9 VAC 5-40-1690, 9 VAC 5-40-1750, 9 VAC 5-40-1770, 9 VAC 5-40-1780 and 9 VAC 5-40-1810).**

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

Effective Date: April 1, 1999.

### Summary:

*The regulation amendments concern provisions covering pulp and paper mills. The regulation has been revised to clarify the rule's applicability to include semi-chemical pulp and paper mills. Certain definition changes were made. The applicability of a requirement to control total reduced sulfur is classified.*

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

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

## Article 13.

Emission Standards for ~~Kraft~~ Pulp and Paper Mills (Rule 4-13).

## 9 VAC 5-40-1660. Applicability and designation of affected facilities.

A. The affected facilities in ~~kraft~~ pulp and paper mills to which the provisions of this article apply are: each recovery furnace, each smelt dissolving tank, each lime kiln, each slaker tank, and each kraft wood pulping operation. For the purpose of this article, a kraft wood pulping operation is comprised only of any combination of the following units: recovery furnaces, lime kilns, digester systems, multiple-effect evaporator systems, condensate stripper systems and smelt dissolving tanks.

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

C. The provisions of this article do not apply to affected facilities subject to Article 5 (9 VAC 5-50-400 et seq.) of 9 VAC 5 Chapter 50, except to the extent such pollutants are emitted which are not subject to standards of performance in Article 5 (9 VAC 5-50-400 et seq.) of 9 VAC 5 Chapter 50.

## 9 VAC 5-40-1670. Definitions.

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

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

C. Terms defined.

~~"Agreement" means any legally enforceable instrument executed by the owner and the executive director to bring the owner into compliance with a regulatory requirement or other requirements necessary to meet the provisions of this article. Such agreements shall not be considered an enforcement action but shall be enforceable as an order of the board under the Virginia Air Pollution Control Law.~~

"Black liquor solids" means the dry weight of the solids which enter the recovery furnace in the black liquor.

"Condensate stripper system" means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams from various processes within a kraft pulp mill.

"Cross recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains more than 7.0% by weight of the total pulp solids from the neutral sulfite *or other* semichemical process and has a green liquor sulfidity of more than 28%.

"Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor,

and associated flash tanks, below tanks, chip steamers, and condensers.

"Green liquor sulfidity" means the sulfidity of the liquor which leaves the smelt dissolving tank.

"Kraft pulp mill" means any facility which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

"Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

"Multiple-effect evaporator system" means the multiple-effect evaporators and associated condensers and hotwells used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

"Neutral sulfite semichemical pulping operation" means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating (grinding).

"New design recovery furnace" means a straight kraft recovery furnace that has both membrane wall or welded wall construction and emission control designed air systems. [ A new design furnace shall have stated in its contract a TRS performance guarantee or that it was designed with air pollution control as an objective. ]

"Old design recovery furnace" means a straight kraft recovery furnace that does not have membrane wall or welded wall construction or emission control designed air systems.

~~"New design recovery furnace" means a straight kraft recovery furnace that has both membrane wall or welded wall construction and emission control designed air systems.~~

"Pulp and paper mill" means any kraft pulp mill or any paper mill using a semichemical pulping process.

"Recovery furnace" means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

"Semichemical pulping process" means any pulp manufacturing process in which the active chemicals of the liquor used in cooking (digesting) wood chips to their component parts in a pressurized vessel (digester) are primarily a liquor of sodium hydroxide and sodium carbonate. The major difference between all semichemical techniques and those of kraft and acid sulfite processes is that only a portion of the lignin is removed during the cooking (digesting), after which the pulp is further reduced by mechanical disintegration.

"Smelt dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

"Straight kraft recovery furnace" means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains 7.0% by weight or less of the total pulp solids from the neutral sulfite or other semichemicals process or has green liquor sulfidity of 28% or less.

"Total reduced sulfur" or "TRS" means the sum of the following sulfur compounds (hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide, reported as hydrogen sulfide) that are released during any kraft wood pulping operation.

"Twenty-four hour average" means the average of data over a 24-hour period beginning at midnight.

## 9 VAC 5-40-1690. Standard for total reduced sulfur.

A. ~~Except as provided in subsection B of this section, No owner or other person shall cause or permit to be discharged into the atmosphere from any kraft wood pulping operation unit specified below any total reduced sulfur emissions in excess of the following limits:~~

1. Recovery furnaces.
  - a. Old design furnaces - 20 ppm by volume on a dry basis, corrected to 8.0% oxygen.
  - b. New design furnaces - 5 ppm by volume on a dry basis, corrected to 8.0% oxygen.
  - c. Cross recovery furnaces - 25 ppm by volume on a dry basis, corrected to 8.0% oxygen.
2. Digester systems - 5 ppm by volume on a dry basis, corrected to 10% oxygen.
3. Multiple-effect evaporator systems - 5 ppm by volume on a dry basis, corrected to 10% oxygen.
4. Lime kilns - 20 ppm by volume on a dry basis, corrected to 10% oxygen.
5. Condensate stripper systems - 5 ppm by volume on a dry basis, corrected to 10% oxygen.
6. Smelt dissolving tanks - 0.033 pounds per ton black liquor solids as H<sub>2</sub>S.

~~B. Notwithstanding the provisions of subsection A of this section, no owner or other person shall cause or permit to be discharged into the atmosphere from any kraft wood pulping operation unit any total reduced sulfur emissions in excess of the limits prescribed in any agreement approved by the executive director.~~

~~C. B.~~ Achievement of the emission standards in this section by use of methods in 9 VAC 5-40-1700 will be acceptable to the board.

~~D. Any kraft wood pulping operation unit for which an agreement has not been approved pursuant to subsection B of this section by October 1, 1989, shall be subject to subsection A of this section. Any agreement established pursuant to subsection B of this section may be terminated~~

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~~once the affected facility is in compliance with subsection A of this section.~~

## 9 VAC 5-40-1750. Compliance.

- A. The provisions of 9 VAC 5-40-20 (Compliance) apply.
- ~~B. Each owner of a facility for which an emission standard is prescribed in 9 VAC 5-40-1690 B shall submit to the board by July 1, 1990, a control program to achieve compliance with the emission standards in 9 VAC 5-40-1690 A as expeditiously as possible.~~
- ~~C. For any kraft pulp mill that does not have a condensate stripper system on October 1, 1989, the control program required by subsection B of this section shall contain a commitment to install, maintain, and operate such a system if determined to be reasonably available control technology.~~
- ~~D. Authority to approve any control program submitted pursuant to subsection B of this section that contains a commitment to bring a particular kraft wood pulping operation unit into compliance with the emissions standards in 9 VAC 5-40-1690 A by October 1, 1994, is delegated to the executive director.~~

## 9 VAC 5-40-1770. Monitoring.

- A. The provisions of 9 VAC 5-40-40 (Monitoring) apply, with any addition or modification deemed appropriate to meet the needs of subsection B of this section.
- B. The owner of a kraft pulp mill shall by October 1, 1990:
1. Install, certify, maintain and operate continuous monitoring equipment to monitor and record the concentration of TRS emissions on a dry basis and the percentage of oxygen by volume on a dry basis in the gases discharged into the atmosphere from any lime kiln or recovery furnace. The location of each monitoring system must be approved by the board.
  2. Install, calibrate, maintain, and operate a monitoring device which measures the combustion temperature at the point of incineration of effluent gases which are emitted from any lime kiln, recovery furnace, digester system, multiple-effect evaporator system, or condensate stripper system. The monitoring device is to be certified by the manufacturer to be accurate within 1.0% of the temperature being measured.
- C. The minimum data capture and validity requirements shall be as follows:
1. Valid TRS and oxygen data shall be obtained for no less than 75% of the operating hours of each quarter. Section 4 of Procedure 1 of Appendix F of 40 CFR Part 60 shall be used to determine valid data.
  2. For TRS or oxygen concentrations, a valid data hour shall have at least 50% valid readings.
  3. A 24-hour average TRS or oxygen concentration shall be considered valid if at least 50% of the operating hours in the 24-hour period are valid data hours.

4. Valid temperature data shall be obtained for no less than 90% of the operating time of each quarter.

## [ 9 VAC 5-40-1780. Notification, records, and reporting.

- A. The provisions of 9 VAC 5-40-50 (Notification, Records and Reporting) apply.
- B. Any owner subject to the provisions of 9 VAC 5-40-1770 B shall:
1. Calculate and record on a daily basis the 24-hour average TRS concentration for each operating day for each recovery furnace and lime kiln. Each 24-hour average shall be determined as the arithmetic mean of the appropriate 24 contiguous 1-hour average TRS concentrations provided by each continuous monitoring system installed under 9 VAC 5-40-1770 B 1.
  2. Calculate and record on a daily basis the 24-hour average oxygen concentration for each operating day for each recovery furnace and lime kiln. These 24-hour averages shall correspond to the 24-hour average TRS concentration under subsection B 1 of this section and shall be determined as an arithmetic mean of the appropriate 24 contiguous one-hour average oxygen concentrations provided by each continuous monitoring system installed under 9 VAC 5-40-1770 B 1.
  3. Correct all 24-hour average TRS concentrations to 10 volume percent oxygen, except that all 24-hour average TRS concentrations from a recovery furnace shall be corrected to 8 volume percent using the following equation:  
$$C_{\text{corr}} = C_{\text{uncorr}} \times (21-X)/(21-Y)$$

where:

$C_{\text{corr}}$  = the concentration corrected for oxygen.

$C_{\text{uncorr}}$  = the concentration uncorrected for oxygen.

X = the volumetric oxygen concentration in percentage to be corrected (8.0 for recovery furnaces and 10 for lime kilns, incinerators, or other devices).

Y = the measured 24-hour average volumetric oxygen concentration.
  4. Record continuously on a daily basis the temperature of any applicable point of incineration.
  5. Record on a daily basis the periods of operation for each operating day for each recovery furnace and lime kiln.
- C. For the purpose of reports required under 9 VAC 5-40-50 C, the following information shall be reported:
1. For emissions from any recovery furnace, all 24-hour average TRS concentrations above the applicable emission standard in 9 VAC 5-40-1690.

2. For emissions from any lime kiln, all 24-hour average TRS concentrations above the applicable emission standard in 9 VAC 5-40-1690.

3. For emissions from any digester system, multiple-effect evaporator system, or condensate stripper system, all periods in excess of five minutes and their duration during which the combustion temperature is less than 1200° F if the gases are combusted in an incinerator or other device approved by the board which does not generate TRS.

4. For each recovery furnace or lime kiln, the periods of operation.

D. Each owner subject to the provisions of 9 VAC 5-40-1770 B 1 shall develop and implement a quality assurance plan. At a minimum the plan shall provide for daily calibration drift checks, periodic preventive maintenance, and annual audits. Section 3 of Procedure 1 of Appendix F of 40 CFR Part 60 may be used as a guide by which to pattern the plan. ]

**9 VAC 5-40-1810. Permits.**

A permit may be required prior to beginning any of the activities specified below and if the provisions of 9 VAC 5 Chapter 50 (9 VAC 5-50-10 et seq.) and 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) may apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.
6. Operation of a facility.

VA.R. Doc. No. R97-739; Filed February 8, 1999, 1:45 p.m.

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**Title of Regulations: Regulations for the Control and Abatement of Air Pollution (Rev. ZZ).**

**9 VAC 5-20-10 et seq. General Provisions (amending 9 VAC 5-20-21).**

**9 VAC 5-40-10 et seq. Existing Stationary Sources (amending 9 VAC 5-40-5800, [ 9 VAC 5-40-5810 ] 9 VAC 5-40-5820, 9 VAC 5-40-5850, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, 9 VAC 5-40-5890, and 9 VAC 5-40-5920; adding 9 VAC 5-40-5822, 9 VAC 5-40-5824, and [ 9 VAC 5-40-5930 9 VAC 5-40-5855 ] ).**

**9 VAC 5-50-10 et seq. New and Modified Stationary Sources (amending [ 9 VAC 5-50-400, ] 9 VAC 5-50-410 [ , and 9 VAC 5-40-420 ] ).**

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

Effective Date: April 1, 1999.

Summary:

*The amendments contain provisions related to the regulation of nonmethane organic compound emissions from municipal solid waste landfills. Included in the amendments are provisions related to: standards for air emissions; collection and control system specifications and standards; methods for determining compliance; emission rate calculation methods; monitoring, reporting and recordkeeping requirements; and when permits might be required for certain specified activities.*

*On June 16, 1998, EPA revised the emission guidelines on which the proposed regulation was based (63 FR 32743). These revisions, which consist of corrections and clarifications, have been incorporated into the final regulation. Also, administrative changes, such as adding and modifying definitions related to 40 CFR Part 60, Subparts A, Cc, and WWW, and compliance schedules, including increments of progress required under 40 CFR Part 60, Subpart B have been incorporated into the final regulation.*

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

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

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

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

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

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

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR [ (1995) 1998 ] in effect July 1, [ 1995 1998 ]. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the

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Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

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

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

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

1. Code of Federal Regulations.

a. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, 1994, are incorporated herein by reference.

(1) 40 CFR Part 50 - National Primary and Secondary Ambient Air Quality Standards.

(a) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(b) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(c) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

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

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

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

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

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

(i) Appendix I - Reserved.

(j) Appendix J - Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere.

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

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

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

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

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

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

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

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

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

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

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

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

2. U.S. Environmental Protection Agency.

a. The following ~~document~~ *documents* from the U.S. Environmental Protection Agency ~~is~~ *are* incorporated herein by reference.

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

(2) *Compilation of Air Pollutant Emission Factors (AP-42). Volume I: Stationary and Area Sources, Publication No. PB95196028, 1995; Volume II: Supplement A, Publication No. PB96192497, 1996.*

b. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service,

5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

3. U.S. government.

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

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

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

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

(1) D323-94, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

(2) D97-93, "Standard Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.

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

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

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

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

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

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

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

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

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

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

5. American Petroleum Institute (API).

a. The following document from the American Petroleum Institute is incorporated herein by

reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Third Edition, 1989.

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

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

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

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

7. National Fire Prevention Association (NFPA).

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

(1) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1990 Edition.

(2) NFPA 30, Flammable and Combustible Liquids Code, 1993 Edition.

(3) NFPA 30A, Automotive and Marine Service Station Code, 1993 Edition.

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

CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
EMISSION STANDARDS.

Article 43.

Emission Standards for ~~Sanitary~~ *Municipal Solid Waste* Landfills (Rule 4-43).

**9 VAC 5-40-5800. Applicability and designation of affected facility.**

A. The affected facility to which the provisions of this article apply is each ~~sanitary municipal solid waste (MSW) landfill which has accepted waste at any time since November 8, 1987, or which has additional capacity for future waste deposition commenced construction, reconstruction, or modification before May 30, 1991.~~

B. The provisions of this article apply ~~only to sources of volatile organic compounds in the Northern Virginia Volatile Organic Compound Emissions Control Area designated in 9 VAC 5-20-206 throughout the Commonwealth of Virginia.~~

[ C. For purposes of obtaining a federal operating permit, the owner of an MSW landfill subject to this article with a

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design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain a federal operating permit for the landfill, unless the landfill is otherwise subject to federal operating permit requirements. For purposes of submitting a timely application for a federal operating permit, the owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters on the effective date of EPA approval of the board's program under § 111(d) of the federal Clean Air Act, and otherwise not subject to federal operating permit requirements, becomes subject to federal operating permit requirements 90 days after the effective date of such § 111(d) program approval, even if the design capacity report is submitted earlier.

D. When an MSW landfill subject to this article becomes closed, the owner is no longer subject to the requirement to maintain a federal operating permit for the landfill if the landfill is not otherwise subject to federal operating permit requirements and if either of the following conditions is met:

1. The landfill was never subject to the requirement for a control system under 9 VAC 5-40-5820 C; or
2. The owner meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e.

E. Activities required by or conducted pursuant to a CERCLA, RCRA, or board remedial action are not considered construction, reconstruction, or modification for the purposes of this article. ]

## 9 VAC 5-40-5810. Definitions.

A. For the purpose of ~~these regulations [ this chapter the Regulations for the Control and Abatement of Air Pollution ]~~ and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

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

C. Terms defined.

"Active collection system" means a gas collection system that uses gas mover equipment.

"Active landfill" means a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

[ "CERCLA" means the federal Comprehensive Environmental Response, Compensation and Liability Act (42 USC § 9601 et seq.). ]

"Closed landfill" means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first obtaining a permit or permit amendment under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations). Once such permit has been issued, and additional solid waste is placed in the landfill, the landfill is no

longer closed. [ ~~A landfill is considered closed after meeting the criteria of 9 VAC 20-80-250 E.~~ ]

"Closure" means that point in time when a landfill becomes a closed landfill.

[ "Commenced" means that an owner has undertaken a continuous program of construction or modification or that an owner has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. ]

"Commercial waste" means all types of solid waste generated by ~~establishments engaged in business operations other than manufacturing or construction.~~ This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, ~~office buildings offices,~~ restaurants, warehouses, and ~~shopping centers other nonmanufacturing activities,~~ excluding construction, household, and industrial wastes.

[ "Construction" means fabrication, erection, or installation of an affected facility. ]

"Controlled landfill" means any landfill at which collection and control systems are required under this article as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time [ ~~either (i) a notification of intent to install a collection and control system or (ii) a collection and control system design plan is submitted in compliance with 9 VAC 5-40-5820 C 2 a.~~ ]

"Design capacity" means the maximum amount of solid waste a landfill can accept, ~~including refuse on site, within the permit limits of the entire facility as [ specified in a indicated in terms of volume or mass in the most recent ] permit issued under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 ( [ Virginia ] Solid Waste Management Regulations) [ , plus any in-place waste not accounted for in the most recent permit, ]~~ or as calculated using good engineering practices acceptable to the board. [ If the owner chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate that its design capacity is less than the design capacity applicability criteria in 9 VAC 5-40-5820 A, the calculation must include a site-specific density, which must be recalculated annually. ]

"Disposal facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

"Emission rate cutoff" means the threshold annual emission rate to which a landfill compares its estimated emission rate to determine if control under the regulation is required.

"Enclosed combustor" means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

[ "Federal operating permit" means a permit issued under Article 1 (9 VAC 5-80-50 et seq.) or Article 3 (9 VAC 5-80-360 et seq.) of Part II of 9 VAC 5 Chapter 80. ]

"Flare" means an open combustor without enclosure or shroud.

"Gas management system" means a method for the collection and destruction or use of landfill gases.

"Gas mover equipment" means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

"Household waste" mean any solid waste material, including garbage, trash and refuse, derived from households. ~~Households include~~ (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreational areas). [ For the purpose of determining NMOC emission rates as required by 9 VAC 5-40-5860, ] household wastes [ ~~do not~~ ] include sanitary waste (septage) in septic tanks which are regulated by other state agencies.

"Industrial solid waste" means any solid waste generated by manufacturing or industrial ~~process~~ processes that is not a regulated hazardous waste regulated under 9 VAC 20 Chapter 60 (9 VAC 20-60-10 et seq., [ Virginia ] Hazardous Waste Management Regulations). Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and ~~by-products~~ byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Interior well" means any well or similar collection component located inside the perimeter of the landfill [ waste ]. A perimeter well located outside the landfilled waste is not an interior well.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under Part I (9 VAC 20-80-10 et seq.) of 9 VAC 20 Chapter 80 ([ Virginia ] Solid Waste Management Regulations).

"Landfill gas" means any gas derived from the decomposition of organic waste deposited in a sanitary an MSW landfill or from the evolution of volatile organic species in the waste. Emissions from sanitary MSW landfills is equivalent to landfill gas emissions.

"Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

[ "Modification" means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. ]

"Municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of solid wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and nonhazardous industrial solid waste as provided in 9 VAC 20-80-250 ([ Virginia ] Solid Waste Management Regulations). Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

"Municipal solid waste landfill emissions" or "MSW landfill emissions" means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

"NMOC" or "NMOCs" means nonmethane organic compounds, as measured according to the provisions of 9 VAC 5-40-5860.

"Nondegradable waste" means any waste that does not decompose through chemical breakdown or microbiological activity. Examples include, but are not limited to, concrete, municipal waste combustor ash, and metals.

"Passive collection system" means a gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

"Offsite gas migration" means underground landfill gases detected at any point on the landfill perimeter.

[ "RCRA" means the federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.). ]

"Refuse" means trash, rubbish, garbage, and other forms of solid or liquid waste, including, but not limited to, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management, and emergency operations.

~~"Sanitary landfill" means an engineered land burial facility for the disposal of household waste which is located, designed, constructed, and operated according to Part V (9 VAC 20-80-240 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations) and in which waste is contained and isolated so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill may also receive commercial waste, sludges, and industrial solid waste.~~

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

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"Solid waste" means any of those materials defined as "solid waste" in garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 USC § 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 USC § 2011 et seq.). For more detail, see Part III (9 VAC 20-80-130 et seq.) of 9 VAC 20 Chapter 80 ( [ Virginia ] Solid Waste Management Regulations).

"Sufficient density" means any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this part.

"Sufficient extraction rate" means a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

## 9 VAC 5-40-5820. Standard for volatile organic compounds air emissions.

A. This section shall apply to affected facilities meeting the following conditions: that have accepted waste any time since November 8, 1987, or have additional design capacity available for future waste deposition, and meet the design capacity and emission rate applicability criteria in subdivisions A 1 or A 2 of this section.

1. The design capacity is 1.1 million tons (1 million Mg) or greater; and
2. The nonmethane organic compound (NMOC) emission rate is 25 tons of NMOC or greater per year.

B. Affected facilities meeting the provisions of subsection A of this section shall install and operate a well-designed gas management system that employs one of the following control devices:

1. An open flare designed and operated in accordance with the parameters established in 40 CFR 60.18;
2. An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 ppmvd at 3.0% oxygen;
3. A control device that is designed and operated so as to reduce NMOC by 98% or more; or
4. A system having a control efficiency equal to or greater than that of the systems in subdivisions 1, 2 and 3 of this subsection, provided such system is approved by the board.

C. Affected facilities meeting the provisions of subsection A of this section shall install and operate a well-designed gas management system in which the gas collection systems shall:

1. Be designed to handle the maximum expected gas flowrate over the lifetime of the gas control or treatment system equipment from the entire area of the landfill that warrants control over the equipment lifetime;
2. Collect gas from each area, cell, or group of cells in the landfill in which refuse has been placed for one year or more;
3. Collect gas at a sufficient extraction rate, maximizing the amount of gas extracted while preventing fires or damage to the collection system; and
4. Be in compliance with Part V (9 VAC 20-80-240 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

D. Affected facilities required to meet the provisions of subdivision A 1 of this section shall install and operate a gas management system within 30 months after April 1, 1996. For each affected facility meeting the conditions of subdivision A 1 of this section whose NMOC emission rate on April 1, 1996, is less than that stated in subdivision A 2 of this section, the installation and operation of a gas management system capable of meeting the requirements of subsection B of this section shall be accomplished within 30 months of the date of the first annual NMOC emission rate which equals or exceeds the rate stated in subdivision A 2 of this section.

1. For affected facilities located in the Northern Virginia Volatile Organic Compound Emissions Control Area as designated in 9 VAC 5-20-206:

- a. A design capacity greater than or equal to 1.0 million megagrams or 1.0 million cubic meters; and
- b. A nonmethane organic compound emission rate of 23 megagrams per year or more as determined using test procedures under 9 VAC 5-40-5860.

2. For affected facilities located in the remaining areas of the Commonwealth:

- a. A design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters; and
- b. A nonmethane organic compound emission rate of 50 megagrams per year or more as determined using test procedures under 9 VAC 5-40-5860.

B. Each owner of an MSW landfill having a design capacity less than the design capacity applicability criteria in subsection A of this section shall submit an initial design capacity report to the board as provided in 9 VAC 5-40-5880 C. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the design capacity applicability criteria in subsection A of this section. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report

shall fulfill the requirements of this article except as provided for in subdivisions B 1 and B 2 of this section.

1. ~~The owner shall submit to the board an amended design capacity report, as provided for in 9 VAC 5-40-5880 C 3 [ , when there is any increase in the design capacity of a landfill subject to the provisions of this article, whether the increase results from an increase in the area or depth of the landfill, a change in the operating procedures of the landfill, or any other means ].~~

2. ~~[ # any When an ]~~ increase in the maximum design capacity of a landfill exempted from the provisions of 9 VAC 5-40-5820 C, 9 VAC 5-40-5822, 9 VAC 5-40-5824, 9 VAC 5-40-5850, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, and 9 VAC 5-40-5890 on the basis of the design capacity applicability criteria in subsection A of this section results in a revised maximum design capacity that meets the design capacity applicability criteria in subsection A of this section, the owner shall comply with the provisions of subsection C of this section.

C. Each owner of an MSW landfill having a design capacity that meets [ both of ] the design capacity applicability criteria [ (the megagram and cubic meter criteria) ] in [ ~~subsection A subdivision A 1 a or A 2 a~~ ] of this section [ ~~on (the effective date of this article)~~ ] shall either comply with subdivision C 2 of this section or calculate an NMOC emission rate for the landfill using the procedures specified in 9 VAC 5-40-5860. The NMOC emission rate shall be recalculated annually, except as provided in 9 VAC 5-40-5880 D 1 b. [ The owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to federal operating permit requirements. ]

1. If the calculated NMOC emission rate is less than the emission rate applicability criteria in subsection A of this section, the owner shall:

a. Submit an annual emission report to the board, except as provided for in 9 VAC 5-40-5880 D 1 b; and

b. Recalculate the NMOC emission rate annually using the procedures specified in 9 VAC 5-40-5860 B 1 until such time as the calculated NMOC emission rate [ ~~meets is greater than or equal to~~ ] the emission rate applicability criteria in subsection A of this section, or the landfill is closed.

(1) If the NMOC emission rate, upon recalculation required in subdivision C 1 b of this section, meets the emission rate applicability criteria in subsection A of this section, the owner shall install a collection and control system in compliance with subdivision C 2 of this section.

(2) If the landfill is permanently closed, a closure notification shall be submitted to the board as provided for in 9 VAC 5-40-5880 F.

2. If the calculated NMOC emission rate [ ~~meets is greater than or equal to~~ ] the emission rate applicability criteria in subsection A of this section, the owner shall:

a. Submit a collection and control system design plan prepared by a professional engineer to the board within one year:

(1) The collection and control system as described in the plan shall meet the design requirements of subdivision C 2 b of this section.

(2) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 9 VAC 5-40-5822, 9 VAC 5-40-5850, 9 VAC 5-40-5860, 9 VAC 5-40-5870, 9 VAC 5-40-5880, and 9 VAC 5-40-5890 proposed by the owner.

(3) The collection and control system design plan shall either conform with specifications for active collection systems in 9 VAC 5-40-5824 or include a demonstration to the board's satisfaction of the sufficiency of the alternative provisions to 9 VAC 5-40-5824.

(4) The board shall review the information submitted under subdivisions C 2 a (1), (2) and (3) of this section and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

b. ~~Install a collection and control system [ within 18 months of the submittal of the design plan under subdivision C 2 a of this section that effectively captures the gas generated within the landfill that captures the gas generated within the landfill as required by subdivision C 2 b (1) or (2) of this section within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 9 VAC 5-40-5880 E 1 or E 2. ].~~

(1) An active collection system shall:

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of:

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- (i) Five years or more if active; or
  - (ii) Two years or more if closed or at final grade;
- (c) Collect gas at a sufficient extraction rate;
- (d) Be designed to minimize off-site migration of subsurface gas.

(2) A passive collection system shall:

(a) Comply with the provisions specified in subdivisions C 2 b (1) (a), [ ~~(+)~~ ] (b), and [ ~~(+)~~ ~~(e)~~ ] (d) of this section.

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 9 VAC 20-80-250 B.

c. Route all the collected gas to a control system that complies with the requirements in either subdivision C 2 c (1), (2) or (3) of this section.

(1) An open flare designed and operated in accordance with 40 CFR 60.18;

(2) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to [ less than ] 20 parts per million [ by volume, dry basis ] as hexane [ ~~by volume, dry basis~~ ] at 3.0% oxygen [ ~~or less~~ ]. The reduction efficiency or parts per million by volume shall be established by an initial compliance test [ to be completed no later than 180 days after the initial startup of the approved control system ] using the test methods specified in 9 VAC 5-40-5860 E.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent compliance test. The operating parameters to be monitored are specified in 9 VAC 5-40-5870;

(3) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of subdivision C 2 c (1) or (2) of this section.

d. Operate the collection and control device installed to comply with this article in accordance with the provisions of 9 VAC 5-40-5822, 9 VAC 5-40-5850, and 9 VAC 5-40-5870.

e. The collection and control system may be capped or removed provided that all the conditions of

subdivisions C 2 e (1), (2), and (3) of this section are met:

(1) The landfill shall be [ ~~no longer accepting solid waste and be permanently closed~~ a closed landfill as defined in 9 VAC 5-40-5810 and ] under the requirements of 9 VAC 20-80-250 E. A closure report shall be submitted to the board as provided in 9 VAC 5-40-5880 [ F];

(2) The collection and control system shall have been in operation a minimum of 15 years; and

(3) Following the procedures specified in 9 VAC 5-40-5860 C, the calculated NMOC gas produced by the landfill shall be less than the emission rate applicability criteria in subsection A of this section on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

[ D. When an MSW landfill subject to this article is closed, the owner is no longer subject to the requirement to maintain a federal operating permit for the landfill if the landfill is not otherwise subject to federal operating permit requirements if either of the following conditions are met:

1. The landfill was never subject to the requirement for a control system under 9 VAC 5-40-5820 C 2; or
2. The owner meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e. ]

## **9 VAC 5-40-5822. Operational standards for collection and control systems.**

Each owner of an MSW landfill [ with a ] gas collection and control system used to comply with the provisions of 9 VAC 5-40-5820 C 2 b shall:

A. Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

1. Five years or more if active; or
2. Two years or more if closed or at final grade;

B. Operate the collection system with negative pressure at each wellhead except under the following conditions:

1. A fire or increased well temperature. The owner shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 9 VAC 5-40-5880 H 1;
2. Use of a geomembrane or synthetic cover. The owner shall develop acceptable pressure limits in the design plan;
3. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the board;

C. Operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5.0%. The owner may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

1. The nitrogen level shall be determined using Reference Method 3C in Appendix A of 40 CFR Part 60, unless an alternative [ ~~test~~ ] method is established as allowed by 9 VAC 5-40-5820 C 2 a.
2. Unless an alternative [ ~~test~~ ] method is established as allowed by 9 VAC 5-40-5820 C 2 a, the oxygen shall be determined by an oxygen meter using Reference Method 3A in Appendix A of 40 CFR Part 60 except that:
  - a. The span shall be set so that the regulatory limit is between 20 and 50% of the span;
  - b. A data recorder is not required;
  - c. Only two calibration gases are required, a zero and span, and ambient air may be used as the span;
  - d. A calibration error check is not required;
  - e. The allowable sample bias, zero drift, and calibration drift are  $\pm 10\%$ .

D. Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner shall conduct surface testing around the perimeter of the collection area [ and ] along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

E. Operate the system such that all collected gases are vented to a control system designed and operated in compliance with 9 VAC 5-40-5820 C 2 c. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour; and

F. Operate the control or treatment system at all times when the collected gas is routed to the system.

G. If monitoring demonstrates that the operational requirement in subsections B, C, or D of this section are not met, corrective action shall be taken as specified in 9 VAC 5-40-5850 B 3 through 5 or 9 VAC 5-40-5850 E. If corrective

actions are taken as specified in 9 VAC 5-40-5850, the monitored exceedance is not a violation of the operational requirements in this section.

**9 VAC 5-40-5824. Specifications for active collection systems.**

A. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the board as provided in 9 VAC 5-40-5820 C 2 a (3) and (4):

1. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.
2. The sufficient density of gas collection devices determined in subdivision A 1 of this section shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.
3. The placement of gas collection devices determined in subdivision A 1 of this section shall control all gas producing areas, except as provided by subdivisions A 3 a and A 3 b of this section.
  - a. Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 9 VAC 5-40-5890 F. The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the board upon request.
  - b. Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1.0% of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the board upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2kL_0M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where

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$Q_i$  = NMOC emission rate from the  $i^{\text{th}}$  section, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of the degradable solid waste in the  $i^{\text{th}}$  section, megagram

$t_i$  = age of the solid waste in the  $i^{\text{th}}$  section, years

$C_{\text{NMOC}}$  = concentration of nonmethane organic compounds, parts per million by volume

$3.6 \times 10^{-9}$  = conversion factor

The values for  $k$  [  ~~$L_0$~~  ] and  $C_{\text{NMOC}}$  determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence [ (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero) ]. If field testing has not been performed, the default values for  $k$ ,  $L_0$  and  $C_{\text{NMOC}}$  provided in 9 VAC 5-40-5860 B 1 [ or the alternative values from 9 VAC 5-40-5860 B 5 ] shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in subdivision A 3 a of this section.

B. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a (1) shall construct the gas collection devices using the following equipment or procedures:

1. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous, corrosion-resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.

2. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into

the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

3. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

C. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a (1) shall convey the landfill gas to a control system in compliance with 9 VAC 5-40-5820 C 2 c through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1. For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in subdivision C 2 of this section shall be used.

2. For new collection systems, the maximum flow rate shall be in accordance with 9 VAC 5-40-5850 C 1.

## 9 VAC 5-40-5850. Compliance.

A. The provisions of 9 VAC 5-40-20 (Compliance) apply.

B. Owners subject to 9 VAC 5-40-5820 shall comply with the provisions of Part V (9 VAC 20-80-240 et seq.) of 9 VAC 20 Chapter 80 ( [ ~~Virginia~~ ] Solid Waste Management Regulations) pertaining to the control of landfill gases.

~~C. Owners required to install a gas collection system and control device shall use the following methods to determine whether the gas collection system is in compliance with 9 VAC 5-40-5820 C:~~

~~1. For the purposes of calculating the maximum expected gas generation flowrate from the landfill to determine compliance with 9 VAC 5-40-5820 C 1, the following equation shall be used:~~

$$Q_M = 2L_0R(1 - \exp(-kt))$$

~~where:~~

~~$Q_M$  = maximum expected gas generation flow rate, m<sup>3</sup>/Mg-refuse.~~

~~$L_0$  = refuse methane generation potential, m<sup>3</sup>/Mg refuse.~~

~~$R$  = average annual acceptance rate, Mg/yr.~~

~~$k$  = methane generation rate, 1/yr.~~

~~$t$  = age of the landfill plus the gas mover equipment life or active life of the landfill, whichever is less, in years.~~

A value of 170 m<sup>3</sup>/Mg shall be used for L<sub>0</sub>. If Reference Method 2E has been performed, the value of k determined from the test shall be used; if not, a value of 0.05 years<sup>-1</sup> shall be used. A value of 15 years shall be used for gas mover equipment life. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

2. For the purposes of calculating the area of influence of the gas collection system to determine compliance with 9 VAC 5-40-5820 C 2, the owner should use Reference Method 2E in Appendix A of 40 CFR Part 60.

3. For the purpose of demonstrating whether the gas collection system flowrate is sufficient to determine compliance with 9 VAC 5-40-5820 C 3, the owner shall measure gauge pressure in the gas collection header. If a positive pressure exists, the gas collection system flowrate shall be increased until a negative pressure is measured.

4. If the gauge pressure at a wellhead is positive, the valve shall be opened to restore negative pressure. If negative pressure cannot be achieved, an additional well shall be added.

D. To determine whether the control device designed and operated according to the parameters established in 40 CFR 60.18 (for open flares), or for other control devices the parameters in the performance test to reduce NMOCs by 98 weight percent, is in compliance with 9 VAC 5-40-5820 B, the parameters shall be monitored as provided in 9 VAC 5-40-5870.

C. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the specified methods in subdivisions C 1 through C 6 of this section shall be used to determine whether the gas collection system is in compliance with 9 VAC 5-40-5820 C 2 b.

1. For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 9 VAC 5-40-5820 C 2 b (1) (a), one of the following equations shall be used. The k and L<sub>0</sub> kinetic factors should be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21) or other site-specific values demonstrated to be appropriate and approved by the board. If k has been determined as specified in 9 VAC 5-40-5860 B 4, the value of k determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

a. For sites with unknown year-to-year solid waste acceptance rate:

$$Q_M = 2L_0R (e^{-kc} - e^{-kt})$$

where

Q<sub>M</sub> = maximum expected gas generation flow rate, cubic meters per year

L<sub>0</sub> = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year<sup>-1</sup>

t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

c = time since closure, years (for an active landfill c = 0 and e<sup>-kc</sup> = 1)

b. For sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum_{i=1}^n 2kL_0M_i (e^{-kt_i})$$

where

Q<sub>M</sub> = maximum expected gas generation flow rate, cubic meters per year

k = methane generation rate constant, year<sup>-1</sup>

L<sub>0</sub> = methane generation potential, cubic meters per megagram solid waste

M<sub>i</sub> = mass of solid waste in the i<sup>th</sup> section, megagrams

t<sub>i</sub> = age of the i<sup>th</sup> section, years

c. If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in subdivisions C 1 a and b of this section. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in subdivisions C 1 a or b of this section or other methods acceptable to the board shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

2. For the purposes of determining sufficient density of gas collectors for compliance with 9 VAC 5-40-5820 C 2 b (1) (b), the owner shall design a system of vertical wells, horizontal collectors, or other collection devices, acceptable to the board, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

3. For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 9 VAC 5-40-5820 C 2 b (1) (c), the owner shall measure gauge pressure in the gas

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collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within five calendar days, except for the three conditions allowed under 9 VAC 5-40-5822 B. If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. [ An alternative timeline for correcting the exceedance may be submitted to the board for approval. ]

4. Owners are not required to [ ~~install additional wells~~ expand the system ] as required in subdivision C 3 of this section during the first 180 days after gas collection system startup.

5. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 9 VAC 5-40-5822 [ C ]. If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within five calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. [ An alternative timeline for correcting the exceedance may be submitted to the board for approval. ]

6. An owner seeking to demonstrate compliance with 9 VAC 5-40-5820 C 2 b (1) (d) through the use of a collection system not conforming to the specifications provided in 9 VAC 5-40-5824 shall provide information acceptable to the board as specified in 9 VAC 5-40-5820 C 2 a (3) demonstrating that off-site migration is being controlled.

D. For purposes of compliance with 9 VAC 5-40-5822 A, each owner of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 9 VAC 5-40-5820 C 2 a. Each well shall be installed [ ~~within 60 days of the date~~ in no later than 60 days after the date on ] which the initial solid waste has been in place for a period of:

1. Five years or more if active; or
2. Two years or more if closed or at final grade.

E. The following procedures shall be used for compliance with the surface methane operational standard as provided in 9 VAC 5-40-5822 D.

1. After installation of the collection system, the owner shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a

[ ~~serpentine~~ ] pattern [ ~~spaced 30 meters apart~~ that traverses the landfill at 30-meter intervals ] (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in subsection F of this section.

2. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.

3. Surface emission monitoring shall be performed in accordance with § 4.3.1 of Reference Method 21 of Appendix A of 40 CFR Part 60, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

4. Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in subdivisions E 4 a through e of this section shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 9 VAC 5-40-5822 D.

a. The location of each monitored exceedance shall be marked and the location recorded.

b. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be remonitored within 10 calendar days of detecting the exceedance.

c. If the remonitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the remonitoring shows a third exceedance for the same location, the action specified in subdivision E 4 e of this section shall be taken, and no further monitoring of that location is required until the action specified in subdivision E 4 e of this section has been taken.

d. Any location that initially showed an exceedance but has a methane concentration less than 500 parts per million methane above background at the 10-day remonitoring specified in subdivision E 4 b or c of this section shall be remonitored one month from the initial exceedance. If the one-month remonitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month remonitoring shows an exceedance, the actions specified in subdivision E 4 c or e of this section shall be taken.

e. For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be

installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the board for approval.

5. The owner shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

F. Each owner seeking to comply with the provisions in subsection E of this section shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

1. The portable analyzer shall meet the instrument specifications provided in § 3 of Reference Method 21 of Appendix A of 40 CFR Part 60, except that "methane" shall replace all references to VOC.

2. The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.

3. To meet the performance evaluation requirements in § 3.1.3 of Reference Method 21 of Appendix A of 40 CFR Part 60, the instrument evaluation procedures of § 4.4 of Reference Method 21 of Appendix A of 40 CFR Part 60 shall be used.

4. The calibration procedures provided in § 4.2 of Reference Method 21 of Appendix A of 40 CFR Part 60 shall be followed immediately before commencing a surface monitoring survey.

G. The provisions of this article apply at all times, except during periods of startup, shutdown, or malfunction, provided that the duration of startup, shutdown, or malfunction shall not exceed five days for collection systems and shall not exceed one hour for treatment or control devices.

**[ 9 VAC 5-40-5855. Compliance schedule.**

A. Except as provided for under subsection B of this section, the owner of a municipal solid waste landfill subject to this article with a design capacity greater than or equal to the design capacity applicability criteria in 9 VAC 5-40-5820 A 2 shall plan, award contracts, and install emission collection and control equipment capable of meeting the standards established under 9 VAC 5-40-5820 within specific periods after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed 50 megagrams per year, as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.

2. Construction contracts shall be awarded within 18 months.

3. Construction shall be initiated within 20 months.

4. Construction shall be completed within 28 months.

5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 50 megagrams per year.

B. For each MSW landfill meeting the conditions in 9 VAC 5-40-5820 A 2 whose NMOC rate is less than 50 megagrams per year on April 1, 1999, installation of collection and control systems capable of meeting the standards established under 9 VAC 5-40-5820 shall be accomplished within 30 months of the date when the condition in 9 VAC 5-40-5820 C is met (i.e., the date of the first annual NMOC emission rate which equals or exceeds 50 megagrams per year), as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.

2. Construction contracts shall be awarded within 18 months.

3. Construction shall be initiated within 20 months.

4. Construction shall be completed within 28 months.

5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 50 megagrams per year.

C. Except as provided for under subsection D of this section, the owner of a municipal solid waste landfill subject to this article with a design capacity greater than or equal to the design capacity applicability criteria in 9 VAC 5-40-5820 A 1 shall plan, award contracts, and install emission collection and control equipment capable of meeting the standards established under 9 VAC 5-40-5820 by December 30, 1999, provided the initial NMOC emission rate report shows NMOC emissions equal or exceed 23 megagrams per year.

D. For each MSW landfill meeting the conditions in 9 VAC 5-40-5820 A 1 whose NMOC rate is less than 23 megagrams per year on April 1, 1999, installation of collection and control systems capable of meeting the standards established under 9 VAC 5-40-5820 shall be accomplished within 30 months of the date when the condition in 9 VAC 5-40-5820 C is met (i.e., the date of the first annual NMOC emission rate which equals or exceeds 23 megagrams per year), as follows:

1. The collection and control design plan shall be submitted to the board within 12 months.

2. Construction contracts shall be awarded within 18 months.

3. Construction shall be initiated within 20 months.

4. Construction shall be completed within 28 months.

5. Final compliance shall be achieved within 30 months after the date the initial annual emission rate report shows NMOC emissions greater than or equal to 23 megagrams per year. ]

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## 9 VAC 5-40-5860. Test methods and procedures.

A. The owner shall estimate the NMOC emission rate according to the schedule as provided in 9 VAC 5-40-5890 B using either of the equations provided in subdivision 1 or 2 of this subsection.

1. a. The following equation shall be used if the actual year-to-year acceptance rate is known:

$$Q_T = \sum_{i=1}^n 2kL_0M_i \exp(-kt_i) C_{\text{NMOC}} * 3.595 \times 10^{-9}$$

where:

$Q_T$  = Total NMOC emission rate from the landfill, Mg/yr.

$k$  = landfill gas generation constant, 1/yr.

$L_0$  = methane generation potential,  $m^3$ /Mg.

$t_i$  = age of  $i^{\text{th}}$  section, yrs.

$C_{\text{NMOC}}$  = concentration of NMOC, ppmv.

$3.595 \times 10^{-9}$  = conversion factor.

The NMOC emission rate is the sum of each NMOC emission rate for each yearly mass.

- b. The following equation shall be used if the actual year-by-year refuse acceptance rate is unknown:

$$M_{\text{NMOC}} = 2L_0 R (1 - \exp(-kt)) C_{\text{NMOC}} * 3.595 \times 10^{-9}$$

where:

$M_{\text{NMOC}}$  = Mass emission rate of NMOC, Mg/yr.

$L_0$  = refuse methane generation potential,  $m^3$ /Mg.

$R$  = average annual acceptance rate, Mg/yr.

$k$  = methane generation rate constant, 1/yr.

$t$  = age of landfill, yrs.

$C_{\text{NMOC}}$  = concentration of NMOC, ppmv as hexane.

$3.595 \times 10^{-9}$  = conversion factor.

In the absence of site-specific data, the values to be used for  $k$ ,  $L_0$ , and NMOC concentration are 0.05/yr, 170  $m^3$ /Mg, and 4,000 ppmv as hexane, respectively.

2. The owner shall compare the calculated NMOC mass emission rate to the standard of 25 tpy.

a. If the calculated NMOC emission rate is less than 25 tpy, then the owner shall submit an emission rate report as provided in 9 VAC 5-40-5890 1 and shall recalculate the NMOC mass emission rate annually.

b. If the calculated NMOC emission rate is equal to or greater than 25 tpy, then the owner shall either install controls in compliance with 9 VAC 5-40-5820 B or determine a site-specific NMOC concentration using

the procedures provided below in subdivision 3 of this subsection.

3. The owner shall estimate the NMOC mass emission rate using the following sampling procedure. The owner shall install a minimum of five sample probes. The owner shall collect and analyze at least one sample of landfill gas from each probe for NMOC concentration using Reference Method 25C in Appendix A of 40 CFR Part 60. The owner shall recalculate the NMOC mass emission rate using the average NMOC concentration from the collected samples instead of the default value in the equation provided in subsection A of this section.

a. If the resulting mass emission rate is equal to or greater than 25 tpy, then the owner shall install controls in compliance with 9 VAC 5-40-5820, or determine the site-specific gas generation rate constant using the procedure provided below in subdivision 4 of this subsection.

b. If the resulting NMOC mass emission rate is less than 25 tpy, then the owner shall demonstrate that the NMOC mass emission rate is below the level of the standard with 80% confidence.

(1) The owner shall use the following equation to determine the number of samples required to show 80% confidence:

$$n = \frac{(t_{.20})^2 s^2}{D^2}$$

where:

$n$  = number of samples required to demonstrate 80% confidence.

$t_{.20}$  = Student's t value for a two-tailed confidence interval and a probability of .20.

$s$  = standard deviation of the initial set of samples, ppmv.

$D$  = difference between resulting NMOC mass emission rate as determined in 9 VAC 5-40-5860 A 3 b and the regulatory emissions limit of 25 tons per year.

The owner shall install the required number of probes or 50 probes, whichever is less. At least one sample of landfill gas from each probe must be collected and analyzed using Reference Method 25-C in Appendix A of 40 CFR Part 60.

(2) The owner shall recalculate the NMOC mass emission rate using the new average NMOC concentration in the formula provided in subsection A of this section.

c. The owner shall compare the NMOC mass emission rate obtained above in subdivision 3 b (2) of this subsection to the standard of 25 tpy.

(1) If the NMOC mass emission rate is equal to or greater than 25 tpy, then the owner shall install

controls in compliance with 9 VAC 5-40-5820 B, or proceed to subdivision 4 of this subsection.

(2) If the NMOC emission rate is less than 25 tpy, the owner shall submit an annual or a five-year estimate of the emission rate report as provided in 9 VAC 5-40-5880 B 1 b and shall update the site-specific NMOC concentration using the procedures provided in 9 VAC 5-40-5870 A 3 every five or 10 years. If the average NMOC mass emission rate plus two standard deviations is less than 25 tpy, the owner shall update the site-specific NMOC concentration every 10 years. If the average NMOC mass emission rate plus two standard deviations is greater than 25 tpy, then the owner shall update the site-specific NMOC concentration every five years.

4. The owner shall estimate the NMOC mass emission rate using a site-specific landfill gas generation rate constant,  $k$ . The site-specific landfill gas generation rate constant and the resulting NMOC mass emission rate shall be determined using the procedures provided in Reference Method 2E in Appendix A of 40 CFR Part 60. The owner shall compare the resulting NMOC mass emission rate to the standard of 25 tpy.

a. If the NMOC mass emission rate is equal to or greater than 25 tpy, then the owner shall install controls in compliance with 9 VAC 5-40-5820 B.

b. If the NMOC mass emission rate is less than 25 tpy, then the owner shall submit an annual emission rate report as provided in 9 VAC 5-40-5880 B and shall recalculate the NMOC mass emission rate annually, using the site-specific landfill gas generation rate constant and NMOC concentration obtained in subdivision 2 of this subsection. The calculation of the landfill gas generation rate constant is performed only once, and the value obtained is used in all subsequent annual NMOC emission rate calculations.

B. After the installation of a collection and control system in compliance with 9 VAC 5-40-5820, the owner shall estimate the NMOC emission rate using the equation below.

$$M_{NMOC} = 1.89 \times 10^{-3} Q_{LFG} C_{NMOC}$$

where:

$M_{NMOC}$  = mass emission rate of NMOC, Mg/yr.

$Q_{LFG}$  = flowrate of landfill gas,  $m^3/\text{min}$ .

$C_{NMOC}$  = NMOC concentration, ppmv.

1. The flowrate of landfill gas,  $Q_{LFG}$ , shall be obtained by measuring the total landfill gas flowrate at the common header pipe that leads to the control device using an orifice meter as described in Reference Method 2E in Appendix A of 40 CFR Part 60.

2. The average NMOC concentration,  $C_{NMOC}$ , shall be determined by collecting and analyzing landfill gas

sampled from the common header pipe using Reference Method 25C in Appendix A of 40 CFR Part 60.

A. The provisions of 9 VAC 5-40-30 (Emission Testing) apply.

B. 1. The owner shall calculate the NMOC emission rate using either the equation provided in subdivision B 1 a of this section or the equation provided in subdivision B 1 b of this section. [ Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in subdivision B 1 a of this section, for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in subdivision B 1 b of this section, for part of the life of the landfill. ] The values to be used in both equations are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_0$ , and 4,000 parts per million by volume as hexane for the  $C_{NMOC}$ . [ For landfills located in geographical areas with a 30-year average annual precipitation of less than 25 inches, as measured at the nearest representative official meteorological site, the  $k$  value to be used is 0.02 per year. ]

a. The following equation shall be used if the actual year-to-year solid waste acceptance rate is known.

$$M_{NMOC} = \sum_{i=1}^n 2kL_0M_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where

$M_{NMOC}$  = Total NMOC emission rate from the landfill, megagrams per year

$k$  = methane generation rate constant,  $\text{year}^{-1}$

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section, years

$C_{NMOC}$  = concentration of NMOC, parts per million by volume as hexane

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for  $M_i$  if [ the ] documentation [ provisions of 9 VAC 5-40-5890 F 2 are followed of the nature and amounts of such wastes is obtained ].

b. The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown.

$$M_{NMOC} = 2L_0R(e^{-kC} - e^{-kt})(C_{NMOC})(3.6 \times 10^{-9})$$

where

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$M_{\text{NMOC}}$  = mass emission rate of NMOC, megagrams per year

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$R$  = average annual acceptance rate, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$t$  = age of landfill, years

$C_{\text{NMOC}}$  = concentration of NMOC, parts per million by volume as hexane

$c$  = time since closure, years. For active landfill  $c = 0$  and  $e^{-kc} = 1$

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for  $R$ , if [ ~~the~~ ] documentation [ ~~provisions of 9 VAC 5-40-5890 F 2 are followed~~ ] of the nature and amounts of such waste is maintained [ ].

2. Tier 1. The owner shall compare the calculated NMOC mass emission rate to the emission rate applicability criteria in 9 VAC 5-40-5820 A.

a. If the NMOC emission rate calculated in subdivision B 1 of this section is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, then the owner shall submit an emission rate report as provided in 9 VAC 5-40-5880 D 1, and shall recalculate the NMOC mass emission rate annually as required under 9 VAC 5-40-5820 C 1.

b. If the calculated NMOC emission rate meets the emission rate applicability criteria in 9 VAC 5-40-5820 A, then the owner shall either comply with 9 VAC 5-40-5820 C 2, or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in subdivision B 3 of this section.

3. Tier 2. The owner shall determine the NMOC concentration using the following sampling procedure. The owner shall install at least two sample probes per hectare of landfill surface that has retained waste for at least two years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Reference Method 25C of Appendix A of 40 CFR Part 60 or Reference Method 18 of Appendix A of 40 CFR Part 60. If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-

21). If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The owner shall divide the NMOC concentration from Reference Method 25C of Appendix A of 40 CFR Part 60 by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

a. The owner shall recalculate the NMOC mass emission rate using the equations provided in subdivision B 1 a or B 1 b of this section and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in subdivision B 1 of this section.

b. If the resulting mass emission rate calculated using the site-specific NMOC concentration meets the emission rate applicability criteria in 9 VAC 5-40-5820 A, then the owner shall either comply with 9 VAC 5-40-5820 C 2, or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in subdivision B 4 of this section.

c. If the resulting NMOC mass emission rate is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, the owner shall submit a periodic estimate of the emission rate report as provided in 9 VAC 5-40-5880 D 1 and retest the site-specific NMOC concentration every five years using the methods specified in this section.

4. Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Reference Method 2E of Appendix A of 40 CFR Part 60. The owner shall estimate the NMOC mass emission rate using equations in subdivision B 1 a or B 1 b of this section and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in subdivision B 3 of this section instead of the default values provided in subdivision B 1 of this section. The owner shall compare the resulting NMOC mass emission rate to the emission rate applicability criteria in 9 VAC 5-40-5820 A.

a. If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC [ ~~meets~~ is greater than or equal to ] the emission rate applicability criteria in 9 VAC 5-40-5820 A, the owner shall comply with 9 VAC 5-40-5820 C 2.

b. If the NMOC mass emission rate is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, then the owner shall submit a periodic emission rate report as provided in 9 VAC 5-40-5880 D 1 and shall recalculate the NMOC mass emission rate annually, as provided in 9 VAC 5-40-5880 D 1 using the equations in subdivision B 1 of this section and using the site-specific methane generation rate constant and NMOC concentration obtained in subdivision B 3 of

this section. The calculation of the methane generation rate constant is performed only once, and the value obtained [ is from this test shall be ] used in all subsequent annual NMOC emission rate calculations.

5. The owner may use other methods to determine the NMOC concentration or a site-specific  $k$  as an alternative [ ~~to the methods method~~ ] required in subdivisions B 3 and B 4 of this section if the method has been approved by the board [ ~~as provided in 9 VAC 5-40-5820 C 2 a (2)~~ ].

C. After the installation of a collection and control system in compliance with 9 VAC 5-40-5850, the owner shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 9 VAC 5-40-5820 C 2 e, using the following equation:

$$M_{NMOC} = 1.89 \times 10^{-3} Q_{LFG} C_{NMOC}$$

where

$M_{NMOC}$  = mass emission rate of NMOC, megagrams per year

$Q_{LFG}$  = flow rate of landfill gas, cubic meters per minute

$C_{NMOC}$  = NMOC concentration, parts per million by volume as hexane

1. The flow rate of landfill gas,  $Q_{LFG}$ , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of § 4 of Reference Method 2E of Appendix A of 40 CFR Part 60.

2. The average NMOC concentration,  $C_{NMOC}$ , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Reference Method 25C or Reference Method 18 of Appendix A of 40 CFR Part 60. If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The owner shall divide the NMOC concentration from Reference Method 25C of Appendix A of 40 CFR Part 60 by six to convert from  $C_{NMOC}$  as carbon to  $C_{NMOC}$  as hexane.

3. The owner may use [ ~~another an alternative~~ ] method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the board [ ~~as provided in 9 VAC 5-40-5820 C 2 a (2)~~ ].

D. [ When calculating emissions for prevention of significant deterioration purposes, ] the owner of each MSW landfill subject to the provisions of this article shall estimate

the NMOC emission rate for comparison to the prevention of significant deterioration major source and significance levels in Article 8 (9 VAC 5-80-1700 et seq.) of 9 VAC 5 Chapter 80 using the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21) or other measurement procedures acceptable to the board. If a collection system, which complies with the provisions in 9 VAC 5-40-5820 C 2 is already installed, the owner shall estimate the NMOC emission rate using the procedures provided in subsection C of this section.

E. For the compliance test required in 9 VAC 5-40-5820 C 2 c (2), Reference Method 25 or Reference Method 18 of Appendix A of 40 CFR Part 60 shall be used to determine compliance with 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless [ ~~another an alternative~~ ] method to demonstrate compliance has been approved by the board as provided by 9 VAC 5-40-5820 C 2 a (2). If using Reference Method 18 of Appendix A of 40 CFR Part 60, the minimum list of compounds to be tested shall be those published in the "Compilation of Air Pollutant Emission Factors (AP-42)" (see 9 VAC 5-20-21). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (NMOC_{in} - NMOC_{out}) / (NMOC_{in})$$

where

$NMOC_{in}$  = mass of NMOC entering control device

$NMOC_{out}$  = mass of NMOC exiting control device

**9 VAC 5-40-5870. Monitoring.**

A. The provisions of 9 VAC 5-40-40 (Monitoring) apply.

~~B. Each owner seeking to comply with 9 VAC 5-40-5820 C for the gas collection system shall install a sampling port at each well and measure the gauge pressure in the gas collection header on a monthly basis.~~

~~C. Each owner seeking to comply with 9 VAC 5-40-5820 B using an enclosed combustion device shall monitor the residence time and temperature established during the initial performance test to reduce NMOCs by 98%. Each owner shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:~~

~~1. A temperature monitoring device equipped with a continuous recorder and having an accuracy of  $\pm 1.0\%$  of the temperature being measured, expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater.~~

~~2. A flow indicator that provides a record of gas flow to the control device at intervals of every 15 minutes.~~

~~D. Each owner seeking to comply with 9 VAC 5-40-5820 B using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:~~

~~1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, to indicate the continuous presence of a flame.~~

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~~2. A flow indicator that provides a record of gas flow to the flare at intervals of every 15 minutes.~~

~~E. Each owner seeking to demonstrate compliance with 9 VAC 5-40-5820-B using a device other than an open flare or a closed combustion device shall provide to the board information describing the operation of the control device and the operating parameters that would indicate proper performance. The board will specify appropriate monitoring procedures.~~

~~B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through H of this section apply.~~

~~C. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 b (1) for an active gas collection system shall install a sampling port and a thermometer [  $\varnothing$  , ] other temperature measuring device [ , or an access port for temperature measurements ] at each wellhead and:~~

- ~~1. Measure the gauge pressure in the gas collection header on a monthly basis as provided in 9 VAC 5-40-5850 C 3; and~~
- ~~2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 9 VAC 5-40-5850 C 5; and~~
- ~~3. Monitor temperature of the landfill gas on a monthly basis as provided in 9 VAC 5-40-5850 C 5.~~

~~D. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 c using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.~~

~~1. A temperature monitoring device equipped with a continuous recorder and having [ ~~an~~ a minimum ] accuracy of  $\pm 1.0$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity greater than 44 megawatts.~~

~~2. A [ ~~gas flow rate measuring~~ ] device that [ ~~provides a measurement of gas records~~ ] flow to or bypass of the control device. The owner shall either:~~

- ~~a. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or~~
- ~~b. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.~~

~~E. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 c using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:~~

~~1. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.~~

~~2. A device that records flow to or bypass of the flare. The owner shall either:~~

- ~~a. Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or~~
- ~~b. Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.~~

~~F. Each owner seeking to demonstrate compliance with 9 VAC 5-40-5820 C 2 c using a device other than an open flare or an enclosed combustor shall provide information acceptable to the board as provided in 9 VAC 5-40-5820 C 2 a (2) describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The board shall review the information and either approve it, or request that additional information be submitted. The board may specify additional appropriate monitoring procedures.~~

~~G. Each owner seeking to install a collection system that does not meet the specifications in 9 VAC 5-40-5824 or seeking to monitor alternative parameters to those required by 9 VAC 5-40-5822, 9 VAC 5-40-5850, 9 VAC 5-40-5860, and 9 VAC 5-40-5870 shall provide information acceptable to the board as provided in 9 VAC 5-40-5820 C 2 a (2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The board may specify additional appropriate monitoring procedures.~~

~~H. Each owner seeking to demonstrate compliance with 9 VAC 5-40-5850 E, shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 9 VAC 5-40-5850 F. Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 parts per million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.~~

## **9 VAC 5-40-5880. Reporting.**

~~A. The provisions of 9 VAC 5-40-5840 (Notification, records and reporting) apply.~~

~~B. Each owner shall submit an initial design capacity report to the board within 90 days of April 1, 1996.~~

~~1. The initial design capacity report shall contain the following information:~~

a. ~~A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where refuse may be landfilled according to the provisions of the permit issued in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations);~~

b. ~~The maximum design capacity of the landfill, where the maximum design capacity is specified in the permit issued pursuant to Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations);. A copy of the permit specifying the maximum design capacity may be submitted. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity must be calculated using good engineering principles. The calculations must be provided, along with such parameters as depth of refuse, refuse acceptance rate, and compaction practices. The board may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.~~

2. ~~An amended design capacity report must be submitted to the board, providing notification of any increase in the size of the landfill, whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in an increase in the maximum design capacity of the landfill. The amended design capacity report must be submitted within 90 days of the issuance of an amended construction or operating permit, or the actual use of additional land, or the change in operating procedures which will result in an increase in maximum design capacity, whichever comes first.~~

C. ~~Each owner shall submit an annual NMOC emission rate report to the board, except as provided for below in subdivision C 1 b of this section. The board may request such additional information as may be reasonably necessary to verify the reported NMOC emission rate.~~

1. ~~The annual, or five-year estimate of the NMOC emission rate shall be calculated using the formula and procedures provided in 9 VAC 5-40-5860.~~

a. ~~The initial NMOC emission rate report shall be submitted within 90 days of the date waste acceptance commences and may be combined with the initial design capacity report required in subsection B of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for below in subdivisions 1 b and 1 c of this subsection.~~

b. ~~The owner may elect to submit an estimate of the NMOC emission rate for the next five years in lieu of the annual report, provided that the estimated NMOC emission rate in each of the five years is less than 25 tpy. This estimate must include the current amount of refuse in place and the estimated waste acceptance rate for each of the five years for which an NMOC~~

~~emission rate is estimated. All data and calculations upon which this estimate is based must be provided. This estimate must be revised at least every five years.~~

e. ~~If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five-year estimate, a revised five-year estimate must be submitted. The revised estimate shall cover the five years beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.~~

2. ~~The annual, or five-year estimate of the NMOC emission rate report shall include all the data, calculations, sample reports, and measurements used.~~

3. ~~Each owner is exempted from the requirements of subsection C of this section after the installation of collection and control systems in compliance with 9 VAC 5-40-5820 during such time as the collection and control system is in continuous operation and in compliance with 9 VAC 5-40-5850.~~

D. ~~Each owner shall submit a closure report to the board. For the purposes of this article, closure means that refuse is no longer being placed in the landfill and that no additional wastes will be placed into the landfill without filing a notification or modification as prescribed under 40 CFR 60.14. The board may request such additional information as may be reasonably necessary to verify that permanent closure has taken place.~~

E. ~~Each owner shall submit an equipment removal report to the board prior to removal or cessation of operation of the control equipment.~~

1. ~~The equipment removal report shall contain the following items:~~

a. ~~A copy of the closure report submitted in accordance with subsection D of this section;~~

b. ~~A copy of the initial performance test report demonstrating the 15-year minimum control period has expired;~~

e. ~~Dated copies of the three successive NMOC emission rate reports demonstrating that the landfill is no longer emitting above the level of the standard.~~

2. ~~The board may request such additional information as may be reasonably necessary to verify that all of the following conditions for removal have been met:~~

a. ~~The landfill must no longer be accepting waste and must be permanently closed. A closure report must be submitted to the board as provided for in 9 VAC 5-40-5880 D;~~

b. ~~The collection and control system must have been in continuous operation a minimum of 15 years; and~~

e. ~~Following the procedures in 9 VAC 5-40-5860 B, the calculated NMOC emission rate must be less than 25 tpy on three successive test dates. The test dates~~

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must be no closer than three months apart, and no longer than six months apart.

~~F. Each owner shall submit to the board semiannual reports of the following recorded information. The initial report shall be submitted within 90 days of installation and startup of the collection and control system and shall include the initial performance test report required under 40 CFR 60.8.~~

- ~~1. Exceedance of parameters monitored under 9 VAC 5-40-5870 B and C 1.~~
- ~~2. All periods when the gas stream is diverted from the control device or has no flowrate.~~
- ~~3. All periods when the control device was not operating.~~
- ~~4. For control devices using open or enclosed flares, all periods when the pilot flame of the flare was absent.~~

*B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through I of this section apply.*

*C. Each owner subject to the requirements of this article shall submit an initial design capacity report to the board.*

- 1. The initial design capacity report shall be submitted no later than (90 days after the effective date of this article).*
- 2. The initial design capacity report shall contain the following information:*
  - a. A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the [ provisions of a ] permit issued under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 ([ Virginia ] Solid Waste Management Regulations);*
  - b. The maximum design capacity of the landfill. Where the maximum design capacity is specified in a permit issued under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 ([ Virginia ] Solid Waste Management Regulations), a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices acceptable to the board. The calculations shall be provided, along with [ such the relevant ] parameters [ as depth of solid waste, solid waste acceptance rate, and compaction practices ] as part of the report. The board may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.*
- 3. An amended design capacity report shall be submitted to the board providing notification of [ any an ] increase in the design capacity of the landfill [ , whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating*

~~procedures, or any other means which results in an increase in the maximum design capacity of the landfill that meets within 90 days of an increase in the maximum design capacity of the landfill to or above ] the design capacity applicability criteria in 9 VAC 5-40-5820 A. [ The amended design capacity report shall be submitted within 90 days of the issuance of an amended permit issued under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Virginia Solid Waste Management Regulations), or the placement of waste in additional land, or the change in operating procedures which will result in an increase in maximum design capacity, whichever occurs first. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 9 VAC 5-40-5890 H. ]~~

*D. Each owner subject to the requirements of this article shall submit an NMOC emission rate report to the board initially and annually thereafter, except as provided for in subdivisions D 1 b or D 3 of this section. The board may request such additional information as may be necessary to verify the reported NMOC emission rate.*

- 1. The NMOC emission rate report shall contain an annual or five-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 9 VAC 5-40-5860 B or C, as applicable.*
  - a. The initial NMOC emission rate report shall be submitted by (90 days after the effective date of this article) and may be combined with the initial design capacity report required in subsection C of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in subdivisions D 1 b and D 3 of this section.*
  - b. If the estimated NMOC emission rate as reported in the annual report to the board is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, in each of the next five consecutive years, the owner may elect to submit an estimate of the NMOC emission rate for the next five-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the five years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the board. This estimate shall be revised at least once every five years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five-year estimate, a revised five-year estimate shall be submitted to the board. The revised estimate shall cover the five-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.*

2. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or five-year emissions.

3. Each owner subject to the requirements of this article is exempted from the requirements of subdivisions D 1 and 2 of this section, after the installation of a collection and control system in compliance with 9 VAC 5-40-5820 C 2, during such time as the collection and control system is in operation and in compliance with 9 VAC 5-40-5822 and 9 VAC 5-40-5850.

E. Each owner subject to the provisions of 9 VAC 5-40-5820 C 2 a shall submit a collection and control system design plan to the board within one year of the first report, required under subdivision D of this section, in which the emission rate exceeds the emission rate applicability criteria in 9 VAC 5-40-5820 A, except as follows:

1. If the owner elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 9 VAC 5-40-5860 B 3 and the resulting rate is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate [ ~~meets~~ is greater than or equal to ] the emission rate applicability criteria in 9 VAC 5-40-5820 A or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of the emission rate applicability criteria in 9 VAC 5-40-5820 A.

2. If the owner elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in 9 VAC 5-40-5860 B 4, and the resulting NMOC emission rate is less than the emission rate applicability criteria in 9 VAC 5-40-5820 A, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 9 VAC 5-40-5860 B 4 and the resulting site-specific methane generation rate constant (k) shall be submitted to the board within one year of the first calculated emission rate exceeding the emission rate applicability criteria in 9 VAC 5-40-5820 A.

F. Each owner of a controlled landfill shall submit a closure report to the board within 30 days of waste acceptance cessation. The board may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the board, no additional wastes may be placed into the landfill without obtaining a permit under Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 ( [ Virginia ] Solid Waste Management Regulations).

G. Each owner of a controlled landfill shall submit an equipment removal report to the board 30 days prior to removal or cessation of operation of the control equipment.

1. The equipment removal report shall contain all of the following items:

a. A copy of the closure report submitted in accordance with subsection F of this section;

b. A copy of the initial compliance test report demonstrating that the 15-year minimum control period has expired; and

c. Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer meeting the emission rate applicability criteria in 9 VAC 5-40-5820 A.

2. The board may request such additional information as may be necessary to verify that all of the conditions for removal in 9 VAC 5-40-5820 C 2 e have been met.

H. Each owner of a landfill seeking to comply with 9 VAC 5-40-5820 C 2 using an active collection system designed in accordance with 9 VAC 5-40-5820 C 2 b shall submit to the board annual reports of the recorded information in subdivisions H 1 through H 6 of this section. The initial annual report shall be submitted within 180 days of installation and startup of the collection and control system, and shall include the initial compliance test report. For enclosed combustion devices and flares, reportable exceedances are defined under 9 VAC 5-40-5890 E.

1. Value and length of time for exceedance of applicable parameters monitored under 9 VAC 5-40-5870 C, D, E, and F.

2. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 9 VAC 5-40-5870.

3. Description and duration of all periods when the control device was not operating for a period exceeding one hour and length of time the control device was not operating.

4. All periods when the collection system was not operating in excess of five days.

5. The location of each exceedance of the 500 parts per million methane concentration as provided in 9 VAC 5-40-5822 D and the concentration recorded at each location for which an exceedance was recorded in the previous month.

6. The date of installation and the location of each well or collection system expansion added pursuant to subdivisions C 3, D, and E 4 of 9 VAC 5-40-5850.

I. Each owner seeking to comply with 9 VAC 5-40-5820 C 2 a shall include the following information with the initial compliance test report:

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1. A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
2. The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
3. The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
4. The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
5. The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
6. The provisions for the control of off-site migration.

## 9 VAC 5-40-5890. Recordkeeping.

A. The provisions of 9 VAC 5-40-50 (Notification, records and reporting) apply.

~~B. Each owner subject to the provisions of 9 VAC 5-40-5820 A 2 shall keep up-to-date, readily accessible records of the maximum design capacity, the current amount of refuse in place, and the year-by-year waste acceptance rate.~~

~~C. Each owner shall keep up-to-date, readily accessible records of the following data measured during the initial performance test/compliance determination for the life of the control equipment. Records of subsequent tests must be maintained for a minimum of two years:~~

1. ~~Where an owner seeks to demonstrate compliance with 9 VAC 5-40-5820 B:~~
  - a. ~~The calculated maximum expected gas generation flow rate using Reference Method 2E in Appendix A of 40 CFR Part 60.~~
  - b. ~~The calculated area of influence of the extraction wells.~~
  - c. ~~Gauge pressure in the gas collection header at the point where each well is connected to the gas collection header pipe.~~
2. ~~Where an owner seeks to demonstrate compliance with 9 VAC 5-40-5820 B 2 through use of an enclosed combustion device:~~

- a. ~~The average combustion temperature measured every 15 minutes and averaged over the same time period of the performance testing; and~~
  - b. ~~The percent reduction of NMOC determined as specified in 9 VAC 5-40-5850 B achieved by the control device.~~
3. ~~Where an owner seeks to demonstrate compliance with 9 VAC 5-40-5820 B 3 through use of a boiler:~~
    - a. ~~A description of the location at which the process vent stream is introduced into the boiler or process heater; and~~
    - b. ~~The average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 MW (150 million Btu/hr) measured at least every 15 minutes and averaged over the same time period of the performance testing.~~
  4. ~~Where an owner seeks to demonstrate compliance with 9 VAC 5-40-5820 B 1 through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flowrate measurements, and exit velocity determinations made during the performance test continuous records of the flare pilot flame monitoring, and records of all periods of operations during which the pilot flame is absent.~~

~~D. Each owner shall keep up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored under 9 VAC 5-40-5870, as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.~~

1. ~~For enclosed combustion devices except for boilers and process heaters with design heat input capacity of 150 million Btu/hour (44 MW) or greater and nonenclosed flares, all three-hour periods of operation during which the average combustion temperature was more than 50° F (28°C) below the average combustion temperature during the most recent performance test at which compliance with 9 VAC 5-40-5820 B was determined.~~
2. ~~For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under subsection C 3 a of this section.~~
3. ~~Each owner shall keep up-to-date, readily accessible continuous records of the indication of flow specified under 9 VAC 5-40-5870, as well as up-to-date, readily accessible records of all periods when the gas stream is diverted from the control device or has no flowrate.~~
4. ~~Each owner who uses a boiler or process heater with a design heat input capacity of 150 million Btu/hour (44 MW) or greater to comply with 9 VAC 5-40-5820 B shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. Such records shall include but not be limited to records~~

~~of steam use, fuel use, or monitoring data collected pursuant to other state or federal regulatory requirements.~~

~~5. Each owner shall keep up-to-date, readily accessible continuous records of the flare pilot flame monitoring specified under 9 VAC 5-40-5870 D 1, as well as up-to-date, readily accessible records of all periods of operation in which the pilot flame is absent.~~

*B. Except as provided in 9 VAC 5-40-5820 C 2 a (2), the provisions of subsections C through G of this section apply.*

*C. Each owner of an MSW landfill subject to the provisions of 9 VAC 5-40-5820 C shall keep for at least five years up-to-date, readily accessible, on-site records of the [ maximum ] design capacity [ report which triggered 9 VAC 5-40-5820 C ], the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable.*

*D. Each owner of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in subdivisions D 1 through D 4 of this section as measured during the initial compliance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal.*

*1. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 b:*

*a. The maximum expected gas generation flow rate as calculated in 9 VAC 5-40-5850 C 1. The owner may use [ ~~another~~ an alternative ] method to determine the maximum gas generation flow rate, if the method has been approved by the board.*

*b. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 9 VAC 5-40-5824 A 1.*

*2. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than 44 megawatts:*

*a. The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the compliance test.*

*b. The percent reduction of NMOC determined as specified in 9 VAC 5-40-5820 C 2 c (2) achieved by the control device.*

*3. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c (2) (a) through use of a boiler or process*

*heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the compliance testing.*

*4. Where an owner subject to the provisions of this article seeks to demonstrate compliance with 9 VAC 5-40-5820 C 2 c (1) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the compliance test; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.*

*E. Each owner of a controlled landfill subject to the provisions of this article shall keep for five years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 9 VAC 5-40-5870 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent compliance test are exceeded.*

*1. The following constitute exceedances that shall be recorded and reported under 9 VAC 5-40-5880 H:*

*a. For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal units per hour) or greater, all three-hour periods of operation during which the average combustion temperature was more than 28°C below the average combustion temperature during the most recent compliance test at which compliance with 9 VAC 5-40-5820 C 2 c was determined.*

*b. For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under subdivision D 3 a of this section.*

*2. Each owner subject to the provisions of this article shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 9 VAC 5-40-5870.*

*3. Each owner subject to the provisions of this article who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 9 VAC 5-40-5820 C 2 c shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state or federal regulatory requirements.)*

*4. Each owner seeking to comply with the provisions of this article by use of an open flare shall keep up-to-date,*

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readily accessible continuous records of the flame or flare pilot flame monitoring specified under 9 VAC 5-40-5870 E, and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

F. Each owner subject to the provisions of this article shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1. Each owner subject to the provisions of this article shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 9 VAC 5-40-5850 D.

2. Each owner subject to the provisions of this article shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 9 VAC 5-40-5824 A 3 a as well as any nonproductive areas excluded from collection as provided in 9 VAC 5-40-5824 A 3 b.

G. Each owner subject to the provisions of this article shall keep for at least five years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 9 VAC 5-40-5822, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

[ H. Landfill owners who convert design capacity from volume to mass or from mass to volume to demonstrate that the landfill design capacity is less than the design capacity applicability criteria in 9 VAC 5-40-5820 A, as provided in the definition of design capacity, shall keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be obtained if they are retrievable within four hours. Either paper copy or electronic formats are acceptable. ]

## 9 VAC 5-40-5920. Permits.

A. A permit may be required prior to beginning any of the activities specified below and if the provisions of 9 VAC 5 Chapter 50 (90 VAC 5-50-10 et seq.) and 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.) may 60 (9 VAC 5-60-10 et seq.) apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.

6. Operation of a facility.

B. Sanitary MSW landfills required to install a gas management system according to the provisions of 9 VAC 5-40-5820 shall apply for a permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).

C. Physical or operational changes made to an MSW landfill solely to comply with this article are not considered construction, reconstruction, or modification for the purposes of 40 CFR 60 subpart WWW.

D. The owner of an MSW landfill subject to this article with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters is subject to Article 1 (9 VAC 5-80-50 et seq.) of 9 VAC 5 Chapter 80. When a landfill is closed, and either never needed control or meets the conditions for control system removal specified in 9 VAC 5-40-5820 C 2 e, an operating permit under Article 1 (9 VAC 5-80-50 et seq.) of 9 VAC 5 Chapter 80 is no longer required.

E. A landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters does not require an operating permit under Article 1 (9 VAC 5-80-50 et seq.) of 9 VAC 5 Chapter 80.

## [ ~~9 VAC 5-40-5930. Review and evaluation of this article.~~

~~A. Prior to (three years after the effective date of this article), the department shall perform an analysis of this article and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the article, (ii) alternatives which would achieve the stated purpose of this article in a less burdensome and less intrusive manner, (iii) an assessment of the effectiveness of this article, (iv) the results of a review of current state and federal statutory and regulatory requirements, including 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 of 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. ]~~

## [ 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 (1997) (1998) in effect July 1, 1997 1998. 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 5-50-410. Designated standards of performance.

### Subpart A - General Provisions.

40 CFR 60.1, 40 CFR 60.2, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.13 through 40 CFR 60.15, 40 CFR 60.18

(applicability, definitions, notification and record keeping, performance tests, compliance, monitoring requirements, modification, reconstruction, and general control device requirements)

Subpart B - Not applicable.

Subpart C - Not applicable.

Subpart D - Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46  
(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate, and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da - Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a  
(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40b through 40 CFR 60.49b  
(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40c through 60.48c  
(industrial-commercial-institutional steam generating units which have a heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour)

Subpart E - Incinerators.

40 CFR 60.50 through 40 CFR 60.54  
(incinerator units of more than 50 tons per day charging rate)

Subpart Ea - Municipal Waste Combustors.

40 CFR 60.50a through 60.59a

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart F - Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64  
(kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G - Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74  
(nitric acid production units)

Subpart H - Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85  
(sulfuric acid production units)

Subpart I - Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93  
(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems)

Subpart J - Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106  
(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and Prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113  
(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka - Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

40 CFR 60.110a through 40 CFR 60.115a  
(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b  
(storage vessels with capacity greater than or equal to 10,566 gallons)

Subpart L - Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123  
(pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M - Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133

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(reverberatory and electric furnaces of 2205 pound or greater production capacity and blast (cupola) furnaces of 550 pounds per hour or greater production capacity)

Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced after June 11, 1973.

40 CFR 60.140 through 40 CFR 60.144  
(basic oxygen process furnaces)

Subpart Na - Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced after January 20, 1983.

40 CFR 60.140a through 40 CFR 60.145a  
(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs)

Subpart O - Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154  
(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2205 pounds per day municipal sewage sludge (dry basis))

Subpart P - Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166  
(dryers, roasters, smelting furnaces, and copper converters)

Subpart Q - Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176  
(roasters and sintering machines)

Subpart R - Primary Lead Smelters.

40 CFR 60.180 through 40 CFR 60.186  
(sintering machines, sintering machine discharge ends, blast furnaces, dross reverberatory furnaces, electric smelting furnaces and converters)

Subpart S - Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195  
(potroom groups and anode bake plants)

Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204  
(reactors, filters, evaporators, and hot wells)

Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214  
(evaporators, hot wells, acid sumps, and cooling tanks)

Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224  
(reactors, granulators, dryers, coolers, screens, and mills)

Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate)

Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244  
(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y - Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254  
(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems)

Subpart Z - Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266  
(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome, charge chrome, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA - Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276  
(electric arc furnaces and dust-handling systems that produce carbon, alloy or specialty steels)

Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a  
(electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems that produce carbon, alloy, or specialty steels)

Subpart BB - Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285  
(digester systems, brown stock washer systems, multiple effect evaporator systems, black liquor oxidation systems, recovery furnaces, smelt dissolving tanks, lime kilns, condensate strippers and kraft pulping operations)

Subpart CC - Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296  
(glass melting furnaces)

Subpart DD - Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304  
(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers, and all grain handling operations)

- Subpart EE - Surface Coating of Metal Furniture.  
40 CFR 60.310 through 40 CFR 60.316  
(metal furniture surface coating operations in which organic coatings are applied)
- Subpart FF - (Reserved)
- Subpart GG - Stationary Gas Turbines.  
40 CFR 60.330 through 40 CFR 60.335  
(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)
- Subpart HH - Lime Manufacturing Plants.  
40 CFR 60.340 through 40 CFR 60.344  
(each rotary lime kiln)
- Subparts II through JJ - (Reserved)
- Subpart KK - Lead-Acid Battery Manufacturing Plants.  
40 CFR 60.370 through 40 CFR 60.374  
(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)
- Subpart LL - Metallic Mineral Processing Plants.  
40 CFR 60.380 through 40 CFR 60.386  
(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)
- Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.  
40 CFR 60.390 through 40 CFR 60.397  
(prime coat operations, guide coat operations, and top-coat operations)
- Subpart NN - Phosphate Rock Plants.  
40 CFR 60.400 through 40 CFR 60.404  
(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)
- Subpart OO - (Reserved)
- Subpart PP - Ammonium Sulfate Manufacture.  
40 CFR 60.420 through 40 CFR 60.424  
(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)
- Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.  
40 CFR 60.430 through 40 CFR 60.435  
(publication rotogravure printing presses, except proof presses)
- Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.  
40 CFR 60.440 through 40 CFR 60.447  
(pressure sensitive tape and label material coating lines)
- Subpart SS - Industrial Surface Coating: Large Appliances.  
40 CFR 60.450 through 40 CFR 60.456  
(surface coating operations in large appliance coating lines)
- Subpart TT - Metal Coil Surface Coating.  
40 CFR 60.460 through 40 CFR 60.466  
(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)
- Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.  
40 CFR 60.470 through 40 CFR 60.474  
(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)
- Subpart VV - Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.  
40 CFR 60.480 through 40 CFR 60.489  
(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)
- Subpart WW - Beverage Can Surface Coating Industry.  
40 CFR 60.490 through 40 CFR 60.496  
(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)
- Subpart XX - Bulk Gasoline Terminals.  
40 CFR 60.500 through 40 CFR 60.506  
(total of all loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks)
- Subparts YY through ZZ - (Reserved)
- Subpart AAA - New Residential Wood Heaters.  
40 CFR 60.530 through 40 CFR 60.539b  
(wood heaters)
- Subpart BBB - Rubber Tire Manufacturing Industry.  
40 CFR 60.540 through 40 CFR 60.548  
(each undertread cementing operation, each sidewall cementing operation, each tread end cementing

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operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subpart CCC - (Reserved)

Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

40 CFR 60.560 through 40 CFR 60.566  
(For polypropylene and polyethylene manufacturing using a continuous process that emits continuously or intermittently: all equipment used in the manufacture of these polymers. For polystyrene manufacturing using a continuous process that emits continuously: each material recovery section. For poly(ethylene terephthalate) manufacturing using a continuous process that emits continuously: each polymerization reaction section; if dimethyl terephthalate is used in the process, each material recovery section is also an affected facility; if terephthalic acid is used in the process, each raw materials preparation section is also an affected facility. For VOC emissions from equipment leaks: each group of fugitive emissions equipment within any process unit, excluding poly(ethylene terephthalate) manufacture.)

Subpart EEE - (Reserved)

Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585  
(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593  
(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH - Synthetic Fiber Production Facilities.

40 CFR 60.600 through 40 CFR 60.604  
(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

40 CFR 60.610 through 40 CFR 60.618  
(each air oxidation reactor not discharging its vent stream into a recovery system and each combination of an air oxidation reactor or two or more air oxidation reactors and the recovery system into which the vent streams are discharged)

Subpart JJJ - Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625  
(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks)

Subpart KKK - Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636  
(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

Subpart LLL - Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648  
(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM - (Reserved)

Subpart NNN - Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

40 CFR 60.660 through 40 CFR 60.668  
(each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged)

Subpart OOO - Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676  
(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685  
(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.

40 CFR 60.690 through 40 CFR 60.699  
(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries)

Subpart RRR - Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

40 CFR 60.700 through 40 CFR 60.708  
(each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, and each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged)

Subpart SSS - Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718  
(each coating operation and each piece of coating mix preparation equipment)

Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726

(each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats)

Subpart UUU - Calciners and Dryers in Mineral Industries.

40 CFR 60.730 through 40 CFR 60.737

(each calciner and dryer at a mineral processing plant)

Subpart VVV - Polymeric Coating of Supporting Substrates Facilities.

40 CFR 60.740 through 40 CFR 60.748

(each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates)

Subpart WWW - Municipal Solid Waste Landfills.

40 CFR 60.750 through 40 CFR 60.759

(municipal solid waste landfills for the containment of household and RCRA Subtitle D wastes)

Appendix A - Test methods

~~[ Method 1 - Sample and velocity traverses for stationary sources.~~

~~Method 1A - Sample and velocity traverses for stationary sources with small stacks or ducts.~~

~~Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).~~

~~Method 2A - Direct measurement of gas volume through pipes and small ducts.~~

~~Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.~~

~~Method 2C - Determination of stack gas velocity and volumetric flow rate in small stacks or ducts (standard pitot tube).~~

~~Method 2D - Measurement of gas volumetric flow rates in small pipes and ducts.~~

~~Method 2E - Determination of landfill gas; gas production flow rate.~~

~~Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.~~

~~Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).~~

~~Method 3B - Gas analysis for the determination of emission rate correction factor or excess air.~~

~~Method 3C - Determination of carbon dioxide, methane, nitrogen, and oxygen from stationary sources.~~

~~Method 4 - Determination of moisture content in stack gases.~~

~~Method 5 - Determination of particulate emissions from stationary sources.~~

~~Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.~~

~~Method 5B - Determination of nonsulfuric acid particulate matter from stationary sources.~~

~~Method 5C - (Reserved)~~

~~Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.~~

~~Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.~~

~~Method 5F - Determination of nonsulfate particulate matter from stationary sources.~~

~~Method 5G - Determination of particulate emissions from wood heaters from a dilution tunnel sampling location.~~

~~Method 5H - Determination of particulate emissions from wood heaters from a stack location.~~

~~Method 6 - Determination of sulfur dioxide emissions from stationary sources.~~

~~Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.~~

~~Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.~~

~~Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).~~

~~Method 7 - Determination of nitrogen oxide emissions from stationary sources.~~

~~Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.~~

~~Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).~~

~~Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline permanganate/colorimetric method.~~

~~Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline permanganate/ion colorimetric method.~~

~~Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).~~

~~Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.~~

~~Method 9 - Visual determination of the opacity of emissions from stationary sources.~~

~~Alternate Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.~~

~~Method 10 - Determination of carbon monoxide emissions from stationary sources.~~

~~Method 10A - Determination of carbon monoxide emissions in certifying continuous emission monitoring systems at petroleum refineries.~~

~~Method 10B - Determination of carbon monoxide emissions from stationary sources.~~

~~Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.~~

~~Method 12 - Determination of inorganic lead emissions from stationary sources.~~

~~Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium-lake method.~~

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~~Method 13B — Determination of total fluoride emissions from stationary sources — specific ion electrode method.~~

~~Method 14 — Determination of fluoride emissions from petroom roof monitors of primary aluminum plants.~~

~~Method 15 — Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.~~

~~Method 15A — Determination of total reduced sulfur emissions from sulfur recovery plants in petroleum refineries.~~

~~Method 16 — Semicontinuous determination of sulfur emissions from stationary sources.~~

~~Method 16A — Determination of total reduced sulfur emissions from stationary sources (impinger technique).~~

~~Method 16B — Determination of total reduced sulfur emissions from stationary sources.~~

~~Method 17 — Determination of particulate emissions from stationary sources (instack filtration method).~~

~~Method 18 — Measurement of gaseous organic compound emissions by gas chromatography.~~

~~Method 19 — Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates.~~

~~Method 20 — Determination of nitrogen oxides, sulfur dioxide, and diluent emissions from stationary gas turbines.~~

~~Method 21 — Determination of volatile organic compounds leaks.~~

~~Method 22 — Visual determination of fugitive emissions from material processing sources and smoke emissions from flares.~~

~~Method 23 — Determination of polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans from stationary sources.~~

~~Method 24 — Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.~~

~~Method 24A — Determination of volatile matter content and density of printing inks and related coatings.~~

~~Method 25 — Determination of total gaseous nonmethane organic emissions as carbon.~~

~~Method 25A — Determination of total gaseous organic concentration using a flame ionization analyzer.~~

~~Method 25B — Determination of total gaseous organic concentration using a nondispersive infrared analyzer.~~

~~Method 25C — Determination of nonmethane organic compounds (NMOC) in MSW landfill gases.~~

~~Method 26 — Determination of hydrogen chloride emissions from stationary sources.~~

~~Method 27 — Determination of vapor tightness of gasoline delivery tank using pressure vacuum test.~~

~~Method 28 — Certification and auditing of wood heaters.~~

~~Method 28A — Measurement of air to fuel ratio and minimum achievable burn rates for wood-fired appliances.~~

~~Performance Specification 1 — Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.~~

~~Performance Specification 2 — Specifications and test procedures for sulfur dioxide and nitrogen oxides continuous emission monitoring systems in stationary sources.~~

~~Performance Specification 3 — Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.~~

~~Performance Specification 4 — Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.~~

~~Performance Specification 4A — Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.~~

~~Performance Specification 5 — Specifications and test procedures for TRS continuous emission monitoring system in stationary sources.~~

~~Performance Specification 6 — Specifications and test procedures for continuous emission rate monitoring systems in stationary sources.~~

~~Performance Specification 7 — Specifications and test procedures for hydrogen sulfide continuous emission monitoring systems in stationary sources. ]~~

Appendix C - Determination of Emission Rate Change.

Appendix D - Required Emission Inventory Information.

Appendix E - (Reserved)

Appendix F - Quality Assurance Procedures.

[ ~~Procedure 1 — Quality assurance requirements for gas continuous emission monitoring systems used for compliance determination. ]~~

Appendix G - (Not applicable)

Appendix H - (Reserved)

Appendix I - Removable label and owner's manual.

## [ 9 VAC 5-50-420. Word or phrase substitutions.

In all the standards designated in 9 VAC 5-50-410 substitute:

1. "Owner" or "other person" for owner or operator.
2. "Board" for administrator.
3. "Board" for U.S. Environmental Protection Agency (except in references).
4. 9 VAC 5-50-30 for § 60.8.
5. 9 VAC 5-50-50-C for § 60.7(c). ]

VA.R. Doc. No. R97-296; Filed February 9, 1999, 4:26 p.m.

Appendix B - Performance specifications.

**TITLE 13. HOUSING**

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

**REGISTRAR'S 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 10-40-20, 13 VAC 10-40-130, 13 VAC 10-40-160, 13 VAC 10-40-210, 13 VAC 10-40-220 and 13 VAC 10-40-230).**

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

**Effective Date:** January 28, 1999.

**Summary:**

*The amendments revise the requirements of the authority's flexible alternative mortgage loan program and (i) permit the authority to delegate to servicing agents the responsibility for underwriting and issuing commitments for the assumption of existing authority mortgage loans; (ii) provide that the applicant's employment for the preceding two-year period must be documented and that education or training shall be considered in satisfaction of this requirement in certain circumstances; (iii) provide that all part-time employment must be continuous for a minimum of 24 months, except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months in certain circumstances; (iv) permit the authority to require the payment of an additional origination fee not in excess of 1.0% of the loan amount in step rate program loans; (v) permit the authority to finance, with tax exempt bond proceeds or through the flexible alternative program, condominium units that are not in FNMA, FHLMC, FHA, VA or RHS approved developments if the additional risk of such financing is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant; (vi) provide that the principal amount of an FHA plus program loan may not exceed 3.0% of the lesser of the sales price or appraised value; (vii) provide that, in the FHA plus program, the combined first and second loan may not exceed the sum of the lesser of the sales price or appraised value plus closing costs and fees; (viii) provide that, in the FHA plus program, verified liquid funds in an amount not less than 1.0% of the sales price must be contributed by the borrower towards closing costs and prepaid items, retained as cash reserves after closing or so contributed and retained in the aggregate of 1.0%; (ix) provide that, in the FHA plus program, the borrower may not receive any loan proceeds in excess of the amount of funds paid*

*by the borrower prior to closing; (x) provide that, if an authority flexible alternative program loan is to refinance an existing mortgage loan, such loan to be refinanced must have been closed for more than one year and no advances made within the preceding 12 months; (xi) provide that, if an authority flexible alternative program loan is to refinance an existing loan which financed the applicant's acquisition of the property, the requirement described in clause (x) above shall not apply if the maximum authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value; and (xii) clarify that the combined loan to value limitation in the flexible alternative program includes an existing mortgage loan to be subordinated to the authority loan.*

**Agency Contact:** Copies of the regulation may be obtained from J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

**13 VAC 10-40-20. Origination and servicing of mortgage loans.**

A. The originating of mortgage loans and the processing of applications for the making or financing thereof in accordance herewith shall, except as noted in subsection G of this section, be performed through commercial banks, savings and loan associations, private mortgage bankers, redevelopment and housing authorities, and agencies of local government approved as originating agents ("originating agents") of the authority. The servicing of mortgage loans shall, except as noted in subsection H of this section, be performed through commercial banks, savings and loan associations and private mortgage bankers approved as servicing agents ("servicing agents") of the authority.

To be initially approved as an originating agent or as a servicing agent, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a net worth equal to or in excess of \$250,000 or such other amount as the executive director shall from time to time deem appropriate, except that this qualification requirement shall not apply to redevelopment and housing authorities and agencies of local government;
3. Have a staff with demonstrated ability and experience in mortgage loan origination and processing (in the case of an originating agent applicant) or servicing (in the case of a servicing agent applicant); and
4. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each originating agent approved by the authority shall enter into an originating agreement ("originating agreement"), with the authority containing such terms and

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conditions as the executive director shall require with respect to the origination and processing of mortgage loans hereunder. Each servicing agent approved by the authority shall enter into a servicing agreement with the authority containing such terms and conditions as the executive director shall require with respect to the servicing of mortgage loans.

An applicant may be approved as both an originating agent and a servicing agent ("originating and servicing agent"). Each originating and servicing agent shall enter into an originating and servicing agreement ("originating and servicing agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the originating and servicing of mortgage loans hereunder.

For the purposes of this chapter, the term "originating agent" shall hereinafter be deemed to include the term "originating and servicing agent," unless otherwise noted or the context indicates otherwise. Similarly, the term "originating agreement" shall hereinafter be deemed to include the term "originating and servicing agreement," unless otherwise noted or the context indicates otherwise. The term "servicing agent" shall continue to mean an agent authorized only to service mortgage loans. The term "servicing agreement" shall continue to mean only the agreement between the authority and a servicing agent.

Originating agents and servicing agents shall maintain adequate books and records with respect to mortgage loans which they originate and process or service, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents and servicing agents for originating and processing or for servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements and servicing agreements applicable to such originating agents and servicing agents.

B. The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to originating agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;

2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;

3. The cost and difficulty of administration of the allocation of funds;

4. The capability, history and experience of any originating agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and

5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;

2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and

3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. This chapter constitutes a portion of the originating guide of the authority. The processing guide and all exhibits and other documents referenced herein are not included in, and shall not be deemed to be a part of this chapter. The executive director is authorized to prepare and from time to time revise a processing guide and a servicing guide which shall set forth the accounting and other procedures to be followed by all originating agents and servicing agents responsible for the origination, closing and servicing of mortgage loans under the applicable originating agreements and servicing agreements. Copies of the processing guide and the servicing guide shall be available upon request. The executive director shall be responsible for the

implementation and interpretation of the provisions of the originating guide (including the processing guide) and the servicing guide.

D. The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its originating agents and (ii) agree to purchase individual mortgage loans from its originating agents or servicing agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement or servicing agreement, the originating guide, the servicing guide, the Act and this chapter.

If the applicant and the application for a mortgage loan meet the requirements of the Act and this chapter, the executive director may issue on behalf of the authority a mortgage loan commitment to the applicant for the financing of the single family dwelling unit, subject to the approval or ratification thereof by the board. Such mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the mortgage loan commitment. The original principal amount and term of such mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage loan.

E. The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's originating agents and servicing agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The sales prices of the single family housing units financed by such mortgage loans, the gross family incomes of the mortgagors thereof, and the original principal amounts of such mortgage loans shall not exceed such limits as the executive director shall establish, subject to approval or ratification by resolution of the board. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to originating agents and servicing agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations

imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the selected originating agents and servicing agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the applicable originating agreement or servicing agreement and the servicing guide. Such mortgage loans and the purchase thereof shall in all respects comply with the Act and the authority's rules and regulations.

F. The executive director may, in his discretion, delegate to one or more originating agents all or some of the responsibility for underwriting, issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. *The executive director may delegate to one or more servicing agents all or some of the responsibility for underwriting and issuing commitments for the assumption of existing authority mortgage loans without prior review and approval by the authority.* If the executive director determines to make any such delegation, he shall establish criteria under which originating agents may qualify for such delegation. If such delegation has been made, the originating agents shall submit all required documentation to the authority at such time as the authority may require. If the executive director determines that a mortgage loan does not comply with any requirement under the originating guide, the applicable originating agreement, the Act or this chapter for which the originating agent was delegated responsibility, he may require the originating agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

G. The authority may utilize financial institutions, mortgage brokers and other private firms and individuals and governmental entities ("field originators") approved by the authority for the purpose of receiving applications for mortgage loans. To be approved as a field originator, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have made any necessary filings or registrations and have received any and all necessary approvals or licenses in order to receive applications for mortgage loans in the Commonwealth of Virginia;
3. Have the demonstrated ability and experience in the receipt and processing of mortgage loan applications; and

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4. Have such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each field originator approved by the authority shall enter into such agreement as the executive director shall require with respect to the receipt of applications for mortgage loans. Field originators shall perform such of the duties and responsibilities of originating agents under this chapter as the authority may require in such agreement.

Field originators shall maintain adequate books and records with respect to mortgage loans for which they accept applications, shall permit the authority to examine such books and records, and shall submit to the authority such reports and information as the authority may require. The fees to the field originators for accepting applications shall be payable in such amount and at such time as the executive director shall determine.

In the case of mortgage loans for which applications are received by field originators, the authority may process and originate the mortgage loans; accordingly, unless otherwise expressly provided, the provisions of this chapter requiring the performance of any action by originating agents shall not be applicable to the origination and processing by the authority of such mortgage loans, and any or all of such actions may be performed by the authority on its own behalf.

H. The authority may service mortgage loans for which the applications were received by field originators or any mortgage loan which, in the determination of the authority, originating agents and servicing agents will not service on terms and conditions acceptable to the authority or for which the originating agent or servicing agent has agreed to terminate the servicing thereof.

## **13 VAC 10-40-130. Underwriting.**

A. In general, to be eligible for authority financing, an applicant must satisfy the following underwriting criteria which demonstrate the willingness and ability to repay the mortgage debt and adequately maintain the financed property.

1. An applicant must document the receipt of a stable current income which indicates that the applicant will receive future income which is sufficient to enable the timely repayment of the mortgage loan as well as other existing obligations and living expenses.

2. An applicant must possess a credit history which reflects the ability to successfully meet financial obligations and a willingness to repay obligations in accordance with established credit repayment terms.

3. An applicant having a foreclosure instituted by the authority on his property financed by an authority mortgage loan will not be eligible for a mortgage loan hereunder. The authority will consider previous foreclosures (other than on authority financed loans) on an exception basis based upon circumstances surrounding the cause of the foreclosure, length of time since the foreclosure, the applicant's subsequent credit

history and overall financial stability. Under no circumstances will an applicant be considered for an authority loan within three years from the date of the foreclosure. The authority has complete discretion to decline to finance a loan when a previous foreclosure is involved.

4. An applicant must document that sufficient funds will be available for required down payment and closing costs.

a. The terms and sources of any loan to be used as a source for down payment or closing costs must be reviewed and approved in advance of loan approval by the authority.

b. Sweat equity, the imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence, generally is not an acceptable source of funds for down payment and closing costs. Any sweat equity allowance must be approved by the authority prior to loan approval.

5. Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed. If there is a substantial increase in such expenses, the applicant must demonstrate his ability to pay the additional expenses.

6. All applicants are encouraged to attend a home ownership educational program to be better prepared to deal with the home buying process and the responsibilities related to homeownership. The authority may require all applicants applying for certain authority loan programs to complete an authority approved homeownership education program prior to loan approval.

B. In addition to the requirements set forth in subsection A of this section, the following requirements must be met in order to satisfy the authority's underwriting requirements for conventional loans. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. The following rules apply to the authority's employment and income requirement.

a. *Employment for the preceding two-year period must be documented. Education or training for employment during this two-year period shall be considered in satisfaction of this requirement if such education or training is related to applicant's current line of work and adequate future income can be anticipated because such education and training will expand the applicant's job opportunities.* 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) *All part-time employment must be continuous for a minimum of six 24 months, except that the authority may consider part-time employment that is continuous for more than 12 months but less than 24 months if such part-time employment is of a stable nature and is likely to continue after closing of the mortgage loan. 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.

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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 Rural Development loans only.

1. The authority will normally accept Rural Development underwriting requirements and property standards for 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 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 of this section, as applicable).

G. Unlike the program described in subsection E 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 10-40-160. Reservations/fees.**

A. The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents or field originators with respect to specific applicants and properties. No substitutions are permitted. Similarly, locked-in interest rates are also nontransferable. Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline. Locked-in interest rates on all loans, including those on which there may be a VA Guaranty, cannot be reduced under any circumstances.

B. An applicant, including an applicant for a loan to be guaranteed by VA, may request a second reservation if the first has expired or has been cancelled. If the second reservation is made within 12 months of the date of the original reservation, the interest rate will be the greater of (i) the locked-in rate or (ii) the current rate offered by the authority at the time of the second reservation.

C. The originating agent or field originator shall collect a nonrefundable reservation fee in such amount and according to such procedures as the authority may require from time to time. Under no circumstances is this fee refundable. A second reservation fee must be collected for a second reservation. No substitutions of applicants or properties are permitted.

D. The following other fees shall be collected.

1. In connection with the origination and closing of the loan, the originating agent shall collect at closing or, at the authority's option, simultaneously with the acceptance of the authority's commitment, an amount equal to 1.0% of the loan amount (please note that for

FHA loans the loan amount for the purpose of this computation is the base loan amount only); *provided, however, that the executive director may require the payment of an additional fee not in excess of 1.0% of the loan amount in the case of a step loan (i.e., a loan on which the initial interest rate is to be increased to a new interest rate after a fixed period of time).* If the loan does not close, then the origination fee shall be waived.

2. The originating agent shall collect from the seller at the time of closing an amount equal to 1.0% of the loan amount.

### 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 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 Rural Development, in the case of a Rural Development loan.

*C. The executive director may waive any requirements in subsections A and B of this section if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant.*

### 13 VAC 10-40-220. FHA plus program.

A. Notwithstanding anything to the contrary herein, the authority may make loans secured by second deed of trust liens ("second loans") to provide downpayment and closing cost assistance to eligible borrowers who are obtaining FHA loans secured by first deed of trust liens. Second loans shall not be available to a borrower if the FHA loan is being made under the FHA buydown program or is subject to a step adjustment in the interest rate thereon or is subject to a reduced interest rate due to the financial support of the authority.

B. The second loans shall not be insured by mortgage insurance; accordingly, the requirements of 13 VAC 10-40-120 regarding mortgage insurance shall not be applicable to the second loan.

C. The requirements of 13 VAC 10-40-110 regarding calculation of maximum loan amount shall not be applicable to the second loan. In order to be eligible for a second loan, the borrower must obtain an FHA loan for the maximum loan amount permitted by FHA. *The principal amount of the second loan shall be for the lesser of: 1. The lesser of sales price or appraised value plus FHA allowable closing fees (i.e., fees which FHA permits to be included in the FHA acquisition cost and to be financed) minus the FHA maximum base loan amount, seller paid closing costs and 1.0% of the sales price, or 2. not exceed 3.0% of the lesser of the sales price or appraised value plus \$1,400.*

In no event shall the combined FHA loan and the second loan amount exceed (i) the sum of the lesser of the sales price or appraised value plus closing costs and fees or (ii) the authority's maximum allowable sales price.

*Verified liquid funds (funds other than gifts, loans or retirement accounts) in an amount not less than 1.0% of the sales price must be: (i) contributed by the borrower towards closing costs or prepaid items; (ii) retained by the borrower as cash reserves after closing; or (iii) contributed and retained by the borrower for the purposes of clauses (i) and (ii), respectively. At the closing, the borrower may not receive any loan proceeds in excess of the amount of funds paid by the borrower prior to closing.*

D. With respect to underwriting, no additional requirements or criteria other than those applicable to the FHA loan shall be imposed on the second loan.

E. The second mortgage loan shall be assumable on the same terms and conditions as the FHA loan.

F. No origination fee or discount point shall be collected on the second loan.

G. Upon approval of the applicant, the authority will issue a mortgage loan commitment pursuant to 13 VAC 10-40-170. The mortgage loan commitment will include the terms and conditions of the FHA loan and the second loan and an addendum setting forth additional terms and conditions applicable to the second loan. Also enclosed in the commitment package will be other documents necessary to close the second 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 D 2; and (vii) the lot size restriction in 13 VAC 10-40-50 C 3;

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;

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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: (i) a single family residence (attached or detached); (ii) a unit in a condominium which is approved for financing by FNMA or FHLMC or satisfies the requirements for such financing, *except that the executive director may waive any of such requirements if he determines that any additional risk as a result of such waiver is adequately compensated or otherwise covered by the terms of the mortgage loan or the financial strength or credit of the applicant*; or (iii) 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 only if (i) the applicant receives no proceeds of the authority's loan ~~and only if~~; (ii) such loan proceeds are not used to refinance any authority mortgage loan or to refinance any bridge loan which refinanced any authority mortgage loan; and (iii) *the existing mortgage loan was closed more than one year prior to submission of the application for the authority mortgage loan, and no advances on such existing mortgage loan have been made within the 12 months preceding the submission of such application. Clause (iii) shall not apply to existing mortgage loans which financed the applicant's acquisition of the property if the authority loan will not exceed the lesser of the sales price for such acquisition or the current appraised value*;

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, *such as existing mortgage loans to be subordinated to the authority loan*, 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 for 30 days 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 30-day 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 housing payment past due for 30 days; 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 B 4;

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% if the loan-to-value ratio is 80% 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.

VA.R. Doc. No. R99-74; Filed January 28, 1999, 10:51 a.m.

**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD FOR CONTRACTORS**

**REGISTRAR'S NOTICE:** The Board for Contractors is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1, which are limited to reducing fees charged to regulants and applicants. The Board for Contractors will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

**Title of Regulation:** 18 VAC 50-22-10 et seq. Board for Contractors Regulations (amending 18 VAC 50-22-100 and 18 VAC 50-22-140).

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

**Effective Date:** May 1, 1999.

**Summary:**

*The amendments reduce the fees for initial contractor licensure and certification and for renewal of licenses and certifications for contractors.*

**Agency Contact:** Copies of the regulation may be obtained from Geralde W. Morgan, Assistant Director, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

**18 VAC 50-22-100. Fees.**

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When Due	Amount Due
Class C Initial Certificate	with certificate application	<del>\$70</del> \$65
Class B Initial License	with license application	<del>\$90</del> \$85
Class A Initial License	with license application	<del>\$140</del> \$100
Declaration of Designated Employee	with license application	\$25
Class B Exam Fee	with exam application (\$20 per section)	\$40
Class A Exam Fee	with exam application (\$20 per section)	\$60
Water Well Exam	with exam application	\$40
Dishonored Check Fee	with replacement check	\$25

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The fees for examinations approved by the board but administered by another governmental agency or organization shall be determined by that agency or organization.

**18 VAC 50-22-140. Renewal fees.**

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable.

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# Final Regulations

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In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below:

Fee Type	When Due	Amount Due
Class C Renewal	with renewal application	<del>\$55</del> \$50
Class B Renewal	with renewal application	<del>\$75</del> \$70
Class A Renewal	with renewal application	<del>\$95</del> \$90
Dishonored Check Fee	with replacement check	\$25

The date on which the renewal fee is received by the department or its agent shall determine whether the licensee/certificate holder is eligible for renewal or must apply for reinstatement. If the renewal application and fee are not received within 30 days of the expiration date of the license, the licensee/certificate holder will be required to reinstate the license/certificate.

VA.R. Doc. No. R99-108; Filed February 9, 1999, 12:57 p.m.

\* \* \* \* \*

**Title of Regulation:** 18 VAC 50-30-10 et seq. **Tradesman Rules and Regulations (amending 18 VAC 50-30-90).**

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

**Effective Date:** May 1, 1999.

**Summary:**

*The amendments reduce the fees for an initial tradesman license (i) by examination and (ii) without an examination through successful completion of an appropriate apprenticeship program.*

**Agency Contact:** Copies of the regulation may be obtained from Gerald W. Morgan, Assistant Director, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

## 18 VAC 50-30-90. Fees for licensure and examination.

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

B. Tradesman license - original fee - by examination. The fee for an initial tradesman license shall be ~~\$45~~ \$40.

C. Tradesman license - original fee - without an examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman license shall be ~~\$45~~ \$40.

D. Tradesman license - original fee - through the "grandfather" clause of § 54.1-1131 of the Code of Virginia. The fee for an initial tradesman license shall be \$50.

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

In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$10. As a matter of administrative necessity, the department will assign expiration dates in a manner that will stagger renewals for these applicants. Once the initial period ends, all renewals will be for a period of 24 months.

VA.R. Doc. No. R99-101; Filed February 9, 1999, 12:56 p.m.

## BOARD OF OPTOMETRY

**Title of Regulation:** 18 VAC 105-30-10 et seq. **Regulations for the Certification of Optometrists to Use Therapeutic Pharmaceutical Agents (amending 18 VAC 105-30-10, 18 VAC 105-30-20, 18 VAC 105-30-30, 18 VAC 105-30-40, 18 VAC 105-30-60, 18 VAC 105-30-70, 18 VAC 105-30-90, 18 VAC 105-30-100 and 18 VAC 105-30-120; adding 18 VAC 105-30-35; repealing 18 VAC 105-30-50 and 18 VAC 105-30-110).**

**Statutory Authority:** §§ 54.1-2400 and 54.1-3223 of the Code of Virginia.

**Effective Date:** March 31, 1999.

**Summary:**

*Amendments to these regulations specify the type of training and the portion of the national examination necessary for an optometrist to be certified to use therapeutic pharmaceutical agents. Amendments also establish a protocol for treatment of acute angle closure glaucoma, revise the renewal schedule from biennial to annual (consistent with the renewal of the optometrist's license) with a fee of \$75 (currently the fee is \$125 biennially), and lower the application fee from \$300 to \$200.*

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

Agency Contact: Copies of the regulation may be obtained from Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

## **18 VAC 105-30-10. Definitions.**

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

~~"Approved school" means those optometric and medical schools, colleges, departments of universities or colleges or schools of optometry or medicine currently accredited by the Council on Postsecondary Accreditation or by the United States Department of Education.~~

~~"Board" means the Virginia Board of Optometry.~~

~~"Certification" means the Virginia Board of Optometry certifying an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents.~~

~~"Certified optometrist" means an optometrist who holds a current license to practice optometry in the Commonwealth of Virginia, is certified to use diagnostic pharmaceutical agents by the Virginia Board of Optometry, and has met all of the requirements established by the Virginia Board of Optometry to treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.~~

~~"Examination" means an examination approved by the Board of Optometry for certification of an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.~~

~~"Invasive modality" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or other means. Invasive modalities include surgery, lasers, ionizing radiation, therapeutic ultrasound, medication administered by injection, and the removal of foreign bodies from within the tissues of the eye. For purposes of this chapter, the administration of a topical agent specified in 18 VAC 105-30-70 is not considered an invasive modality.~~

~~"Postgraduate clinical training" means a postgraduate program approved by the board to be eligible for certification.~~

~~"Protocol" means a prescribed course of action developed by the certified optometrist which defines the procedures for responding to any patient's adverse reaction or emergency.~~

~~"TPA" means therapeutic pharmaceutical agents as set forth in 18 VAC 105-30-70.~~

~~"TPA certification" means authorization by the Virginia Board of Optometry for an optometrist to treat certain~~

~~diseases, including abnormal conditions, of the human eye and its adnexa and to prescribe and administer certain therapeutic pharmaceutical agents.~~

## **18 VAC 105-30-20. Public Participation Guidelines.**

~~A separate board regulation, 18 VAC 105-10-10 et seq., which provides for involvement of the public in the development of all regulations of the Virginia Board of Optometry, is incorporated by reference in this chapter.~~

## **18 VAC 105-30-30. Application for certification by examination.**

~~An applicant for certification by examination shall be made on forms provided by the board. Such application shall include the following information and documents: An applicant for TPA certification shall provide:~~

- ~~1. A complete completed application on a form provided by the board;~~
- ~~2. The fee specified in 18 VAC 105-30-110 18 VAC 105-30-120 to be paid at the time of filing the application;~~
- ~~3. Additional documents required to be filed with the application are as follows:~~

~~a. A letter from the Virginia Board of Optometry certifying that:~~

- ~~(1) The applicant holds a current license to practice optometry in Virginia, and~~
- ~~(2) The applicant is certified to use diagnostic pharmaceutical agents;~~

~~b. Documented a. Evidence of satisfactory completion of the postgraduate optometric training approved and prescribed by the board or documentation of graduate optometric training equivalent to the postgraduate optometric training required by the board as specified in § 54.1-3222 of the Code of Virginia and in 18 VAC 105-30-35;~~

~~e. b. Verification of unrestricted licensure status in all other states from the Board of Examiners in Optometry or appropriate regulatory board or agency jurisdictions in which the applicant is licensed as an optometrist.~~

~~c. Documentation of passage of the examination as required in 18 VAC 105-30-40.~~

## **18 VAC 105-30-35. Required training for TPA certification.**

~~An applicant applying for TPA certification shall be required to complete a full time, postgraduate or equivalent graduate-level optometric training program which is approved by the board and which shall include a minimum of 20 hours of clinical supervision by an ophthalmologist.~~

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# Final Regulations

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## PART III. EXAMINATION.

### 18 VAC 105-30-40. Examination for certification.

~~The following general provisions shall apply to optometrists who apply to take the board's examination for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.~~

A. ~~The TPA certification examination for an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be in one part Treatment and Management of Ocular Disease (TMOD) of the National Board of Optometric Examiners or any other examination as approved by the board.~~

B. A candidate for certification by the board who fails the examination following three attempts shall ~~take complete~~ additional postgraduate training ~~approved by the board as required in 18 VAC 105-30-35~~ to be eligible to take further examinations, ~~as required in 18 VAC 105-30-110.~~

### 18 VAC 105-30-50. ~~Certification.~~ (Repealed.)

~~An optometrist, currently licensed by the Board of Optometry, who has completed didactic and clinical training to ensure an appropriate standard of medical care for the patient and has met all other requirements and has passed an examination administered by the board, shall be certified to administer and prescribe certain therapeutic pharmaceutical agents in the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa.~~

### 18 VAC 105-30-60. Treatment guidelines.

A. TPA certified optometrists may treat diseases and abnormal conditions of the following structures of the human eye and its adnexa which may be appropriately treated with pharmaceutical agents as referenced in 18 VAC 105-30-70:

1. Lids and adnexa;
2. Lacrimal system;
3. Cornea;
4. Conjunctiva; and
5. Episclera.

B. In addition, the following may be treated:

1. Glaucoma (with prior consultation with the patient's physician or other appropriate physician and excluding the treatment of congenital and infantile glaucoma). ~~Treatment of angle closure shall be limited to the initiation of immediate emergency care with pharmaceutical agents as referenced in 18 VAC 105-30-70 follow the protocol prescribed in subsection C of this section.~~

2. Ocular-related post-operative care in cooperation with patient's surgeon.

3. Ocular trauma to the above tissues as in subsection A of this section.

4. Uveitis, anterior.

5. Anaphylactic shock (limited to the administration of intramuscular epinephrine).

C. *The protocol for treatment of acute angle closure glaucoma shall be as follows:*

1. *Treatment shall be limited to the initiation of immediate emergency care with appropriate pharmaceutical agents as prescribed by this chapter;*

2. *Once the diagnosis of acute angle closure glaucoma has been established by the optometrist, the ophthalmologist to whom the patient is to be referred should be contacted immediately;*

3. *If there are no medical contraindications, an oral osmotic agent may be administered as well as an oral carbonic anhydrase inhibitor and any other medically accepted, Schedule VI, oral antiglaucomic agent as may become available; and*

4. *Proper topical medications as appropriate may also be administered by the optometrist.*

### 18 VAC 105-30-70. Therapeutic pharmaceutical agents.

A. A certified optometrist may procure for administration, administer and prescribe the following topically applied pharmaceutical agents (Schedule VI) or any therapeutically appropriate combination thereof. For clarification and reference, the list of approved topical preparations shall be those listed under "Topical Preparations," subsection "Ophthalmic Products" in the current edition of Drug Facts and Comparisons Updated Monthly as it is updated. (A copy of the current approved list will be provided upon request from the Board of Optometry.)

1. Anti-allergy;
2. Anti-glaucoma;
3. Anti-infective;
4. Anti-inflammatory;
5. Cycloplegic and Mydriatic; and
6. Decongestant.

B. A certified optometrist may procure for administration, administer, or prescribe the following oral pharmaceutical agents: narcotic and nonnarcotic analgesics limited to Schedule III and VI. For clarification and reference, Schedule III analgesics shall be those oral analgesic preparations containing codeine or hydrocodone in combination with ~~other~~ nonnarcotic analgesics. Further, the following list of Schedule VI oral analgesic preparations are approved:

Schedule VI oral analgesics:

Nonsteroidal anti-inflammatory drugs:

ibuprofen

ketoralac  
 nabumetone  
 naproxen sodium  
 etodolac  
 ketoprofen  
 diclofenac sodium or diclofenac potassium  
 fenoprofen or fenoprofen calcium

Centrally acting analgesics:

tramadol hydrochloride

C. Over-the-counter topical and oral medications appropriate to the treatment of the eye may be procured for administration, administered, prescribed or dispensed.

D. A certified optometrist may prescribe and dispense contact lenses for therapeutic purposes.

E. A TPA-certified optometrist may inject epinephrine intramuscularly for anaphylactic shock.

**18 VAC 105-30-90. Renewal of certification.**

Every optometrist TPA-certified by the board shall renew his certification biennially on or before July 1 and pay the prescribed fee in 18 VAC 105-30-120 in each odd number year with the annual renewal of his license to practice optometry.

**18 VAC 105-30-100. Expiration of certification.**

An optometrist who allows his certification to expire shall be considered not certified by the board. An optometrist who proposes to resume the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents shall make a new application for certification and pay a fee prescribed in 18 VAC 105-30-120 meet the requirements of 18 VAC 105-30-30.

**PART VI.  
 POSTGRADUATE TRAINING.**

**18 VAC 105-30-110. Postgraduate training required. (Repealed.)**

Every applicant applying for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be required to complete a full-time approved postgraduate optometric training program prescribed by the board or to document that his graduate optometric program contained equivalent elements to the postgraduate optometric program approved by the board.

A. The approved postgraduate program shall be the Ocular Therapy for the Optometric Practitioner No.750B conducted by the Pennsylvania College of Optometry or any other postgraduate optometric program approved by the board.

B. Upon completing the required postgraduate optometric training program, the applicant may apply to sit for the certification examination administered by the board.

~~C. The certification examination shall be a one-part comprehensive examination in accordance with 18 VAC 105-30-40.~~

**PART VII VI.  
 FEES.**

**18 VAC 105-30-120. Fees required by the board.**

~~A. Application fee for the examination to be certified to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be \$300. The examination fee is nonrefundable. An applicant may, upon written request 21 days prior to the scheduled examination and payment of a \$100 fee, be rescheduled for the next administration of the examination.~~

~~B. The fee for biennial renewal of certification shall be \$125.~~

~~C. The fee for reinstating an expired certification shall be \$150.~~

~~D. The fee for a letter of good standing/verification to another state for a license shall be \$10.~~

~~E. The fee for reinstatement of a revoked certificate shall be \$750.~~

A. The following fees are required by the board:

Application for certification	\$200
Annual renewal of certification	\$75
Penalty for late renewal	\$50
Verification letter to another jurisdiction	\$10
Returned check	\$15

B. All fees are nonrefundable.

**[ DOCUMENTS INCORPORATED BY REFERENCE**

Facts and Comparisons, January 1996 1999, updated monthly, Facts and Comparison, Inc., toll-free 1-800-223-0554. ]

**NOTICE:** The forms used in administering 18 VAC 105-30-10 et seq., Regulations for the Certification of Optometrists to Use Therapeutic Pharmaceutical Agents, are listed below and are published following the listing.

**FORMS**

*Application for Therapeutic Pharmaceutical Agents Certification (Rev. 8/24/98).*

*Form A, Certificate of Training [ ,DHP-601 ] (rev. [ 7/93 2/2/99 ] ).*

*Form B, Clearance from Other State Boards [ ,DHP-081 ] (rev. [ 7/93 2/2/99 ] ).*

*Renewal Notice and Application, C-46454 (eff. 7/1/97).*

# Final Regulations

## COMMONWEALTH of VIRGINIA



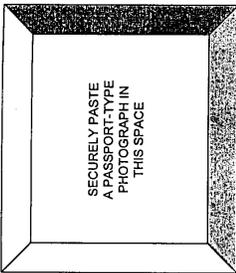
Department of Health Professions  
6606 West Broad Street, Fourth Floor  
Richmond, Virginia 23230-1717

Board of Optometry  
(804) 662-9910  
E-mail: estamey@dhp.state.va.us

### APPLICATION FOR THERAPEUTIC PHARMACEUTICAL AGENTS CERTIFICATION

To the Board of Optometry:

I hereby make application for a certificate to practice as a TPA Certified Optometrist in the Commonwealth of Virginia and submit the following statements:



APPLICANT: Please complete all sections (Print or type)	
LAST NAME	FIRST
MIDDLE/MAIDEN	
STREET	CITY
STATE	ZIP CODE
DATE OF BIRTH	PLACE OF BIRTH
Mo Day Yr	
GRADUATION DATE	Prof. School Degree
Mo Day Yr	School, City, State
SOCIAL SECURITY NUMBER OR DMV NUMBER*	

APPLICANTS DO NOT USE SPACES BELOW THIS LINE - FOR OFFICE USE ONLY

CLASS	APPLICANT NO.	FEE	SUPERIOR LICENSE NO.	TMOD EXAM DATE
CERTIFICATE NUMBER		EXPIRATION DATE		ISSUE DATE

\*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

- I hereby certify that I studied optometry and received the degree of \_\_\_\_\_ (Type or Degree)  
\_\_\_\_\_ from \_\_\_\_\_ (School)  
\_\_\_\_\_ (Date)
  - Do you hold a current license to practice optometry in Virginia? If Yes, give license number \_\_\_\_\_
  - List all jurisdictions in which you have been certified/licensed to practice optometry. \_\_\_\_\_
  - List all didactic and clinical postgraduate training in the treatment of diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents: \_\_\_\_\_
- ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered yes, explain and substantiate with available documentation.
- Have you ever been reprimanded, had your license suspended, or canceled, or revoked by a jurisdiction? [ ] Yes [ ] No  
If yes, give jurisdiction, reasons and dates \_\_\_\_\_
  - Have you ever been convicted of a violation after filed Nolo Contendere to any federal, state, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence). [ ] Yes [ ] No
  - Have you ever had hospital privileges or any membership in a state or local professional society revoked, suspended, or sanctioned in any manner? [ ] Yes [ ] No
  - Have you voluntarily withdrawn from a hospital staff or from any professional society while under investigation? [ ] Yes [ ] No
  - Have you had any malpractice suits brought against you in the last ten years? If so, how many? \_\_\_\_\_ Provide a letter from your attorney explaining each case. [ ] Yes [ ] No
  - Have you, within the last two (2) years, received treatment for or been hospitalized for a nervous, emotional, or mental disorder which could impair your practice? If yes, please provide a letter from each of your treating professionals summarizing diagnosis, treatment, and prognosis. [ ] Yes [ ] No
  - Do you have a physical disease or diagnosis which could affect your performance of professional duties? If yes, please provide a letter from each of your treating professionals summarizing diagnosis, treatment and prognosis. [ ] Yes [ ] No
  - Have you, within the last two (2) years, been treated by, consulted with or been under the care of a professional for any substance abuse? If yes, please provide a letter from the treating professional summarizing diagnosis, treatment and prognosis. [ ] Yes [ ] No
  - Have you, within the last five (5) years, been adjudged mentally incompetent or been committed to a mental institution? If yes, please provide a letter from the treating professional summarizing diagnosis, treatment and prognosis. [ ] Yes [ ] No

**COMMONWEALTH OF VIRGINIA**  
 Department of Health Professions  
 Board of Optometry  
 6606 West Broad Street, 4<sup>th</sup> Floor  
 Richmond, Virginia 23230-1717  
 (804) 862-9610  
 cstamey@dhp.state.va.us



**CERTIFICATE OF TRAINING**

Every applicant applying for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall provide evidence of having completed a full-time approved postgraduate optometric training program, or a full-time approved graduate optometric training program to the Board.

I hereby authorize the director of the postgraduate or graduate training program to release to the Virginia Board of Optometry the information listed below in connection with the processing of my application.

Signature of Applicant: \_\_\_\_\_

It is hereby certified that \_\_\_\_\_ completed  
 the program for \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_  
 (Month/Day/Year) (Month/Day/Year)

School of Optometry \_\_\_\_\_  
 Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Program Director \_\_\_\_\_ Date \_\_\_\_\_

Please return to: Board of Optometry  
 6606 West Broad Street  
 Richmond, VA 23230-1717

SCHOOL SEAL

Form A/Revised 2/2/99  
 CEN\_OF\_TRAINING

14. AFFIDAVIT OF APPLICANT

**THIS SECTION MUST BE NOTARIZED**

I, \_\_\_\_\_ being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Optometry any information, files or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my certificate to practice as a certified optometrist in the Commonwealth of Virginia.

Signature of Applicant \_\_\_\_\_

City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

My Commission expires \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

**NOTARY SEAL**

Tpaapplication  
 Revised 8/24/1998



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# EMERGENCY REGULATIONS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvest (adding 4 VAC 20-720-106).**

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-507 of the Code of Virginia.

Effective Date: February 1, 1999, through February 12, 1999.

Summary:

*This emergency regulation establishes an additional harvest season for the taking of oysters from the public grounds in the Tangier and Pocomoke Sound areas. A harvest season for the month of December 1998 was established in 4 VAC 20-720-105. This additional time for harvest is established in an effort to compensate watermen in the area for days lost because of bad weather conditions that prohibited them from being able to utilize all possible work days during the month of December 1998.*

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2248.

**4 VAC 20-720-106. Additional harvest season for the Tangier and Pocomoke Sound areas.**

A. During the period of February 1, 1999, through February 12, 1999, the area, as described in 4 VAC 20-720-105 B 1, shall be open to the taking of oysters.

B. Quotas and catch limits are established as described by subdivisions 1 and 2 of this subsection:

1. The total season quota shall be 2,000 bushels.
2. There shall be a harvest limit of 10 bushels per boat per day.

C. The commission shall be authorized to close the area to the taking of oysters when the total season quota is harvested or the average catch per boat per day is nine bushels or less.

D. After the additional harvest season has closed, it shall be unlawful for any oysters to be harvested from the public oyster grounds in the area described in 4 VAC 20-720-105 B 1.

/s/ William A. Pruitt  
Commissioner

VA.R. Doc. No. R99-95; Filed January 29, 1999, 9:31 a.m.



## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: **18 VAC 65-20-10 et seq. Regulations of the Board of Funeral Directors and Embalmers (amending 18 VAC 65-20-70, 18 VAC 65-20-120, and 18 VAC 65-20-130; adding 18 VAC 65-20-435).**

Statutory Authority: § 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of the Code of Virginia.

Effective Dates: February 2, 1999, though February 1, 2000.

Preamble:

*The proposed emergency regulations are being promulgated to comply with statutory provisions of House Bill 1078 passed by the 1998 General Assembly. House Bill 1078 (Chapter 867) has an enactment clause requiring the Board of Funeral Directors and Embalmers to promulgate regulations to implement the act to be effective within 280 days of the enactment.*

*Promulgation of the Emergency Regulation, 18 VAC 65-20-10 et seq., is necessary to conform to statutory provisions of Chapter 867 of the 1998 Acts of the Assembly. In accordance with the Administrative Process Act, the "emergency situation" which exists is specified in § 9-6.14:4.1 (C)(5)(ii) of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the law. The proposed regulations are not exempt from provisions of subdivision C of § 9-6.14:4.1.*

*The amendments are described below:*

*18 VAC 65-20-70. Required fees. The fee for registration of a crematory is established at \$100; the renewal of a crematory registration is established at \$100, payable by January 31st of each year.*

*The reinstatement fee for a crematory which has allowed its registration to lapse is \$50 for up to three years following expiration.*

*The crematory registration is added to the list of other types of registrations for which there is a \$25 charge for providing a duplicate copy and a \$50 charge for a duplicate wall certificate.*

*18 VAC 65-20-120. Expiration dates. The expiration date is established as January 31st of each calendar year.*

*18 VAC 65-20-130. Renewal of license; registration. The crematory is added to the listing of persons or entities which must renew according to provisions of this section.*

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# Emergency Regulations

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18 VAC 65-20-435. *Registration of crematories. This section establishes the requirement for a person intending to own or operate a crematory to register with the board at least 30 days prior to opening. It also specifies that an entity providing cremation services directly to the public must be licensed as a funeral service establishment or be a branch of such establishment. This references the current requirement for licensing of funeral establishments.*

*The emergency regulations promulgated by the board are essential to provide the fees and a renewal schedule necessary for operation of a program of registration of crematories, as the agency is required by statute to derive all funds from fees charged to its regulated entities. The statute stipulates only the registration of crematories; the statute authorizes no other requirements, such as inspections or reporting of numbers of cremations.*

Agency Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9907.

## 18 VAC 65-20-70. Required fees.

A. The following fees shall apply for initial licensure or registration and for renewal of licensure or registration:

- |   |       |
|---|-------|
| 1. License to practice funeral services or as a funeral director or an embalmer | \$150 |
| 2. Funeral service establishment license  | \$225 |
| 3. Surface transportation and removal service registration                      | \$250 |
| 4. Courtesy card  | \$100 |
| 5. Crematory  | \$100 |

B. Other fees.

- |  |               |
|--|---------------|
| 1. Reinstatement fee for each year of licensure or registration expiration | \$50 per year |
| 2. Change of manager or establishment name                                 | \$50          |
| 3. Verification of license or registration to another state                | \$50          |
| 4. Duplicate license, registration, courtesy card                          | \$25          |
| 5. Duplicate wall certificates   | \$50          |
| 6. Change of ownership   | \$100         |
| 7. Reinspection for change of location or ownership                        | \$100         |

## PART II. RENEWALS AND REINSTATEMENT.

### 18 VAC 65-20-120. Expiration dates.

A. A funeral service establishment license, crematory registration, or surface transportation and removal service registration shall expire on January 31 of each calendar year.

B. The funeral service license, funeral director license, or embalmer license shall expire on March 31 of each calendar year.

C. Courtesy cards expire on December 31 of each calendar year.

### 18 VAC 65-20-130. Renewal of license; registration.

A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18 VAC 65-20-120, submit the renewal application and applicable fee.

B. A person who or establishment entity which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18 VAC 65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

## PART IV. REGISTRATION.

### 18 VAC 65-20-435. Registration of crematories.

A. *At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18 VAC 65-20-70.*

B. *A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.*

/s/ John W. Hasty, Director  
Department of Health Professions  
Date: October 6, 1998

/s/ Claude A. Allen  
Secretary of Health and Human Resources  
Date: November 12, 1998

/s/ James S. Gilmore, III  
Governor  
Date: January 26, 1999

VA.R. Doc. No. R99-102; Filed February 2, 1999, 11:45 a.m.

## BOARD OF MEDICINE

**Title of Regulation:** 18 VAC 85-80-10 et seq. **Regulations for Licensure of Occupational Therapists (amending 18 VAC 85-80-10, 18 VAC 85-80-40, 18 VAC 85-80-50, 18 VAC 85-80-60, 18 VAC 85-80-70, 18 VAC 85-80-80, and 18 VAC 85-80-90; adding 18 VAC 85-80-11, 18 VAC 85-80-12, and 18 VAC 85-80-35).**

**Statutory Authority:** § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of the Code of Virginia.

**Effective Dates:** January 29, 1999, though January 28, 2000.

**Preamble:**

*The proposed emergency regulations are being promulgated to comply with statutory provisions of Senate Bill 599 passed by the 1998 General Assembly. Senate Bill 599 (Chapter 593) has an enactment clause requiring the Board of Medicine to promulgate regulations to implement the act to be effective within 280 days of the enactment.*

*Promulgation of the Emergency Regulation, 18 VAC 85-40-10 et seq., is necessary to conform to statutory provisions of Chapter 593 of the 1998 Acts of the Assembly. In accordance with the Administrative Process Act, the "emergency situation" which exists is specified in § 9-6.14:4.1 (C)(5)(ii) of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the law. The proposed regulations are not exempt from provisions of subdivision C of § 9-6.14:4.1.*

*Amendments to the regulations are as follows:*

*18 VAC 85-80-10. The definition of "certification examination" was amended to the "national examination" which is approved for licensure in Virginia.*

*18 VAC 85-80-11. A new section was added to specify the regulation establishing Public Participation Guidelines for the Board of Medicine.*

*18 VAC 85-80-12. A new section was added to provide a requirement for each licensee to furnish the board with a current name and address within 30 days of any change and to specify that any notice sent to the address of record shall be duly given.*

*18 VAC 85-80-35. Application requirements have been amended to state some of the current requirements that are found in 18 VAC 85-80-50 and are presently included on the application and to specify the documentation or verification necessary to become licensed as an occupational therapist.*

*18 VAC 85-80-40. The educational requirements are identical to those which were required for certification by the board. The amendment will specify that an applicant whose occupational therapy education was outside the United States shall meet the requirements of the*

*National Board of Certification in Occupational Therapy, the national certifying body for the profession.*

*18 VAC 85-80-50. Amendments are adopted to clarify an applicant is required to pass any examination required by NBCOT for certification and that an applicant who fails the national examination must meet the requirements of the NBCOT for retaking that examination.*

*18 VAC 85-80-60. Amendments specify the completion of a board-approved supervised practice for those who have not practiced actively for more than two years. The hours of active practice (160 in two years) are consistent with those required by other professions licensed by the board and with those required for renewal of licensure by occupational therapists in Virginia.*

*18 VAC 85-80-70. An amendment will provide specificity to the current requirement of active practice for renewal to be at least 160 hours during the past biennium.*

*18 VAC 85-80-80. The amended regulation provides requirements for reinstatement of a license to consist of a certain number of hours of a board-approved supervised practice. For a license which has been lapsed for more than two years, a practice of 160 hours within two months is required.*

*18 VAC 85-80-90. An amendment is adopted to provide that active practice, as required for renewal of licensure, may include supervisory, administrative or consultative services related to the delivery of occupational therapy services.*

**Agency Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9908.

### PART I. GENERAL PROVISIONS.

#### **18 VAC 85-80-10. Definitions.**

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

"Advisory board" means the Advisory Board of Occupational Therapy.

~~"AOTA" means the American Occupational Therapy Association, Inc.~~

"ACOTE" means the Accreditation Council for Occupational Therapy Education.

"Board" means the Virginia Board of Medicine.

~~"Certification National examination" means the national examination approved and prescribed by NBCOT for certification as an occupational therapist and approved for licensure in Virginia.~~

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"NBCOT" means the National Board for Certification in Occupational Therapy, under which the national examination for certification is developed and implemented.

"Occupational therapy personnel" means persons who provide occupational therapy services under the supervision of a licensed occupational therapist.

## **18 VAC 85-80-11. Public Participation Guidelines.**

A separate board regulation, 18 VAC 85-10-10 et seq., entitled *Public Participation Guidelines*, provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

## **18 VAC 85-80-12. Current name and address.**

Each licensee shall furnish the board his current name and address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.

### PART II.

## REQUIREMENTS OF LICENSURE AS AN OCCUPATIONAL THERAPIST.

### **18 VAC 85-80-35. Application requirements.**

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18 VAC 85-80-120.
2. Verification of professional education in occupational therapy as required in 18 VAC 85-80-40.
3. Verification of professional activity as required on the application form.
4. Documentation of passage of the national examination as required in 18 VAC 85-80-50.
5. If licensed or certified in any other jurisdiction, verification that there has been no disciplinary action taken or pending in that jurisdiction.

### **18 VAC 85-80-40. Educational requirements.**

A. An applicant for licensure who has received his professional education in the United States, its possessions or territories, shall successfully complete all academic and fieldwork requirements of an accredited educational program as verified by the ACOTE.

B. An applicant who has received his professional education outside the United States, its possessions or territories, shall successfully complete all academic and clinical fieldwork requirements of a program approved by a member association of the World Federation of Occupational Therapists as verified by the candidate's occupational therapy program director and approved as required by the NBCOT and submit proof of proficiency in the English language by passing the Test of English as a Foreign Language (TOEFL) with a grade of not less than 560 score

acceptable to the board. TOEFL may be waived upon evidence of English proficiency competency.

C. An applicant who does not meet the educational requirements as prescribed in subsection A or B of this section but who holds certification by the NBCOT as an occupational therapist shall be eligible for licensure in Virginia and shall provide the board verification of his education, training and work experience which is acceptable to the board.

### **18 VAC 85-80-50. Examination requirements.**

A. An applicant for licensure to practice as an occupational therapist shall submit evidence to the board that he holds current and valid has passed the national examination in occupational therapy and any other examination required for initial certification from the NBCOT.

B. An applicant must submit the application, credentials and prescribed fees as required by the board for licensure.

C. An applicant who has received a degree from a duly accredited educational program in occupational therapy shall be allowed to practice as an occupational therapist for one year from the date of graduation or until he has taken and received a passing grade of the certification examination, whichever occurs sooner.

D. An applicant who fails to successfully pass the examination within one year after graduation may practice occupational therapy under the supervision of a licensed occupational therapist until successful completion of the certification examination and the filing of the required application, credentials, and fee.

E. An applicant who does not qualify by education for the NBCOT Certification Examination and who does not hold a valid certificate from the NBCOT but who is currently practicing occupational therapy may submit, for review and recommendation of the advisory board and the approval by the board, evidence of his education, training, and experience along with a request to take the examination for licensure as an occupational therapist in Virginia. A person who does not take the certification examination may continue to practice occupational therapy under the supervision of an occupational therapist.

B. An applicant who fails to successfully pass the national examination shall meet any requirements of the NBCOT for retaking the examination.

### **18 VAC 85-80-60. Practice requirements.**

An applicant who has met educational and examination requirements but who has not practiced occupational therapy for a period of six years shall serve a board approved practice of 160 hours which is to be completed in two consecutive months under the supervision of a licensed occupational therapist. An applicant who has the requirements for licensure but who has not engaged in the practice of occupational therapy as prescribed in Part IV of this chapter for a period of two years or more shall serve a board-approved practice of 160 hours, which is to be

completed in two consecutive months under the supervision of a licensed occupational therapist.

## PART III.

### RENEWAL OF LICENSURE; REINSTATEMENT.

#### 18 VAC 85-80-70. Biennial renewal of licensure.

A. An occupational therapist shall renew his licensure biennially during his birth month in each even-numbered year by:

1. Paying to the board the renewal fee prescribed in 18 VAC 85-80-120; and

2. Indicating ~~whether or not that he has been professionally active engaged in the practice of occupational therapy as prescribed in Part IV of this chapter for at least 160 hours during each biennial renewal cycle.~~

B. An occupational therapist whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall be ~~dropped from the licensure roll.~~ C. ~~An pay an additional late fee to cover administrative costs for processing a late application shall be imposed by the board as prescribed in 18 VAC 85-80-120.~~

#### 18 VAC 85-80-80. Reinstatement.

A. An occupational therapist who allows his licensure to lapse for a period of two years or more and chooses to resume his practice shall make a new application to the board, *shall serve a board-approved practice of 160 hours which is to be completed in two consecutive months under the supervision of a licensed occupational therapist, and payment of shall pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-120.*

~~B. An occupational therapist who has allowed his licensure to lapse for six years or more and who has been professionally inactive shall serve a board-approved practice of 160 hours to be completed in two consecutive months under the supervision of a licensed occupational therapist.~~

~~C. B.~~ An occupational therapist whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board and payment of the fee for reinstatement of his ~~certification~~ licensure as prescribed in 18 VAC 85-80-120 pursuant to § 54.1-2921 of the Code of Virginia.

## PART IV.

### PRACTICE OF OCCUPATIONAL THERAPY.

#### 18 VAC 85-80-90. General responsibilities.

An occupational therapist renders his services of assessment, program planning, and therapeutic treatment upon request for such service. *The practice of occupational therapy may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.*

/s/ John W. Hasty, Director  
Department of Health Professions  
Date: November 18, 1998

/s/ Claude A. Allen  
Secretary of Health and Human Resources  
Date: December 22, 1998

/s/ James S. Gilmore, III  
Governor  
Date: January 25, 1999

VA.R. Doc. No. R99-97; Filed January 29, 1999, 12:02 p.m.

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## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-325-10 et seq. **Fraud Reduction/Elimination Effort.**

Statutory Authority: § 63.1-58.2 of the Code of Virginia.

Effective Dates: April 1, 1999, though March 31, 2000.

#### Preamble:

*An amendment to § 63.1-58.2 of the Code of Virginia, enacted on July 1, 1998, requires the Department of Social Services to establish a statewide fraud control and prevention program and requires the State Board of Social Services to promulgate regulations for operation of the program. Clause 2 of Chapter 775, 1998 Acts of Assembly, requires the board to promulgate emergency regulations pursuant to subdivision C 5 (ii) of § 9-6.14:4.1 of the Code of Virginia to carry out the purposes of that act. The statewide fraud control and prevention program will be named the Fraud Reduction/Elimination Effort (FREE).*

Agency Contact: L. Richard Martin, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1825.

#### CHAPTER 325.

#### FRAUD REDUCTION/ELIMINATION EFFORT.

#### PART I. DEFINITIONS.

#### 22 VAC 40-325-10. Definitions.

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

*"Department" means the Virginia Department of Social Services.*

*"Direct costs" means the cost of salary and fringe benefits.*

*"Food Stamps" means the program supervised by the Virginia Department of Social Services through which a*

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household can received food stamps with which to purchase food products.

“Fraud Recovery Special Fund” means the special fund established under § 63.1-58.2 D of the Code of Virginia.

“Fraud Reduction/Elimination Effort” means the program established in compliance with § 63.1-58.2 of the Code of Virginia to ensure that fraud prevention and investigation are aggressively pursued throughout the Commonwealth of Virginia.

“Fraud prevention and investigation units” means a person or persons whose job it is to work on all aspects of prevention and investigation of fraud cases.

“FREE” means the Fraud Reduction/Elimination Effort.

“General fund” means that portion of the budget of the Commonwealth of Virginia which is made up of general tax revenues, the major sources of which are sales tax, income tax, and profits from the Virginia Lottery.

“Local departments” means local departments of social services.

“Local share” means that portion of the administrative costs of operation borne by local departments of social services.

“Performance based methodology” means an evaluation of a local agency’s program performance, including collections, in relation to requests for reimbursement for the direct costs of program staff.

“Private entities” means individuals or organizations other than federal, state, or local personnel or agencies.

“Reimbursed” means the process by which the Department of Social Services provides monetary credit to local departments of social services for their administrative costs.

“TANF” means the Temporary Assistance for Needy Families program.

“Temporary Assistance for Needy Families” means the program which provides a monthly cash benefit to families which meet income and eligibility requirements.

## PART II.

### FRAUD REDUCTION/ELIMINATION EFFORT.

#### **22 VAC 40-325-20. The Fraud Reduction/Elimination Effort.**

A. In compliance with § 63.1-58.2 of the Code of Virginia, the Department of Social Services shall establish a statewide fraud prevention and control program, to be named the Fraud Reduction/Elimination Effort (FREE).

B. Each local department of social services shall operate FREE. Local departments shall submit a program operation plan, which shall include a description of program staffing, to the Department of Social Services for approval.

C. To the extent that state funding is available in the Fraud Recovery Special Fund, local departments which are in

compliance with § 63.1-58.2 of the Code of Virginia, the regulations contained herein, and Department of Social Services FREE program policy, shall be reimbursed for the local share of direct costs of FREE staffing.

1. During the first year of the program, requests for staffing shall be approved based upon each local agency’s average caseload size.

2. Requests for subsequent years shall be evaluated based upon average caseload size, average number of monthly applications for Food Stamps and TANF, number of workers, geographic location, number of fraud investigations, program compliance, and collections. In order to receive reimbursement, a local agency’s combined collections must equal or exceed the cost of its positions dedicated to FREE.

/s/ Clarence H. Carter, Commissioner  
Department of Social Services  
Date: November 4, 1998

/s/ Claude A. Allen  
Secretary of Health and Human Resources  
Date: November 23, 1998

/s/ James S. Gilmore, III  
Governor  
Date: January 19, 1999

VA.R. Doc. No. R99-104; Filed February 4, 1999, 1:55 p.m.



## TITLE 23. TAXATION

### DEPARTMENT OF TAXATION

Title of Regulation: **23 VAC 10-110-10 et seq. Individual Income Tax: Qualified Equity and Subordinated Debt Investments Tax Credit (adding 23 VAC 10-110-225 through 23 VAC 10-110-229).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Effective Dates: February 4, 1999, through February 3, 2000.

Preamble:

This emergency regulation was necessitated by the passage of House Bill 1359, Qualified Equity and Subordinated Debt Investments Tax Credit, during the 1998 Session of the Virginia General Assembly. The legislation mandates the Department of Taxation to promulgate regulations prior to December 31, 1998, which is less than 280 days from the date the law was enacted.

The regulation sets forth procedures for applying for the Qualified Equity and Subordinated Debt Investments Tax Credit (see 23 VAC 10-110-227 and 23 VAC 10-110-228) and provisions for allocating such tax credits among

eligible taxpayers when requests exceed the Commonwealth's annual fiscal limitations (see 23 VAC 10-110-229).

**Agency Contact:** Howard Macrae, Assistant Commissioner of Tax Policy, Department of Taxation, 2220 W. Broad Street, Richmond, VA 23220-1717, telephone (804) 367-8010.

**23 VAC 10-110-225. Qualified Equity and Subordinated Debt Investments Tax Credit; Definitions.**

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

"Equity" means common stock or preferred stock, regardless of class or series, of a corporation; a partnership interest in a limited partnership; or a membership interest in a limited liability company, any of which is not required or subject to an option on the part of the taxpayer to be redeemed by the issuer within five years from the date of issuance.

"Family member" means spouse, child, grandchild, parent, sibling or any other person who is related to the taxpayer by blood, marriage, or adoption.

"Primarily engaged in business in the Commonwealth" means 50% or more of the entity's gross receipts are derived from sources within Virginia.

"Qualified business" means a business which (i) has annual gross revenues of no more than five million dollars in its most recent tax year, (ii) is commercially domiciled in the Commonwealth, (iii) is primarily engaged in business or does substantially all of its production in the Commonwealth, and (iv) is not primarily engaged, or is not primarily organized to engage, in any of the following types of businesses:

1. Banks;
2. Savings and loan institutions;
3. Credit or finance;
4. Financial, broker or investment;
5. Businesses organized for the primary purpose of rendering professional services as defined in Chapter 7 (§ 13.1-542 et seq.) of Title 13.1;
6. Accounting;
7. Government, charitable, religious or trade institutions or organizations;
8. Conventional coal, oil and gas, and mineral exploration;
9. Insurance;
10. Real estate design or engineering;
11. Construction or construction contracting;
12. Business consulting or business brokering;

13. Residential housing, real estate brokerage, sale or leasing businesses, or real estate development; or

14. Any business which is in violation of the law.

"Qualified investment" means a cash investment in a qualified business in the form of equity or subordinated debt. An investment shall not be qualified, however, if the taxpayer who holds such investment, or any of such taxpayer's family members, or any entity affiliated with such taxpayer, receives or has received compensation from the qualified business in exchange for services provided to such business as an employee, officer, director, manager, independent contractor or otherwise in connection with or within one year before or after the date of such investment. For purposes hereof, reimbursement of reasonable expenses incurred shall not be deemed to be compensation. A qualified investment shall not include existing investments or instruments that have been purchased, transferred, or otherwise obtained without providing new capital to a qualified business.

"Subordinated debt" means indebtedness of a corporation, general or limited partnership, or limited liability company that (i) by its terms requires no repayment of principal for the first three years after issuance; (ii) is not guaranteed by any other person or entity, or secured by any assets of the issuer or any other person or entity; and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

"Substantially all of its production in the Commonwealth" means 80% or more of the entity's expenses are incurred within Virginia.

**23 VAC 10-110-226. Qualified Equity and Subordinated Debt Investments Tax Credit; General Credit Provisions.**

A. For taxable years beginning on or after January 1, 1999, a taxpayer shall be allowed a credit against the taxes imposed by Articles 2 (Individual Income Tax; § 58.1-320 et seq.) and 6 (Taxation for Estates and Trusts; § 58.1-360 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia in an amount equal to 50% of such taxpayer's qualified investments made during such taxable year.

B. The amount of any credit attributable to a qualified investment by a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, as they may determine.

C. The aggregate amount of the credit that may be used by any taxpayer per taxable year shall not exceed the lesser of (i) the tax imposed for such taxable year or (ii) \$50,000. The credit is not refundable and may not be carried back. Any credit, or portion thereof, not usable for the taxable year in which the credit was allowed may be, to the extent usable, carried over for the next fifteen succeeding taxable years or until the total amount of the tax credit has been taken, whichever occurs first.

D. The total amount of tax credits available for the Commonwealth's fiscal year shall not exceed \$5 million. In

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the event that the total eligible credit requests exceed the Commonwealth's annual fiscal limitation, each taxpayer shall be granted a pro rata amount as determined by the department. The amount of such prorated credit shall be determined by multiplying a fraction, the numerator of which shall be the credit requested by the eligible taxpayer for such year, and the denominator of which shall be the total credits requested by all eligible taxpayers for such taxable year, to the Commonwealth's annual fiscal limitation of \$5 million.

## **23 VAC 10-110-227. Qualified Equity and Subordinated Debt Investments Tax Credit; Qualified Business Application Procedure.**

A. Every eligible entity desiring to be designated as a qualified business for purposes of this tax credit must make an application to the department. Such application must be made prior to the issuance of any equity or subordinated debt; otherwise, the issuance shall not qualify for the tax credit.

1. A qualified business application must be made at least 90 days prior to the issuance of any equity or subordinated debt to ensure that the department's determination regarding the entity's qualification will be made prior to the issuance date.
2. A qualified business application may be made less than 90 days prior to the issuance of any equity or subordinated debt; however, the department cannot ensure that its determination regarding the entity's qualification will be made prior to the issuance date.
3. A qualified business application will not be accepted after the issuance date of any equity or subordinated debt, except for issuances made between January 1, 1999 and before September 1, 1999, for which applications must be made by October 1, 1999. For issuances of equity or subordinated debt made on September 1, 1999 and thereafter, qualified business applications must be made prior to the issuance date as described in paragraphs A 1 and A 2 above. For example, issuances made on September 1, 1999, will require a qualified business application no later than June 1, 1999, to ensure that the department's determination will be made prior to the issuance date.

B. The entity shall supply all information and supporting documentation the department deems necessary to properly determine whether the entity is a qualified business. Such information shall include, but shall not be limited to, the following:

1. The amount of annual gross revenues from its most recent tax year.
2. The entity's state of commercial domicile as defined in 23 VAC 10-120-140 D.
3. The state in which the entity either (i) is primarily engaged in business or (ii) does substantially all of its production.

4. The type of business in which the entity is primarily engaged or primarily organized to engage. The same method used to answer paragraph 3 shall be used in answering this paragraph.

C. If the department determines the entity is a qualified business, the department shall issue a certificate to the entity stating the same. Such designation shall be valid only for the calendar year of issuance.

D. Upon issuance of equity or subordinated debt to taxpayers, the qualified business shall issue a statement to each taxpayer for attachment to the taxpayer's tax credit application. Such statement shall contain the following information:

1. A copy of the qualified business certification granted by the department.
2. The type of investment at issue (i.e. equity or subordinated debt) and the amount.
3. That the investment at issue meets the definition of a qualified investment for purposes of this credit.
  - a. If the investment at issue is equity, the statement must also indicate that such issuance is an original issuance which provides new capital to the qualified business, and that it is not required or subject to an option on the part of the taxpayer to be redeemed by the issuer within five years from the date of issuance.
  - b. If the investment at issue is subordinated debt, the statement must also indicate that such issuance is an original issuance which provides new capital to the qualified business, and that (i) by its terms requires no repayment of principal for the first three years after issuance; (ii) is not guaranteed by any other person or entity, or secured by any assets of the issuer or any other person or entity; and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

## **23 VAC 10-110-228. Qualified Equity and Subordinated Debt Investments Tax Credit; Tax Credit Application Procedure.**

A. Eligible taxpayers who qualify for the equity and subordinated debt investment tax credit must make an application to the department.

1. For eligible taxpayers using the 1999 calendar year as their taxable year, an application and supporting documentation requesting the tax credit must be submitted no later than April 1, 2000.
2. For taxable years ending after December 31, 1999, and before January 1, 2001, eligible taxpayers must submit an application and supporting documentation requesting the tax credit no later than April 1, 2001.
3. For taxable years thereafter, for any taxable year that ends after January 1, and on or before December 31,

eligible taxpayers must submit an application and supporting documentation requesting the tax credit no later than April 1 of the subsequent calendar year.

B. The department shall review all applications for completeness and notify taxpayers of any errors no later than June 1. Taxpayers must fully respond to any such notices no later than June 15.

C. All eligible taxpayers shall be notified by June 30 as to the amount of applicable tax credit that may be claimed for the taxable year for which the request was made.

D. Applications must be made on forms prescribed by the department and either hand delivered by the date specified in this section or sent by certified mail with a return receipt requested and post marked no later than the date specified in this section.

E. Each taxpayer shall timely supply all information the department deems necessary to properly determine the allowable credit amount. Such information shall include, but shall not be limited to, the following:

1. A copy of the statement issued by the qualified business pursuant to section 23 VAC 10-110-227 E.
2. The taxable year during which the qualified investment was made.
3. The name, address, federal identification number, and Virginia account number of the taxpayer.
4. A certification by the taxpayer, under penalty of perjury, that the qualified investment meets all conditions outlined in § 58.1-339.4 of the Code of Virginia and these regulations.
5. In the case of a partnership, electing small business corporation (S corporation), or limited liability company, the application shall include the name, address, social security number, and allocable credit amount for each of its individual partners, shareholders, or members. Notification of the allowable credit amount shall be sent to the entity, and a copy of such notification shall be attached to each individual taxpayer's Virginia income tax return on which the credit is claimed.

F. Eligible taxpayers who will not receive the final certification of their credits prior to the due date of their individual state income tax returns must either file the appropriate return extension request or amend their return after receiving a credit certification. Amended returns to claim the tax credit must be filed within the applicable statute of limitations.

**23 VAC 10-110-229. Qualified Equity and Subordinated Debt Investments Tax Credit; Required Equity Holding Period.**

A. Equity received in connection with a qualified business investment must be held by the taxpayer for at least five full calendar years following the calendar year for which a tax credit for a qualified investment is allocated except in any of

the following instances: (i) the liquidation of the qualified business issuing such equity, (ii) the merger, consolidation or other acquisition of such business with or by a party not affiliated with such business, or (iii) the death of the taxpayer.

B. If the five calendar year holding period requirement is not met, the taxpayer shall immediately notify the department and forfeit all used and unused tax credits. The forfeiture of all used credits shall be deemed a tax assessment, to which the department shall add a penalty equal to the amount of the used credits. In addition thereto, interest on the outstanding tax and penalty shall be assessed at the rate of one percent per month, compounded monthly, from the date the tax credits were claimed by the taxpayer.

C. Upon written request, the department shall have the discretion to abate any assessed penalty, in full or in part, if the taxpayer establishes reasonable cause for the failure to hold such equity for the five calendar year holding period. The reason for any such abatement shall be preserved among the records of the department.

/s/ Danny M. Payne  
Tax Commissioner  
Date: December 10, 1998

/s/ Ronald L. Tillett  
Secretary of Finance  
Date: December 11, 1998

/s/ James S. Gilmore, III  
Governor  
Date: January 25, 1999

VA.R. Doc. No. R99-105; Filed February 4, 1999, 2:38 p.m.

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## STATE WATER CONTROL BOARD

**EDITOR'S NOTICE:** The following forms have been amended by the State Water Control Board. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219. Copies of the forms may be obtained from Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

**Title of Regulation: 9 VAC 25-192-10 et seq. Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations.**

~~Instructions, VPA General Permit Registration Statement for Confined Animal Feeding Operations (eff. 11/94).~~

Virginia Pollution Abatement General Permit Registration Statement for Confined Animal Feeding Operations, *with instructions* (eff. 11/94 rev. 2/99).

### INSTRUCTIONS

#### VPA GENERAL PERMIT REGISTRATION STATEMENT FOR CONFINED ANIMAL FEEDING OPERATIONS

##### General

A VPA general permit registration statement must be submitted when an owner makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Confined Animal Feeding Operations. Owners who are currently covered under the general permit must submit a revised registration statement and all required attachments whenever they propose to construct new structures or waste storage facilities, increase the number of animals above the previously stated maximum number or add new sites for land application of animal waste.

##### Section 1 Facility Information

Give the name of the animal feeding operation and enter its complete mailing address.

##### Section 2 Owner Information

Give the legal name of the person, firm, public organization, or any other entity that owns the facility or site described in this registration statement. The address of the owner may or may not be the same as the address of the facility. If they are the same, write "SAME AS ABOVE" in the appropriate spaces. Please include the owner's telephone number.

##### Section 3 Operator Information

Give the operator's name, mailing address and phone number. If these are the same as the owner information, write "SAME AS ABOVE" in the appropriate spaces. The operator is the person who manages daily activities at the site. Please also provide the name of a contact person, their phone number and the best time to make contact with them during regular working hours.

##### Section 4 Existing Permit Numbers

List the number of any expiring or currently effective permits issued to the animal feeding operation under the VPA permit program or the IW-ND certificate program.

##### Section 5 Animal Information

Indicate the maximum number and average weights of animals in each category that the operation will have at any one time. Dry cows should be counted in the total for dairy operations.

##### Section 6 Local Government Ordinance Form (LGOF)

Every animal feeding operation seeking coverage under the general permit must provide notification that the operation is not in conflict with the local zoning and planning ordinances. This notification should be made on the LGOF which was provided with the Registration Statement and it must be signed by either the County Administrator, the City/Town Manager, the Mayor, or the Chairman of the Board of Supervisors. The LGOF form you submit must bear an original signature in ink, photocopies are not acceptable. Operations which have previously been issued a VPA permit or IW-ND certificate are not required to submit the LGOF, unless the operation is being expanded to add new structures, new waste storage facilities, new land application sites or more animals than were previously listed as the maximum number. All operations which are applying for a permit for the first time must attach the LGOF to the Registration Statement.

##### Section 7 Nutrient Management Plan (NMP)

State law requires that every animal feeding operation seeking coverage under the VPA general permit have a Nutrient Management Plan. A copy of the operator's Nutrient Management Plan and a copy of the letter from the Virginia Department of Conservation and Recreation approving the operator's NMP must be attached to the Registration Statement. Whenever the NMP is revised, the revised NMP and the approval letter should be copied to the DEQ regional office.

**Adjacent Property Notification:** State law requires that every owner who submits a registration statement for coverage under this general permit must give notice to all owners or residents of property that adjoins the property on which the animal feeding operation will be located. This means all property with a common boundary to the land on which the animals are confined, as well as the land where animal waste is either stored or land applied. The notice must include the types and maximum number of animals which will be maintained at the facility and the address and phone number of the appropriate DEQ regional office to which comments relevant to the permit may be submitted. The address and phone number of the appropriate DEQ regional office are on the letter that was sent with these instructions.

You are responsible for identifying all of the owners or residents of adjoining property and for notifying them whenever you submit a registration statement to DEQ. If the registration statement is being submitted because new land application sites are being added to an already permitted operation, only those owners or residents of property adjoining the new land application site need be notified.

By signing the registration statement, you are certifying that the required notifications have been made. DEQ must receive comments for 30 days after receipt of your registration statement. A decision on your request for coverage under the general permit will be made following that 30 day comment period.

##### Section 8 Certification

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:  
**For a corporation:** by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**For a partnership or sole proprietorship:** by a general partner or the proprietor; or  
**For a municipality, state, federal, or other public facility:** by either a principal executive officer or ranking elected official.

Revised 2/99

9 VAC 25-192-10 et seq.

**COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
VIRGINIA POLLUTION ABATEMENT GENERAL PERMIT REGISTRATION STATEMENT  
FOR CONFINED ANIMAL FEEDING OPERATIONS**

1. Facility Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
2. Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_
3. Operator Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Facility Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_ Best Time to Contact (day time): \_\_\_\_\_
4. Does this facility have an existing VPA permit or IW-ND Certificate? Yes \_\_\_ No \_\_\_  
If yes, the VPA Permit or IW-ND Certificate Number is: \_\_\_\_\_
5. Indicate the maximum number and average weight of the type(s) of animal which will be maintained at your facility:

Animal Type	Maximum Number	Average Weight
Dairy Cattle	_____	_____
Slaughter and Feeder Cattle	_____	_____
Swine	_____	_____
Other _____	_____	_____

6. The owner of any proposed pollutant management activities or those which have not previously been issued a valid VPA permit or IW-ND Certificate must attach to the Registration Statement the notification from the governing body of the county, city or town where the operation is located that the operation is consistent with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.
7. The owner of the pollutant management activities must attach to the Registration Statement a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan and a copy of the approved Nutrient Management Plan.

8. **Certification:**  
 "I certify that notice of the registration statement has been given to all owners or residents of property that adjoins the property on which the confined animal feeding operation will be located. This notice included the types and numbers of animals which will be maintained at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted. I certify under penalty of law that all the requirements of the Board for the general permit are being met and 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 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."

Print Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Revised 2/99

9 VAC 25-192-10 et seq.

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER THIRTY-SEVEN (99)

### **WORKPLACE SAFETY AND HEALTH**

State employees report more than 9,000 work-related injuries and illnesses each year. These injuries and illnesses cause considerable pain and hardship for employees and their families and hinder the effective operation of state agencies. Risk managers and safety professionals report that many of these injuries and illnesses can be reduced or prevented. Recognizing this potential, the Department of General Services, Division of Risk Management, which administers the workers' compensation self-insurance program for state agencies, has implemented initiatives designed to reduce work-related injuries and illnesses and to improve services for state employees who suffer compensable injuries on the job. These initiatives include:

- A loss control program, providing education and training, inspections, counseling, and information to reduce on-the-job accidents and injuries, and to enhance the knowledge and technical skills of state employees;
- A toll-free telephone number for the First Report of Injury to permit speedy investigations of injuries, quicker channeling of injured employees to specialized physicians, and early intervention to help employees return to work;
- A preferred provider organization created for the workers' compensation program
- An on-site medical management team of four nurses working to ensure early identification and professional management of serious claims;
- A discount program for prescriptions, medical equipment and supplies;
- A 24-hour on-call home health service staffed by certified professionals;
- A dedicated Web site to provide information on upcoming safety training classes and program updates; and
- A state-of-the-art, Year 2000 compatible claims information system allowing faster, more accurate claims management, integration of claims management and medical management functions, and improved management reporting.

The workers' compensation program is, and must continue to be, a cooperative effort between the Division of Risk Management and other state agencies. Agencies with special expertise, and those that have successfully reduced the incidence of workers' compensation injuries and illnesses, have a special role to play, as they can serve as resources in helping other state agencies to implement good workplace safety and health practices. All state agencies have an important role to play to reduce work-related injuries and to improve services to injured employees.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the laws of the Commonwealth, including but not limited to Chapter 5 of Title 2.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish a Workplace Safety and Health Initiative to assure a safe and healthy workplace for state employees, to reduce the incidence of work-related accidents and illnesses occurring in state agencies, to assure that injured employees receive any benefits for which they are eligible in a timely manner, and to assist employees in returning to work.

All executive branch departments, agencies, and institutions of higher education shall:

- Cooperate with the Division of Risk Management in implementing the initiatives to reduce work-related injuries and improve services to injured employees;
- Submit the First Report of Injury to the Division of Risk Management, using the Workers' Compensation Commission's Employer's First Report of Injury or the Telephonic First Report of Injury Program, within ten days of the injury.
- Evaluate the work-related injuries and illnesses that occurred in FY 1998 and each subsequent fiscal year in order to determine how to prevent or reduce work-related injuries and illnesses;
- Establish goals to reduce serious occupational injuries and illnesses and to enhance workplace safety;
- Develop, maintain, and monitor strategies to minimize the risk of work-related injuries and illnesses;
- Develop a return-to-work/modified duty policy for injured employees, with the flexibility to take into account the injured employee's special circumstances, using transitional or light duty assignments when appropriate; and
- Include in managers' performance expectations, when appropriate, goals to encourage a safer work environment and reduce injuries and illnesses.

The Division of Risk Management with approval of the Attorney General and Governor's Policy Office shall establish the guidelines and timeframes for the goals and strategies. All executive department agencies and institutions of higher education shall submit a copy of their goals and strategies to the Division of Risk Management. The Division of Risk Management, with the approval of the Secretary of Administration, may exempt from these requirements those agencies with a history of few or no serious work-related injuries or illnesses.

Pursuant to § 2.1-526.11:1 of the Code of Virginia, the Division of Risk Management shall:

- Review agency goals and strategies, and provide guidance and technical assistance as may be needed;

- Convene a task force of key managers and staff representing a cross-section of agencies and employees throughout the Commonwealth, to plan and monitor implementation of this Executive Order, to advise and provide feedback on program issues, and to make recommendations to improve services. The task force should include representatives from agencies with both large and small numbers of claims. It should also include agencies with support responsibilities or related mandates and programs;
- Develop and monitor statewide strategies to reduce work-related injuries and illnesses, in conjunction with the task force recommendations and strategies developed by state agencies;
- Coordinate implementation of the statewide strategies, in conjunction with other affected state agencies;
- Develop and coordinate a program of training and technical assistance in conjunction with recommendations from the task force;
- Report quarterly to the agency heads and Secretaries noncompliance with the provisions of this Executive Order; and
- Report annually to the Governor progress made in improving workplace health and safety, reducing the number of serious work-related injuries and illnesses, and reducing workers' compensation costs.

This Executive Order shall be effective upon signing and shall remain in full force and effect until superseded or rescinded by further executive action.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January, 1999.

/s/ James S. Gilmore, III  
Governor

VA.R. Doc. No. R99-98; Filed February 1, 1999, 10:43 a.m.

#### EXECUTIVE ORDER NUMBER THIRTY-EIGHT (99)

#### **DECLARATION OF A STATE OF EMERGENCY THROUGHOUT THE COMMONWEALTH OF VIRGINIA ARISING FROM PREDICTED SEVERE WINTER WEATHER DUE TO HIGH WINDS, FRIGID TEMPERATURES, COMBINING WITH THE LATENT EFFECTS OF THE DECEMBER 23, 1998, ICE STORM**

On December 30, 1998, I verbally declared a State of Emergency due to high winds, frigid temperatures, and continuing electric power outages caused by the December 23, 1998, ice storm throughout central and southeastern Virginia. Furthermore, this declaration takes into consideration more severe winter weather being forecast over the next several days that may exacerbate this situation. I hereby promulgate this declaration in order to assist those citizens still without power to find warm shelter, and to further prepare for forecasted severe winter weather.

This order directs the Secretary of Public Safety and the Virginia Department of Emergency Services to coordinate emergency efforts by the Virginia Department of Transportation, Virginia National Guard, Virginia State Police, as well as other state agencies, local governments, Virginia chapters of the American Red Cross, and other service organizations. They are directed to continue coordinating the delivery of information, providing adequate shelter and other services necessary to assure that all Virginians are safe and protected during this severe winter weather period.

The December 23, 1998, ice storm caused extremely hazardous conditions resulting in wide-spread power outages to more than 450,000 customers at the height of the storm, and resulted in extensive and continuing debris removal operations by state employees, contract personnel, local governments, volunteer organizations, and individuals.

The health and general welfare of the citizens of the localities that have been and may be affected require that state action is initiated to prepare for and alleviate the conditions resulting from the December 23, 1998, ice storm and subsequent effects based upon the forecast for additional severe winter weather over the next several days. I also find that this storm in combination with forecasted events constitutes a natural disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 and § 44-75.1 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued December 30, 1998, wherein I proclaimed that a state of emergency existed in the Commonwealth and directed that appropriate assistance be rendered by agencies of both state and local governments and service organizations to alleviate conditions resulting from this winter storm and to prepare for severe winter weather conditions forecasted for the next several days. Pursuant to §§ 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This directive shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, assist in transportation and evacuations of stranded motorists or citizens, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Services and the Adjutant General, and with the approval of the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and to recover from its effects, and in accordance with my authority contained in § 44-146.17 of

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# Governor

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the Emergency Services and Disaster Law, I hereby order the following protective and restoration measures:

1. The full implementation by agencies of the state and local governments of Volume I, Virginia Emergency Operations Plan (COVEOP), May 1997, as amended, and other appropriate state agency plans.
2. Full activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT), which is a multi-agency working group, to coordinate implementation of the COVEOP and to coordinate receipt and evaluation of information related to the effects of this storm. Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the COVEOP and others that may be identified by the State Coordinator of Emergency Services, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities. The State Coordinator of Emergency Services will work closely with involved agencies to identify sources of funding to cover costs related to the execution of mission assignments.
3. The authorization to assume control over the Commonwealth's telecommunications systems, as required by the State Coordinator of Emergency Services, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the impending event, pursuant to § 44-146.18 of the Code of Virginia.
4. The preparation for and, if necessary, the evacuation of areas subject to the potential effects of this storm.
5. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Services to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Services is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1, Code of Virginia.
6. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight/registration/license exemptions to carriers transporting essential emergency relief supplies into and

through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

In addition to described overweight transportation privileges, carriers are also exempt from registration with DMV. This includes the vehicles en route and returning to their home bases. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight transportation privileges and the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented by 19 VAC 30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect through February 28, 1999, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

7. The discontinuance of provisions authorized in paragraph 6 above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I herewith delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

8. If deemed necessary, the designation of a State Recovery Task Force under the leadership of the Secretary of Commerce and Trade to promote public, private and industrial redevelopment projects and help

sustain long-term community economic vitality in the aftermath of the disaster. This task force will also assist in the restoration of critical public health and safety systems and will do so in close coordination with the State Coordinator of Emergency Services as the individual responsible for ensuring implementation of short-term recovery programs.

9. This state of emergency constitutes a Major Medical Emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

10. The immunity provisions of § 44-146.23 (a) shall apply to volunteer, auxiliary and reserve groups including search and rescue team members (SAR), Virginia Association of Volunteer Rescue Squad (VAVRS) personnel, Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disasters (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others when designated as agents of the Commonwealth for specific disaster-related mission assignments and identified by the State Coordinator of Emergency Services.

The following conditions did and do apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

A. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Services, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property as a result of this severe winter storm.

B. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty for law enforcement purposes as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

C. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This

shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police, Transportation, or Emergency Services or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

D. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(1) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(2) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

E. The following conditions apply to service by the Virginia Defense Force:

(1) Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

(2) Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

(3) All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said

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# Governor

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equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

(4) In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

F. The costs incurred by the Department of Military Affairs and Virginia Defense Force in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 511 of Chapter 1, 1998 Special Session 1, 1998 Virginia Acts of Assembly.

This Executive Order shall be retroactive to December 23, 1998, and shall remain in full force and effect until June 30, 1999, unless sooner amended or rescinded by further executive order. Termination of this Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 14th day of January, 1999.

/s/ James S. Gilmore, III  
Governor

VA.R. Doc. No. R99-99; Filed February 1, 1999, 10:43 a.m.

## EXECUTIVE ORDER NUMBER THIRTY-NINE (99)

### **CONTINUING THE GOVERNOR'S BLUE RIBBON COMMISSION TO EVALUATE THE NEEDS AND GOALS OF HIGHER EDUCATION IN VIRGINIA IN THE 21ST CENTURY**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Title 2.1 and Title 9 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Blue Ribbon Commission to Evaluate the Needs and Goals of Higher Education in Virginia in the 21st Century.

The Commission was created under Executive Order Number One (98), and was classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The duties and responsibilities of the Commission shall remain as set forth in Executive Order One (98).

The Commission shall be comprised of no more than thirty-nine (39) members appointed by the Governor and serving at his pleasure. The Commission Chairman appointed by the Governor shall continue in that capacity.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Planning and

Budget, the State Council of Higher Education in Virginia, individual public colleges and universities, and other executive agencies with closely and definitely related purposes as the Governor may designate. The Commission's staff shall include an Executive Director appointed by the Governor.

An estimated 6,600 hours of staff time will be required to support the work of the Commission. Funding necessary to support the Commission's work shall be provided from sources, both private contributions and state funds appropriated for the same purposes as the Commission, authorized by Section 2.1-51.37 of the Code of Virginia. Direct expenditures for the Commission's work are estimated at \$50,000.

Members of the Commission shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties only upon the approval of the Secretary of Education.

I hereby direct all state agencies and institutions (including the boards of visitors, presidents and administrators of public colleges and universities, and staff at the State Council of Higher Education) to cooperate fully in assisting the Commission in its work and to promptly provide the Commission with any information or assistance it requests. I further direct the board of each public college and university to appoint an administrator to serve as a liaison to the Commission in fulfilling all requests and needs of the Commission.

The Commission shall make a final report to the Governor no later than December 31, 1999, and may issue such other reports and recommendations at any time as it deems necessary or upon the request of the Governor.

This Executive Order shall be effective retroactive to December 31, 1998, and shall remain in full force and effect until December 31, 1999, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th day of January 1999.

/s/ James S. Gilmore, III  
Governor

VA.R. Doc. No. R99-100; Filed February 1, 1999, 10:43 a.m.

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF CRIMINAL JUSTICE SERVICES

### Notice of Application to Obtain Funding through the Edward Byrne Memorial Formula Grant Fund

The Department of Criminal Justice Services will submit, on or before March 1, 1999, an application to the Bureau of Justice Assistance, U.S. Department of Justice, to obtain FY 1999 funding available through the Edward Byrne Memorial Formula Grant Program. The application requests a total of \$12,054,000 in federal funds. The department and the Criminal Justice Services Board anticipate using the funds beginning on July 1, 1999, to support local and state agency community-oriented justice projects, as well as projects in drug enforcement and prosecution, crime prevention, training and technical assistance, and other criminal justice system improvements which have previously received funding through this grant program.

The application is available for public review at the department's offices at 805 East Broad Street, Richmond, Virginia 23219, and comments from the public are welcome. Inquiries should be directed to Joe Marshall, Grants Administrator, at (804) 786-1577.

## COMMISSION ON LOCAL GOVERNMENT

### Schedule of Assessments of Mandates on Local Government

Pursuant to the provisions of §§ 2.1-7.1 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Gilmore, 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 1-98 which became effective October 13, 1998.

For further information call Larry McMillan, Senior Policy Analyst, Commission on Local Government, at 786-6508.

## ADMINISTRATION SECRETARIAT

### State Board of Elections

Mandate: Voting Equipment and Systems  
Type: Compulsory Order  
Statutory Authority: Code of Virginia §§ 24.2-103, 24.2-628, 24.2-629  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

## Department of General Services

Mandate: Blanket Fidelity Bond Program  
Type: Compulsory Order  
Statutory Authority: Code of Virginia §§ 2.1-526.9, 8.01-588.1, 15.2-1526 through 15.2-1533  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Design Build/Construction Management Review  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 11-41.2:2 et seq.  
Assessment Schedule: Start Date: 1-1-00 End Date: 3-31-00

## Department of Personnel and Training

Mandate: Optional Health Insurance  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 2.1-20.1 et seq.  
Assessment Schedule: Start Date: 6-1-99 End Date: 8-31-99

## EDUCATION SECRETARIAT

### Department of Education

Mandate: Reenrollment Plans  
Type: Compulsory Order  
Statutory Authority: Code of Virginia §§ 22.1-17.1, 22.1-288.2  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

Mandate: Reports of Certain Acts in Schools  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 22.1-280.1; 8 VAC 20-560-10  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

## FINANCE SECRETARIAT

### Department of Taxation

Mandate: Banks' Return on Net Capital  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 58.1-1207  
Assessment Schedule: Start Date: 2-1-99 End Date: 4-30-99

Mandate: Annual Assessment Sales Ratio Study  
Type: Compulsory Order  
Statutory Authority: Code of Virginia §§ 58.1-207, 58.1-208, 58.1-2604  
Assessment Schedule: Start Date: 2-1-99 End Date: 4-30-99

Mandate: Tax-Exempt Real Property Inventory  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 58.1-3604  
Assessment Schedule: Start Date: 2-1-99 End Date: 4-30-99

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# General Notices/Errata

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## Department of the Treasury

Mandate: Tax Law Compliance for Bond Sale to Virginia Public School Authority

Type: Regulation of Optional Activity

Statutory Authority: Internal Revenue Code §§ 1.103, 1.144 through 1.149

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Investment of Virginia Public School Authority Bond Proceeds

Type: Regulation of Optional Activity

Statutory Authority: Virginia Public School Authority General Pooled Bond Policy § 11; Internal Revenue Code §§ 1.103, 1.148

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Depositing Requirements for State Funds

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 2.1-198, 58.1-3168

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Exception Reporting by Public Depositor

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 2.1-359 through 2.1-370

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Uniform Disposition of Unclaimed Property

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 55-210.1 through 55-210.30

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Abandoned Real Property

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 55-168 through 55-201.1

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

## HEALTH AND HUMAN RESOURCES SECRETARIAT

### Department of Health

Mandate: Establishment of Local Health Department

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 32.1-30 through 32.1-34.1

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

### Department of Mental Health, Mental Retardation, and Substance Abuse Services

Mandate: CSB Participation in Community Medicaid Initiative

Type: Compulsory Order

Statutory Authority: Item 341, Chapter 1, 1998 Acts of Assembly

Assessment Schedule: Start Date: 11-1-99 End Date: 1-31-00

Mandate: Establishment of Community Services Board

Type: Compulsory Order

Statutory Authority: Code of Virginia § 37.1-194

Assessment Schedule: Start Date: 11-1-99 End Date: 1-31-00

Mandate: Community Services Board Licensing

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 37.1-10, 37.1-179, 37.1-183.1

Assessment Schedule: Start Date: 11-1-99 End Date: 1-31-00

Mandate: Community Services Board Emergency Services

Type: Compulsory Order

Statutory Authority: Code of Virginia § 37.1-194

Assessment Schedule: Start Date: 11-1-99 End Date: 1-31-00

## Department of Social Services

Mandate: Assessment in Adult Care Residences

Type: Compulsory Order

Statutory Authority: Code of Virginia §§ 63.1-25, 63.1-173.3; 22 VAC 40-745

Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

## NATURAL RESOURCES SECRETARIAT

### Department of Conservation and Recreation

Mandate: Virginia Outdoors Fund - State Grants and Loans

Type: Condition of Financial Aid

Statutory Authority: Item 435, Chapter 1, 1998 Acts of Assembly

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Land and Water Conservation Fund - Federal Grants

Type: Condition of Financial Aid

Statutory Authority: Item 436, Chapter 1, 1998 Acts of Assembly

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Flood Prevention and Protection Assistance Fund

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia § 10.1-603.18

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Perpetual Conservation Easement

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia § 10.1-1011

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Virginia Impounding Structure Regulations

Type: Regulation of Optional Activity

Statutory Authority: Code of Virginia § 10.1-604 et seq.

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Public Beach Grants and Advisory Commission

Type: Condition of Financial Aid

Statutory Authority: Code of Virginia §§ 10.1-709, 10.1-711

Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

## Department of Environmental Quality

Mandate: Water Withdrawal Report  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 62.1-44.38; 9 VAC 25-200-10  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

Mandate: Clean Air Act Section 105 Grant  
Type: Condition of Financial Aid  
Statutory Authority: 40 CFR Ch. 1 Subpart B (Federal)  
Assessment Schedule: Start Date: 9-1-99 End Date:11-30-99

Mandate: Virginia Coastal Resources Management Program  
Type: Condition of Financial Aid  
Statutory Authority: 40 CFR Ch. 1 Subpart B (Federal)  
Assessment Schedule: Start Date: 9-1-99 End Date:11-30-99

## PUBLIC SAFETY SECRETARIAT

### Department of Corrections

Mandate: Correctional Facilities Standards  
Type: Regulation of Optional Activities  
Statutory Authority: Code of Virginia §§ 53.1-5, 53.1-68 et seq.  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

Mandate: Correctional Facility Cost-Sharing  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia §§ 53.1-5, 53.1-68  
Assessment Schedule: Start Date: 8-1-99 End Date:10-31-99

Mandate: Work Release Inmate Supervision  
Type: Regulation of Option Activity  
Statutory Authority: Code of Virginia §§ 53.1-60, 53.1-131  
Assessment Schedule: Start Date: 11-1-99 End Date:1-31-00

Mandate: Residential Centers for Parolees  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia §§ 53.1-5, 53.1-178  
Assessment Schedule: Start Date: 2-1-00 End Date: 4-30-00

### Department of Criminal Justice Services

Mandate: Forfeited Asset Sharing Program (FASP)  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 19.2-386.1  
Assessment Schedule: Start Date: 9-1-99 End Date:11-30-99

Mandate: Criminal History Record Information  
Type: Compulsory Order  
Statutory Authority: Code of Virginia §§ 9-167 through 9-173  
Assessment Schedule: Start Date: 8-1-99 End Date:10-31-99

Mandate: McGruff House Program  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia §§ 9-173.17, 9-173.18  
Assessment Schedule: Start Date: 9-1-99 End Date:11-30-99

Mandate: Edward Byrne Memorial Grant  
Type: Condition of Financial Aid

Statutory Authority: Code of Virginia § 9-170  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Juvenile Delinquency Prevention and Juvenile Justice System Improvement Grants  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 9-170  
Assessment Schedule: Start Date: 8-1-99 End Date:10-31-99

Mandate: Local Law Enforcement Block Grant Program  
Type: Condition of Financial Aid  
Statutory Authority: Federal Local Government Law Enforcement Block Grant Act of 1995  
Assessment Schedule: Start Date: 9-1-99 End Date:11-30-99

## Department of Emergency Services

Mandate: Appoint Local Emergency Services Director  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 44-146.19  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: Emergency Management Assistance  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 44-146.19; P. L. 81-920 (Federal)  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: Local Emergency Operations Plan  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 44-146.19  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: Radiological Emergency Plan  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 44-146.19, 42 USC 5131, 5844 (Fed.)  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: Disaster Assistance  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia §§ 44-146.13, 44-146.17, 44-146.18, 44-146.27  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: Hazardous Materials Response Team  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 44-146.36  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

Mandate: SARA Title III Requirements  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 44-146.18(a) and (b)(1) - (5)  
Assessment Schedule: Start Date: 2-1-00 End Date: 2-29-00

## Department of Fire Programs

Mandate: Fire Programs Grant  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 38.2-401  
Assessment Schedule: Start Date: 5-1-99 End Date: 7-31-99

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# General Notices/Errata

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## Department of Juvenile Justice

Mandate: Mental Health Screening of Juveniles  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 16.1-248.2  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

## Department of State Police

Mandate: Arrest Report  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 19.2-390  
Assessment Schedule: Start Date: 3-1-99 End Date: 9-30-99

Mandate: Vehicle Inspection Station Standards  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 46.2-1163  
Assessment Schedule: Start Date: 4-1-99 End Date: 6-30-99

Mandate: Virginia Criminal Information Network  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia §§ 52-12, 52-14, 52-15, 19.2-389  
Assessment Schedule: Start Date: 6-1-99 End Date: 8-31-99

Mandate: Terrorist Acts Report  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 52-8.5; 28 USC 534 (Federal)  
Assessment Schedule: Start Date: 2-1-99 End Date: 4-30-99

## TRANSPORTATION SECRETARIAT

### Department of Motor Vehicles

Mandate: Abandoned Motor Vehicles  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia §§ 46.2-1200 through 46.2-1207  
Assessment Schedule: Start Date: 5-1-99 End Date: 9-30-99

Mandate: Unmarked Police Vehicle License Plates  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 46.2-750.1  
Assessment Schedule: Start Date: 5-1-99 End Date: 9-30-99

### Department of Transportation

Mandate: Metropolitan Transportation Planning  
Type: Condition of Financial Aid  
Statutory Authority: 23 USC 134 (Fed.); 223 CFR 450 (Fed.)  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

Mandate: Statewide Transportation Planning Assistance  
Type: Condition of Financial Aid  
Statutory Authority: 23 USC 135 (Fed.); 223 CFR 450 (Fed.)  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

Mandate: VDOT Revenue Sharing Program  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-75.1  
Assessment Schedule: Start Date: 3-1-99 End Date: 5-31-99

Mandate: Sidewalk and Storm Sewer Cost Sharing  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia §§ 33.1-67, 33.1-79, 33.1-82  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

Mandate: Residential Cut-Through Traffic Policy  
Type: Regulation of Optional Activity  
Statutory Authority: Code of Virginia § 46.2-809.1  
Assessment Schedule: Start Date: 2-1-99 End Date: 4-30-99

Mandate: Industrial Access Road  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-221  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Airport Access Road  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-221  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Recreational Access Road  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-223  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Subdivision Street Development Control  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia §§ 15.2-2240; 33.1-12, 33.1-69, 33.1-72.1, 33.1-229  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

Mandate: Urban Street Construction  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia §§ 33.1-23.1, 33.1-23.3, 33.1-44  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

Mandate: Urban Street Payments  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-41.1  
Assessment Schedule: Start Date: 2-1-99 End Date: 3-31-99

Mandate: Removal of Outdoor Advertising  
Type: Compulsory Order  
Statutory Authority: Code of Virginia § 33.1-370; 23 USC 131 (Fed.)  
Assessment Schedule: Start Date: 4-1-99 End Date: 4-30-99

Mandate: Annual Mileage Report  
Type: Condition of Financial Aid  
Statutory Authority: Code of Virginia § 33.1-23.5:1  
Assessment Schedule: Start Date: 7-1-99 End Date: 9-30-99

## STATE WATER CONTROL BOARD

### Proposed Consent Special Order Norfolk Shipbuilding and Drydock Corporation

The State Water Control Board proposes to take an enforcement action against the Norfolk Shipbuilding and Drydock Corporation, which operates a ship repair facility located at 750 W. Berkley Avenue in Norfolk, Virginia. The

proposed enforcement action is a consent order which addresses compliance with discharge effluent limitations for tributyltin (TBT) specified in VPDES Permit No. VA0003387.

The Department of Environmental Quality will receive written comments relating to the board's proposed action through March 31, 1999. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462, and should refer to the order specified above. The proposed order may be examined at the above address and copies of the order may be obtained in person or by mail.

**Proposed Consent Special Order  
Town of Purcellville  
Purcellville Sewage Treatment Plant**

The State Water Control Board proposes to issue a Consent Special Order to the Town of Purcellville (permittee) regarding the Purcellville Sewage Treatment Plant (STP) located in Loudoun County, Virginia.

The Purcellville STP is subject to VPDES Permit No. VA0022802. The order requires, among other things, that the permittee complete construction of a new sewage treatment facility by October 1, 2001. The order also provides interim limits for solids and ammonia until the existing STP is taken off-line and the new facility is brought on-line.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through March 31, 1999. Please address comments to Elizabeth Anne Crosier, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, Virginia, 22193. Please write or visit the Woodbridge address, or call (703) 583-3886 in order to examine or to obtain a copy of the order.

**VIRGINIA CODE COMMISSION**

**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 for Publication in The  
Virginia Register of Regulations**

All agencies are required to use the appropriate forms when furnishing material 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/register/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

**BOARD OF PHARMACY**

Title of Regulation: 18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.

Publication: 15:8 VA.R. 1070-1089 January 4, 1999

Corrections to Final Regulation:

The following amendments shown in brackets were inadvertently omitted from the final regulation:

Page 1077, 18 VAC 110-20-130, change subsection D to read as follows:

*D. At least 14 days prior to any change in ownership of an existing pharmacy, the owner shall notify the board of the pending change.*

[ 1. ] *Upon any change in ownership of an existing pharmacy, the prescription dispensing records for the two years immediately preceding the date of change of ownership and other required patient information shall be provided to the new owners on the date of change of ownership in substantially the same format as previously used immediately prior to the transfer to provide continuity of pharmacy services.*

[ 2. ] *The previous owner shall be held responsible for [ assuring ] the proper [ and lawful ] transfer of records on the date of the transfer.*

[ 3. ] *The format of the prescription dispensing records [ ~~must also~~ which are transferred to a new owner shall ] comply with the requirements of Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia, and this chapter. Failure to comply with this chapter during a change in ownership shall be deemed to be a closing of the existing pharmacy for which the existing pharmacy owner shall be required to provide notice to the board and public in accordance with § 54.1-3434.01 of the Code of Virginia and subsection A of this section.*

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# CALENDAR OF EVENTS

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## Symbol Key

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

 Location accessible to handicapped

 Teletype (TTY)/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/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

## EXECUTIVE

### BOARD FOR ACCOUNTANCY

**April 26, 1999 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

### COMMONWEALTH COUNCIL ON AGING

† **March 18, 1999 - 10 a.m.** -- Open Meeting

Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia. 

A meeting for introduction and orientation. No policy issues will be discussed.

**Contact:** Ann Y. McGee, Ed.D., Commissioner, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333.

### VIRGINIA AGRICULTURAL COUNCIL

† **March 22, 1999 - 9 a.m.** -- Open Meeting

† **March 23, 1999 - 8:30 a.m.** -- Open Meeting

Ramada Inn, 2097 Inn Drive, 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 any accommodation in order to participate at the meeting should contact Thomas R. Yates at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, 1100 Bank St., Room 509, Richmond, VA 23219, telephone (804) 786-6060 or toll-free 1-800-828-1120/TTY 

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

**March 4, 1999 - 9 a.m.** -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

A regular meeting to discuss Virginia agriculture and consumer protection 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 or FAX (804) 371-7679.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Virginia State Apple Board

**March 23, 1999 - 7 p.m.** -- Open Meeting

Fruit Hill Orchards, 766 Echo Lane, Winchester, Virginia. 

A meeting to review (i) past minutes, (ii) tax collections and (iii) changes and budget amendments of the 1999 General Assembly. The board will entertain public comments 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 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 1012, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

## Virginia Cotton Board

**March 9, 1999 - 9 a.m.** -- Open Meeting  
Tidewater Agricultural Research and Extension Center, Auditorium, 6321 Holland Road, Suffolk, Virginia. ☎

A meeting to consider funding proposals for research, promotion and education projects pertaining to Virginia cotton and to conduct any other business that may come before the board. In addition, the board will hear and is expected to approve minutes from the last meeting and the board's financial statement. 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 special accommodations 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 Cotton Board, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

## Virginia Dark-Fired Tobacco Board

† **March 19, 1999 - 10 a.m.** -- Open Meeting  
Sheldon's Restaurant, Business Route 15 and 360, Keysville, Virginia. ☎

A meeting to (i) consider funding proposals for research, promotion and education projects pertaining to Virginia dark-fired tobacco; (ii) hear and consider approval of minutes of the board's last meeting; (iii) receive the board's financial statement; and (iv) discuss 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 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, Department of Agriculture and Consumer Services, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or FAX (804) 572-8234.

## Virginia Marine Products Board

**March 10 1999 - 6 p.m.** -- Open Meeting  
Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia. ☎

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Boulevard, Suite B, Newport News, VA 23608, telephone (757) 874-3474 or FAX (757) 886-0671.

## Virginia Peanut Board

**March 12, 1999 - 10 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 1999. 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 Soybean Board

**March 3, 1999 - 8 a.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎

A meeting to discuss checkoff revenues and the financial status resulting from sales of the 1998 soybean crop. The board will hear project reports for FY 1998-99 and project proposals for FY 1999-2000, and funding decisions will be made for the fiscal year beginning July 1, 1999. 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, Washington Bldg., 1100 Bank St., Suite

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# Calendar of Events

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1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

## Virginia Winegrowers Advisory Board

† **March 30, 1999 - 10 a.m.** -- Open Meeting  
Omni Charlottesville Hotel, 235 West Main Street,  
Charlottesville, Virginia. 

The annual funding meeting of the board. The board will hear requests for projects to be funded during the 1999-2000 fiscal year. Other agenda items include hearing and the potential approval of minutes of the last meeting, committee reports, treasurer's report, and a report for the ABC 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 Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary E. Davis-Barton, Board Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.

## STATE AIR POLLUTION CONTROL BOARD

### Reproposed

**March 17, 1999 - 10 a.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street,  
1st Floor, Training Room, Richmond, Virginia.

**March 18, 1999** - 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-50-10 et seq. New and Modified Stationary Sources and 9 VAC 5-80-10 et seq. Permits for Stationary Sources (Revision YY)**. The regulations apply to the construction or reconstruction of new stationary sources or expansions (modifications) to existing ones. Exemptions are provided for smaller facilities. With some exceptions, the owner must obtain a permit from the agency prior to the construction or modification of the source. The owner of the proposed new or modified source must provide information as may be needed to enable the agency to conduct a preconstruction review in order to determine compliance with applicable control technology and other standards and to assess the impact of the emissions from the facility on air quality. The regulation also provides the basis for the agency's final action (approval or disapproval) on the permit depending upon the results of the preconstruction review. The regulation provides a source-wide perspective to determine applicability based solely upon the emissions changes

directly resultant from the physical or operational change. The regulation provides for the use of a plantwide applicability limit (PAL). Under this concept, a source owner could make physical or operational changes to emission units covered by the PAL without being subject to the major new source permit program as long as the overall emissions did not exceed the PAL. Concurrent construction, that is construction while waiting for the permit to be issued, is allowed in some cases. Under this arrangement the source owner would assume full liability should the permit not be issued. Provisions covering general permits are included. Procedures for making changes to permits are included. The regulation also allows consideration of additional factors for making Best Available Control Technology determinations for sources subject to minor new source review.

On December 8, 1997, the board published for public comment a proposal to amend its regulations concerning new and modified new source review. In response to that request, comments were submitted that resulted in several changes being made to the original proposal, primarily to meet EPA regulations and policy. Because of the substantive nature of these additional changes, the board is now republishing the proposal for public comment. The changes are enumerated below and derived from (i) comments made by the general public during the public comment period on the original proposal, (ii) comments made by EPA during the public comment period on the original proposal and during subsequent discussions and negotiations, and (iii) clarifications and other improvements noted by DEQ staff during subsequent reviews.

1. The changes to the regulation are being presented in strikethrough/italicized form using the current version as the base document in order to facilitate review of the proposal in light of the current regulation.
2. The definition of actual emissions has been revised to include the "actuals to future actuals" approach as an option to the "actual to potential" approach for new units as EPA has done in its major source new source review (NSR) reform proposal.
3. The definition of "significant" has been revised to exclude hazardous air pollutants as EPA has done in its major source NSR reform proposal.
4. The definition of "stationary source" has been revised to exclude nonroad engines.
5. Provisions have been added to allow implementation of the federal hazardous air pollutant new source review program (FHAPNSR) by incorporation by reference rather than trying to alter the text of the regulation to accommodate these program elements; it was very difficult to write text to implement this program given the differences and complexities of the various program elements. The FHAPNSR program includes the various preconstruction approval requirements found in 40 CFR Part 61 and 40 CFR Part 63 (including the § 112(g) requirements). The provisions covering public participation have been changed to require a public comment period only for permit applications requiring a

case-by-case maximum available control technology determination under the FHAPNSR program. These changes are reflected in the definition of "federal hazardous air pollutant new source review program," 9 VAC 5-80-1120 H, and various other provisions throughout the new version.

6. The provisions concerning concurrent construction have been revised such that they are not applicable to (i) any stationary source or emissions unit subject to the major source NSR requirements for prevention of significant deterioration (PSD) or nonattainment areas, (ii) any stationary source for which a plantwide applicability limit is established, or (iii) any synthetic minor or other stationary source receiving a minor NSR permit that would establish terms and conditions that would enable the source to avoid major source permit and other requirements. These changes are reflected in the definition of "synthetic minor" and 9 VAC 5-80-1130 D in the new version.

7. The provisions correcting the public participation requirements for major modifications that have been disapproved by EPA have been rewritten for clarity. These changes are reflected in the definition of "major modification" and 9 VAC 5-80-1170 D 2 in the new version.

8. The provisions concerning plantwide applicability limits (PAL) have been revised to incorporate the following provisions: (i) PALs may only be used for the entire stationary source not just a part, (ii) the definition of actual emissions from the current PSD regulations is used in lieu of the version used for the regulation at large, (iii) PALs may only be used to avoid permits for major source modifications unless the permit includes preapprovals (with appropriate terms and conditions) for the specific changes that would otherwise be subject to minor NSR. A minor NSR permit would be required for any changes not covered by the advance approvals. These changes are reflected in the definition of "plantwide applicability limit" and "plantwide applicability limit modification" and 9 VAC 5-80-1310 in the new version.

9. The exemptions related to solvent cleaning operations and various coating operations have been clarified such that they are limited to volatile organic compounds, as was the original intent. These changes are reflected in 9 VAC 5-80-1320 B 4 and B 6 through B19.

10. The exemption of stationary sources under 9 VAC 5-80-1320 C has been rewritten to exclude the facilities exempted under 9 VAC 5-80-1320 B from the calculation of potential to emit.

11. The shutdown (9 VAC 5-20-220) and certification (9 VAC 5-20-230) provisions have been removed as they have already been adopted as part of our amendments to the state operating permit regulation.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal may be examined by the public at the department's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office  
Department of Environmental Quality  
355 Deadmore Street  
Abingdon, Virginia  
Ph: (540) 676-4800

West Central Regional Office  
Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, Virginia  
Ph: (540) 562-6700

Lynchburg Satellite Office  
Department of Environmental Quality  
7705 Timberlake Road  
Lynchburg, Virginia  
Ph: (804) 582-5120

Valley Regional Office  
Department of Environmental Quality  
4411 Early Road  
Harrisonburg, Virginia 22801  
Ph: (540) 574-7800

Fredericksburg Satellite Office  
Department of Environmental Quality  
806 Westwood Office Park  
Fredericksburg, Virginia 22401  
Ph: (540) 899-4600

Northern Regional Office  
Department of Environmental Quality  
13901 Crown Court  
Woodbridge, Virginia  
Ph: (703) 583-3800

Piedmont Regional Office  
Department of Environmental Quality  
4949-A Cox Road  
Glen Allen, Virginia  
Ph: (804) 527-5020

Tidewater Regional Office  
Department of Environmental Quality  
5636 Southern Boulevard  
Virginia Beach, Virginia  
Ph: (757) 518-2000

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

Public comments may be submitted until 4:30 p.m. March 18, 1999, to the Director, Office of Air Regulatory

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# Calendar of Events

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Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

**Contact:** Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TTY ☎

† **May 11, 1999 - 10 a.m.** – Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A quarterly meeting.

**Contact:** Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**March 8, 1999 - 9:30 a.m.** -- Open Meeting

**March 22, 1999 - 9:30 a.m.** -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A meeting to receive reports from staff members, discuss activities, and discuss other matters not yet 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, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

**March 3, 1999 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Interior Designer Section will 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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

**March 10, 1999 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the full board to conduct 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., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

† **March 11, 1999 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

The Land Surveyor Section and invited subject matter experts will meet to conduct an exam workshop. A public comment period will be held at the beginning of the workshop. After the public comment period, the workshop will be conducted in closed executive session under authority of § 2.1-344 A 11 of the Code of Virginia due to the confidential nature of the examination. The public will not be admitted to the closed executive session.

**Contact:** Sharon M. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8582 or (804) 367-9753/TTY ☎

## ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **March 16, 1999 - 11 a.m.** – Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting and public comment session of the Board of Directors. The board will meet in executive session to review loan applications.

**Contact:** Gail Stubbs, Program Technician, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7331, FAX (804) 662-9533 or (804) 662-7331/TTY ☎

## COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

### State Management Team

† **March 4, 1999 - 9:15 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. A 15-minute public comment period will begin at 9:45 a.m.

**Contact:** Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**March 19, 1999 - 5 p.m.** -- Open Meeting  
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.

The board will hold an issues forum at the annual SHAV conference.

**Contact:** **Contact:** Senita Booker, Administrative Staff Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9523 or (804) 662-7197/TTY ☎

## BOARD FOR BARBERS

† **April 12, 1999 - 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, including disciplinary cases. All meetings are subject to cancellation and the meeting time is subject to change. Contact the board at least three days prior to the meeting for possible changes. 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:** Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

## CEMETERY BOARD

† **March 10, 1999 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

## CHARITABLE GAMING COMMISSION

† **March 9, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Kristi Leslie, Administrative Staff Assistant, Charitable Gaming Commission, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014 or FAX (804) 786-1079.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **March 3, 1999 - 10 a.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Northern Area Review Committee will review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

**Contact:** Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TTY ☎

† **March 3, 1998 - 2 p.m.** -- Open Meeting  
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Southern Area Review Committee will review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

**Contact:** Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TTY ☎

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# Calendar of Events

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## STATE BOARD FOR COMMUNITY COLLEGES

† **March 24, 1999 - 2:30 p.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs Committee, the Budget and Finance Committee, and the Audit Committee.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

† **March 24, 1999 - 3:30 p.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Facilities Committee and the Personnel Committee.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

† **March 25, 1999 - 9 a.m.** -- Open Meeting  
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board.

**Contact:** Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

## COMPENSATION BOARD

† **March 25, 1999 - 11 a.m.** -- Open Meeting  
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Monthly board meeting.

**Contact:** Cindy P. Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., 10th Floor, Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY 

## DEPARTMENT OF CONSERVATION AND RECREATION

### Falls of the James Scenic River Advisory Board

† **March 4, 1999 - Noon** -- Open Meeting

† **April 1, 1999 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues. A public comment period will follow the business meeting.

**Contact:** Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TTY 

### Virginia State Parks Foundation

† **March 11, 1999 - 11 a.m.** -- Open Meeting

The Heritage Center, Pocahontas State Park, 10301 State Park Road, Chesterfield, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly business meeting to discuss the Operation Spruce-Up service project.

**Contact:** Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

## BOARD OF CORRECTIONS

† **March 16, 1999 - 9:30 a.m.** -- Open Meeting  
Holiday Inn Culpeper, Culpeper, Virginia. 

A meeting of the Correctional Services Committee to discuss correctional services matters which may be presented to the full board.

**Contact:** Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

† **March 17, 1999 - 8:30 a.m.** -- Open Meeting  
Coffeewood Correctional Center, Administration Building, Training Room, Mitchells, Virginia. 

A meeting of the Administration Committee to discuss administration matters which may be presented to the full board.

**Contact:** Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

† **March 17, 1999 - 10 a.m.** -- Open Meeting  
Coffeewood Correctional Center, Administration Building,  
Training Room, Mitchells, Virginia. 

A meeting of the full board to discuss matters presented.  
Public comment will be received.

**Contact:** Barbara Fellows, Administrative Assistant to the  
Board, Department of Corrections, 6900 Atmore Dr.,  
Richmond, VA 23225, telephone (804) 674-3235 or FAX  
(804) 674-3130.

† **March 18, 1999 - 9:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, Board  
Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss criminal  
justice matters which may be presented to the full board.

**Contact:** Barbara Fellows, Administrative Assistant 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 1, 1999 - 7 p.m.** -- Open Meeting  
New Horizons Regional Education Center, 520 Butler Farm  
Road, Building A, Media Room, Hampton, Virginia.   
(Interpreter for the deaf provided upon request)

**March 9, 1999 - 7 p.m.** -- Open Meeting  
Northern Virginia Community College, Alexandria Campus,  
3001 North Beauregard Street, Alexandria, Virginia.   
(Interpreter for the deaf provided upon request)

**March 15, 1999 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Conference Room 4-  
West, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

**March 22, 1999 - 7 p.m.** -- Open Meeting  
Virginia Tech, Donaldson-Brown Hotel and Conference  
Center, Blacksburg, Virginia.   
(Interpreter for the deaf provided upon request)

In accordance with 18 VAC 55-10-60 of the Board for  
Cosmetology Public Participation Guidelines, the board  
will hold an informational proceeding to seek public  
comments on the tasks of waxing and braiding to  
determine if these tasks should be regulated in any  
manner contrary to the manner in which they are  
currently regulated under the definition of cosmetology.  
The board will accept written comments until 5 p.m. on  
Friday, March 26, 1999. The board will review all public  
comments at their meeting on April 19, 1999.

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


## BOARD OF DENTISTRY

† **March 5, 1999 - 9 p.m.** -- Open Meeting  
† **March 12, 1999 - 9 a.m.** -- Open Meeting  
† **March 19, 1999 - 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 Special Conference Committee will hear disciplinary  
cases. This is a public meeting; however, no public  
comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of  
Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230-1717, telephone (804) 662-9906 or (804) 662-  
7197/TTY 

† **March 19, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Richmond, Virginia.   
(Interpreter for the deaf  
provided upon request)

A panel of the board will conduct a formal administrative  
hearing for disciplinary purposes. This is a public  
meeting; however, no public comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of  
Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA  
23230-1717, telephone (804) 662-9906 or (804) 662-  
7197/TTY 

## DISABILITY SERVICES COUNCIL

**March 26, 1999 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms  
Drive, Richmond, Virginia. (Interpreter for the deaf will be  
provided)

A meeting to review the Rehabilitative Services Incentive  
Fund (RSIF) grant proposals.

**Contact:** LaDonna Rogers, Administrative Staff Assistant,  
Disability Services Council, 8004 Franklin Farms Dr.,  
Richmond, VA 23288, telephone (804) 662-7154/Voice/TTY,  
toll-free 1-800-552-5019 or 1-800-464-9950/TTY 

## VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

**March 1, 1999 - 5 p.m.** -- Open Meeting  
**March 2, 1999** -- Open Meeting  
**March 3, 1999** -- Open Meeting  
Williamsburg Lodge, 310 South England Street,  
Williamsburg, Virginia.

A meeting to focus on matters pertinent to the Virginia  
Economic Development Partnership. The three-day  
meeting will end at noon on March 3.

**Contact:** Kim Ellett, Administrative Assistant, Virginia  
Economic Development Partnership, 901 E. Byrd St.,

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# Calendar of Events

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Richmond, VA 23218, telephone (804) 371-8106 or FAX (804) 371-8112.

Winchester, VA 22601, telephone (540) 662-2298 or (540) 662-4131/TTY ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

† **March 10, 1999 - 4 p.m.** -- Open Meeting  
Public Broadcasting Service, 1320 Braddock Place,  
Alexandria, Virginia. ☎ (Interpreter for the deaf provided upon  
request)

A meeting to conduct business in accordance with  
SARA Title III, Emergency Planning and Community  
Right-to-Know Act of 1986.

**Contact:** Charles W. McRorie, Emergency Preparedness  
Coordinator, P.O. Box 178, Alexandria, VA 22313, telephone  
(703) 838-3825 or (703) 838-5056/TTY ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

**March 4, 1999 - 5:30 p.m.** -- Open Meeting  
**April 1, 1999 - 5:30 p.m.** -- Open Meeting  
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

**Contact:** Lynda G. Furr, Emergency Services Coordinator,  
Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA  
23832, telephone (804) 748-1236.

## LOCAL EMERGENCY PLANNING COMMITTEE - GOOCHLAND COUNTY

**March 1, 1999 - 7:30 p.m.** -- Open Meeting  
Luck Stone, Boscobel Plant, 481 Boscobel Road (across  
from Manakin-Sabot post office), Conference Room,  
Manakin, Virginia. (Interpreter for the deaf provided upon  
request)

A regular quarterly meeting.

**Contact:** Stephen E. Grainer, Emergency Coordinator, P.O.  
Box 306, 2938 River Road West, Goochland Courthouse  
Complex, Goochland, VA 23063, telephone (804) 556-5304  
or (804) 556-5317/TTY ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **March 10, 1999 - 3 p.m.** -- Open Meeting  
Shawnee Fire Company, 2333 Roosevelt Boulevard,  
Winchester, Virginia.

A meeting to elect officers and discuss Y2K.

**Contact:** L. A. Miller, Fire and Rescue Chief, Winchester  
Fire and Rescue Department, 126 N. Cameron St.,

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**March 1, 1999 - 7 p.m.** -- Public Hearing  
Best Western Inn, Mountain View Conference Room, 820  
East Madison Street, Covington, Virginia.

A public hearing to receive comments on the draft  
permit amendment for a new captive industrial landfill at  
Westvaco Bleached Board Division in Covington.

**Contact:** Mark A. Campbell, Office of Waste Permitting,  
Department of Environmental Quality, P.O. Box 10009,  
Richmond, VA 23240, telephone (804) 698-4125.

† **March 3, 1999 - 7 p.m.** -- Public Hearing  
Virginia Beach Municipal Center, Courthouse Drive, Building  
1, City Council Chamber, Virginia Beach, Virginia.

A public hearing to solicit comments on the draft permit  
for Waste Management, Inc., (d.b.a. Sanifill of Virginia,  
Inc.) for the Tidewater Recyclable Products, Inc.,  
construction/demolition/debris landfill located on the  
west side of Centerville Turnpike, northwest of its  
intersection with Kempsville Road at Mears Corner in  
the City of Virginia Beach. In addition, comments will be  
solicited on a variance request for the use of alternative  
progressive cover material and for construction of a  
drainage layer for the secondary leachate collection  
system.

**Contact:** Dr. John H. Piggott, Department of Environmental  
Quality, Office of Waste Permitting, P.O. Box 10009,  
Richmond, VA 23240, telephone (804) 698-4228.

† **March 10, 1999 - 7 p.m.** -- Public Hearing  
Montgomery County Solid Waste Authority, 555 County  
Drive, Conference Room, Christiansburg, Virginia.

A public hearing to receive comments regarding the  
technical merits of a draft permit amendment for  
implementation of landfill decomposition gas control  
measures at the Montgomery County Solid Waste  
Authority sanitary landfill located west of State Route  
643, approximately two miles south of the Town of  
Blacksburg.

**Contact:** Mark A. Campbell, Department of Environmental  
Quality, Office of Waste Permitting, P.O. Box 10009,  
Richmond, VA 23240, telephone (804) 698-4125.

## Virginia Ground Water Protection Steering Committee

**March 16, 1999 - 9 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street,  
Richmond, Virginia. ☎

A meeting to discuss ground water protections issues.  
Meeting minutes and agenda are available from Mary  
Ann Massie by request.

**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.

## STATE EXECUTIVE COUNCIL

† **March 26, 1999 - 9 a.m.** -- Open Meeting  
† **April 30, 1999 - 9 a.m.** -- Open Meeting  
Theater Row Building, 730 East Broad Street, Lower Level 3, Training Room, Richmond, Virginia.

A regular meeting. The council provides for interagency programmatic and fiscal policies, oversees the administration of funds appropriated under the Comprehensive Services Act, and advises the Governor.

**Contact:** Alan G. Saunders, Director, State Executive Council, 1604 Santa Rosa Road, Suite 137, Richmond, VA 23229, telephone (804) 662-9815 or FAX (804) 662-9831.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **March 10, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 

The Resident Trainee Task Force Committee will discuss resident trainee program issues. There will be a 15-minute public comment period and a formal hearing following the meeting at 1 p.m.

**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 or FAX (804) 662-9523.

**March 17, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 

The Special Conference Committee will conduct informal 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 or FAX (804) 662-9523.

**March 30, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

The Legislative Committee will discuss legislative issues. There will be a 15 minute public comment period and a formal hearing following the meeting at 1 p.m.

**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 or FAX (804) 662-9523.

## DEPARTMENT OF GAME AND INLAND FISHERIES

**March 4, 1999 - 9 a.m.** -- Open Meeting  
**March 5, 1999 - 9 a.m.** -- Open Meeting  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet and intends to propose changes in regulations for game wildlife, hunting and trapping. This is the regular biennial review for these regulations.

The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations. Under board procedures, regulatory actions occur over two sequential board meetings. At the March 4-5 meeting, Department of Game and Inland Fisheries' staff will present recommendations for regulatory amendments, the board will solicit and hear comments from the public in a public hearing, and the board then intends to propose regulations or regulation amendments. Any proposed regulatory actions (or informative summaries) will then be published in the Virginia Register, posted on the Internet at [www.dgif.state.va.us](http://www.dgif.state.va.us), and advertised in newspapers.

Adoption of any regulations or regulation amendments as final will take place at the subsequent board meeting, to be held May 6-7, 1999. The May 6-7 meeting will held in Richmond; the time and address will be announced in a later notice. Additional information on this review of regulations, including a list of the specific regulations subject to review and additional details on opportunities for public involvement, is available in a separate announcement submitted under "General Notices" in this issue of the Virginia Register.

General and administrative issues may be discussed by the board at the March 4-5 meeting. The board may hold an executive session beginning at 9 a.m. March 4. If the board completes its entire agenda on March 4, it may not convene on March 5.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA , telephone (804) 367-1000 or FAX (804) 367-2311.

† **March 22, 1999 - 7 p.m.** -- Open Meeting  
Southampton Fairgrounds and Agri-Civic Center, 25374 New Market Road, Courtland, Virginia.  (Interpreter for the deaf provided upon request)

† **March 22, 1999 - 7 p.m.** -- Open Meeting  
Northside High School, 6758 Northside High School Road, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

† **March 23, 1999 - 7 p.m.** -- Open Meeting

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# Calendar of Events

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Prince Edward County High School, Route 5, Box 680, Farmville, Virginia.  (Interpreter for the deaf provided upon request)

† **March 23, 1999 - 7 p.m.** – Open Meeting  
Wytheville Community College, 1000 East Main Street, Wytheville, Virginia.  (Interpreter for the deaf provided upon request)

† **March 23, 1999 - 7 p.m.** – Open Meeting  
Buffalo Gap High School, Route 42 (five miles south of Churchville), Buffalo, Virginia.  (Interpreter for the deaf provided upon request)

† **March 24, 1999 - 7 p.m.** – Open Meeting  
Powell Valley Middle School, 3137 2nd Avenue East, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

† **March 24, 1999 - 7 p.m.** – Open Meeting  
Peter Muhlenberg Middle School, 1251 Susan Avenue, Woodstock, Virginia.  (Interpreter for the deaf provided upon request)

† **March 24, 1999 - 7 p.m.** – Open Meeting  
Department of Game and Inland Fisheries, 4000 West Broad Street, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **March 25, 1999 - 7 p.m.** – Open Meeting  
Rappahannock Community College, Warsaw Campus, 52 Campus Drive, Warsaw, Virginia.  (Interpreter for the deaf provided upon request)

† **March 25, 1999 - 7 p.m.** – Open Meeting  
NRA Building, Waples Mill Road, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

The department is holding a series of open meetings for the purpose of receiving the public's comments regarding proposed changes to regulations governing hunting and game. The proposals addressed at the meeting series are those regulations or regulation amendments which the Board of Game and Inland Fisheries proposes or proposed at its March 4-5, 1999 meeting. Public comments on the proposed regulation will be received from March 4 until May 6, 1999. The proposals will be available at the public meetings; they may be viewed at the Department of Game and Inland Fisheries' web site, [www.dgjf.state.va.us](http://www.dgjf.state.va.us), at the department's central and regional offices, and are planned for publication in the March 29 issue of the Virginia Register. The public input meeting series is being held prior to the next scheduled board meeting, that of May 6(-7), 1999, at which the board intends to adopt final regulations or regulation amendments. The public input meetings are supplemental public hearings to the two hearings which occur at the March 4(-5) and May 6(-7), 1999 board meetings. Comments regarding the proposed regulations which are received at the public input meetings will be summarized and reported to the board for their consideration at their May 6(-7),

1999 meeting, prior to their taking final action on the proposed regulations.

**Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA , telephone (804) 367-1000 or FAX (804) 367-2311.

## HAMMOND COMMISSION ON COMMUNITY SERVICES AND IN-PATIENT CARE

**March 4, 1999 - 10 a.m.** -- Open Meeting  
Department of Social Services, 730 East Broad Street, Lower Level Training Rooms 2 and 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to focus on managed care. Mary Lou Sudders, Commissioner of the Department of Mental Health in Boston, Massachusetts, will be a guest presenter. Public comment will be received beginning at 10 a.m.

**Contact:** Fran M. Sadler, Administrative Assistant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1108 or (804) 37102509, or FAX (804) 692-1123.

## DEPARTMENT OF HEALTH

### AIDS Drug Advisory Committee

**March 3, 1999 - 10:15 a.m.** -- Open Meeting  
Virginia Department of Health, Main Street Station, 1500 East Main Street, Room 121, Richmond, Virginia. 

A regular quarterly meeting.

**Contact:** Ann Elam, Public Health Nurse Supervisor, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 371-8294 or toll-free 1-800-533-4148.

## DEPARTMENT OF HEALTH PROFESSIONS

† **April 9, 1999 - 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)

The Intervention Program Committee will meet with its contractor and representatives to review reports, policies and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive sessions for the purpose of consideration of specific requests from applicants to or participants in the program.

**Contact:** John W. Hasty, 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/TTY ☎

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**March 24, 1999 - 8 a.m.** -- Open Meeting  
Location to be determined.

Committee meetings will begin at 8 a.m. The council meeting will begin at 1 p.m.

**Contact:** Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

## DEPARTMENT OF HISTORIC RESOURCES

### Board of Historic Resources and State Review Board

† **March 17, 1999 - 10 a.m.** -- Open Meeting  
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ♿

A quarterly meeting to consider completed and proposed reports for the National Register of Historic Places and the Virginia Landmarks Register, easements and highway markers.

**Contact:** Marc C. Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391 or (804) 367-2386/TTY ☎

## VIRGINIA HIV COMMUNITY PLANNING COMMITTEE

**March 5, 1999 - 8:30 a.m.** -- Open Meeting  
The Wyndham Garden Hotel at Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ♿

A bimonthly meeting to discuss the CDC and state HIV community planning process for 1999.

**Contact:** Elaine G. Martin, Coordinator, STD/AIDS Education, Information and Training, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or FAX (804) 692-0100.

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**March 2, 1999 - 9 a.m.** -- Open Meeting  
**April 6, 1999 - 9 a.m.** -- Open Meeting  
Hopewell Community Center, 100 West 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.

## COUNCIL ON INFORMATION MANAGEMENT

† **March 19, 1999 - 10 a.m.** -- Open Meeting  
Location to be determined.

A regular meeting of the council.

**Contact:** Linda Hening, Administrative Staff Specialist, Council on Information Management, Washington Bldg., 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or FAX (804) 371-7952.

## VIRGINIA INTERAGENCY COORDINATING COUNCIL

**March 10, 1999 - 9:30 a.m.** -- Open Meeting  
Dorey Recreation Center, 7200 Dorey Park Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program.

**Contact:** Nicole Rada, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 10th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

## VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **March 16, 1999 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, 5th Floor West Conference Room, Richmond, Virginia. ♿

A meeting of the Visual Quality Committee to discuss a draft of the final report and implementation of recommendations from the visual quality study.

**Contact:** Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 805 E. Broad St., Suite 702, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

† **April 21, 1999 - 9:30 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ♿

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# Calendar of Events

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A meeting to (i) receive a legislative update, (ii) consider a draft of the visual quality study's final report and discuss steps for implementing the report's recommendations, and (iii) consider a draft of the State Song Subcommittee's interim report and to discuss the advisability of establishing a commission for other official designations.

**Contact:** Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 805 E. Broad St., Suite 702, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

## DEPARTMENT OF LABOR AND INDUSTRY

**March 18, 1999 - 10 a.m.** -- Open Meeting  
Norfolk Technical Vocational Center, 1330 North Military Highway, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the council.

**Contact:** Beverly Donati, Assistant Program Director, Apprenticeship Program, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, or (804) 786-2376/TTY ☎

## Migrant and Seasonal Farmworkers Board

† **March 17, 1999 - 2 p.m.** -- Open Meeting  
Best Western Patrick Henry Inn and Conference Center, York and Page Streets, Route 60, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board being held in conjunction with the March 16-18, 1999, Region III Annual Agricultural Conference, hosted by the U.S. Department of Labor Employment and Training Administration.

**Contact:** Patti C. Bell, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 786-8418 or (804) 786-2376/TTY ☎

## LIBRARY BOARD

**March 22, 1999 - 8 a.m.** -- Open Meeting  
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the Library Board.

**Contact:** Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594 or (804) 692-3976/TTY ☎

## LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

**March 2, 1999 - 10 a.m.** -- CANCELED  
701 East Franklin Street, Lower Level Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

This meeting has been canceled.

**Contact:** Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY ☎ or e-mail mpmurphy@deq.state.va.us.

## COMMISSION ON LOCAL GOVERNMENT

**March 15, 1999 - 10:30 a.m.** -- Open Meeting  
Front Royal area; site to be determined.

Oral presentations regarding the Town of Front Royal - Warren County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter should contact the commission.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

**March 15, 1999 - 2 p.m.** -- Open Meeting  
Front Royal area; site to be determined.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

**March 15, 1999 - 7 p.m.** -- Public Hearing  
Front Royal area; site to be determined.

A public hearing regarding the Town of Front Royal - Warren County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter should contact the commission.

**Contact:** Barbara Bingham, Administrative Assistant, Commission on Local Government, Eighth Street Office Bldg., 805 E. Broad St., Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY ☎

## LONGWOOD COLLEGE

† **March 11, 1999 - 1 p.m.** -- Open Meeting  
Wheat First Securities, 901 East Byrd Street, 5th Floor,  
Conference Room, Richmond, Virginia. ♿

A meeting of the Finance Committee to conduct routine business.

**Contact:** Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

## MARINE RESOURCES COMMISSION

**March 23, 1999 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue,  
Room 403, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals and fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Amendments to 4 VAC 20-720-10 et seq., Pertaining to Restrictions on Oyster Harvest, will be considered at the December 21 meeting only. 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.

**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/TTY ♿

## BOARD OF MEDICAL ASSISTANCE SERVICES

**March 2, 1999 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

**Contact:** Leah D. Hamaker, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096 or FAX (804) 371-4981.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**March 15, 1999 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

A meeting of the Pharmacy Liaison Committee to conduct general business.

**Contact:** Marianne Rollings, R.Ph., Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268.

\* \* \* \* \*

**March 19, 1999** -- 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 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Payment of Medicare Part A and Part B Deductible Coinsurance.** The purpose of this action is to propose that the Department of Medical Assistance's methodology for calculating coinsurance and deductibles for Medicare Part A and Part B be based on the Medicaid rate of reimbursement rather than the Medicare rate, as permitted by § 4714 of the Balanced Budget Act of 1997. The section of the state plan affected by this action is the Methods and Standards for Establishing Payment Rates-Other Types of Care, Supplement 2, Payment of Medicare Part A and Part B Deductible/Coinsurance (12 VAC 30-80-170).

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

Public comments may be submitted until March 19, 1999, to James Cohen, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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**March 19, 1999** -- 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 (Part VI: Medallion II).** The purpose of this action is to adopt federal law changes related to enrollment periods within health maintenance organizations. These mandatory enrollment periods will

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# Calendar of Events

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improve the continuity of health care for individuals who are enrolled in these health maintenance organizations.

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

Public comments may be submitted until March 19, 1999, to Cheryl Roberts, Manager, Client Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

## BOARD OF MEDICINE

† **April 9, 1999 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Executive Committee will meet in open and closed session to: (i) review disciplinary files requiring administrative action; (ii) adopt amendments and approve for promulgation regulations as presented; (iii) interview applicants; and (iv) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

† **April 9, 1999 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Credentials Committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD

## Informal Conference Committee

**March 4, 1999 - 9 a.m.** -- Open Meeting  
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

† **March 11, 1999 - 10 a.m.** -- Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

† **March 18, 1999 - 8 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

**March 26, 1999 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 786-7693, FAX (804) 662-9517 or (804) 662-7197/TTY

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**March 12, 1999 - 9 a.m.** -- Open Meeting  
Southeastern Virginia Training Center, 2100 Steppingstone Square, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the State Human Rights Committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

**Contact:** Theresa Evans, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3988, FAX (804) 371-2308 or (804) 371-8977/TTY

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **March 1, 1999 - Time to be announced** -- Open Meeting  
† **March 2, 1999 - Time to be announced** -- Open Meeting  
Location to be announced.

A regular business meeting. A public comment period will be scheduled.

**Contact:** Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-7945 or FAX (804) 371-2308.

## MOTOR VEHICLE DEALER BOARD

† **March 15, 1999 - 9 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Transaction Recovery Fund Committee - 9 a.m.

Licensing Committee - 10 a.m.

Dealer Practices Committee - 1 p.m.

Advertising Committee - 3 p.m.

Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

† **March 16, 1999 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. Prior to the meeting the following committees will meet:

Finance Committee - 8:30 a.m.

Franchise Law Committee - 9 a.m. – 7th Floor Executive Conference Room

Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

## BOARD OF NURSING

† **March 3, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A Special Conference Committee will conduct informal conferences with licensees and certificate holders. Public comments 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) 662-9543 or (804) 662-7197/TTY 

## BOARD OF NURSING HOME ADMINISTRATORS

**March 9, 1999 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the AIT Task Force Committee to develop forms/guidelines for the current training program.

**Contact:** Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St.,

4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

**March 16, 1999 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Legislative Committee to review home study courses for acceptance for continuing education credits and to review legislation for the year 2000.

**Contact:** Senita Booker, Administrative Staff Assistant, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

## BOARD OF OPTOMETRY

† **March 11, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

Informal conference hearings. This is a public meeting; however, public comment will not be received.

**Contact:** Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY 

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

† **March 8, 1999 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

Informal administrative hearings pursuant to § 9-6.14:11 of the Code of Virginia will be held. No public comment will be received.

**Contact:** Evelyn Brown, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

## BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **March 8, 1999 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The

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# Calendar of Events

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department fully complies with the Americans with Disabilities Act.

**Contact:** Debra S. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TTY ☎

## BOARD OF PSYCHOLOGY

**March 12, 1999 - 10:30 a.m.** -- Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the Examination Committee to review examinations to be administered April 14, 1999. Public comments will be received at the beginning of the meeting.

**Contact:** La Donna 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

† **March 17, 1999 - 9:30 a.m.** -- Open Meeting  
† **April 21, 1999 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

A monthly meeting of the commission including a report from Colonial Downs and a segment for public participation.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7400 or FAX (804) 966-7418.

## REAL ESTATE APPRAISER BOARD

† **April 20, 1999 - 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 two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

## REAL ESTATE BOARD

† **March 25, 1999 - 8 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

General business meetings of the Fair Housing Committee and the Education Committee. Persons desiring to participate in the meetings and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

† **March 25, 1999 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting of the board. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

† **March 25, 1999 - 1 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting of the Time-Share Advisory Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

**March 9, 1999 - 10 a.m.** -- Open Meeting  
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia.

A regular meeting 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 Mike Murphy for details or e-mail [mpmurphy@deq.state.va.us](mailto:mpmurphy@deq.state.va.us).

**Contact:** Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY ☎ or email mpmurphy@deq.state.va.us.

## DEPARTMENT OF REHABILITATIVE SERVICES AND STATE REHABILITATION ADVISORY COUNCIL

**March 18, 1999 - 7 p.m.** -- Public Hearing  
Woodrow Wilson Rehabilitation Center, Watson Building,  
Dining Hall, Fishersville, Virginia. ♿

**March 25, 1999 - 4:30 p.m.** -- Public Hearing  
Devonshire Center, 2831 Graham Road, Auditorium, Falls  
Church, Virginia. ♿ (Use upper parking deck for accessibility)

**March 30, 1999 - 4 p.m.** -- Public Hearing  
Hampton Roads Planning District Commission, 723  
Woodlake Drive, Regional Building, Chesapeake, Virginia. ♿

**April 7, 1999 - 4 p.m.** -- Public Hearing  
Southwest Virginia Higher Education Center, Virginia  
Highlands Community College, One Partnership Circle,  
Abingdon, Virginia. ♿

**April 8, 1999 - 4 p.m.** -- Public Hearing  
Virginia Western Community College, Student Center, Room  
5101, Roanoke, Virginia. ♿

A meeting to invite public comment for use in the development of the FY 1999-2000 State Plan for Vocational Rehabilitation and Supported Employment. This notice is for the public hearings to be held across the state during the 1999 public comment period, which lasts until April 8, 1999. Interpreter services and real-time captioning shall be available at each of the public hearings. Other accommodations may be requested through Gloria O'Neal. Input to the state plan may also be submitted by mail, telephone, FAX, or e-mail to Ms. O'Neal. Although April 8 is the deadline for inclusion in this year's state plan, consumer input to the department's planning efforts are welcome at any time.

**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 1-800-552-5019, ext. 7611 or 1-800-464-9950, ext. 7611, or e-mail onealgb@drs.state.va.us.

## VIRGINIA RESOURCES AUTHORITY

**March 9, 1999 - 9:30 a.m.** -- Open Meeting  
Virginia Resources Authority, Mutual Building, 909 East Main  
Street, Richmond, Virginia.

A regular meeting.

**Contact:** Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **March 3, 1999 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate  
Room A, Richmond, 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.

## STATE BOARD OF SOCIAL SERVICES

**April 16, 1999** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled: **22 VAC 40-50-10 et seq. Allowable Variance Policy.** The Allowable Variance Policy is no longer essential because it is a duplicative regulation. The policy has been incorporated into a promulgated regulation entitled General Procedures and Information for Licensure.

Statutory Authority: §§ 63.1-174, 63.1-194.2, and 63.1-202 of the Code of Virginia.

**Contact:** Kathryn Thomas, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1793 or FAX (804) 692-2370.

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**April 16, 1999** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-130-10 et seq. Minimum Standards for Licensed Child-Placing Agencies.** The proposed regulation establishes the minimum requirements for licensure to place children and conduct activities related to placement in foster care, in treatment foster care, in adoptive homes, or in independent living arrangements.

Statutory Authority: §§ 63.1-202 of the Code of Virginia.

**Contact:** Doris Jenkins, Manager, Child Welfare Licensing Unit, Department of Social Services, 730 E. Broad St.,

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# Calendar of Events

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Richmond, VA 23219, telephone (804) 692-1773, FAX (804) 692-2370, or e-mail dtj7@dss.state.va.us.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **March 18, 1999 - 8:30 a.m.** -- Open Meeting  
Virginia Colonial Farm Credit, 7104 Mechanicsville Turnpike, Mechanicsville, Virginia.  (Interpreter for the deaf provided upon request)

The second meeting of the Ad Hoc Committee on Financial Policy to review proposals for presentation to the full board at their meeting immediately following.

**Contact:** Leon App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

† **March 18, 1999 - 10 a.m.** -- Open Meeting  
Virginia Colonial Farm Credit, 7104 Mechanicsville Turnpike, Mechanicsville, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Leon App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

† **April 6, 1999 - 1 p.m.** -- Open Meeting  
NRCS Conference Room, 1606 Santa Rosa Road, Suite 209, Richmond, Virginia. 

A meeting of the Technical Advisory Committee on Dam Safety to organize and discuss activities and business to be conducted by the committee. The purpose of the committee is to (i) provide technical support, oversight, and review of the dam safety program in Virginia; (ii) advise the board on matters pertaining to dam safety; (iii) periodically review the dam safety act and make recommendations for any needed amendments; and (iv) periodically review the dam safety regulations and make recommendations for any needed revisions.

**Contact:** Leon App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

## COMMONWEALTH TRANSPORTATION BOARD

† **March 17, 1999 - 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.

† **March 18, 1999 - 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 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.

## BOARD FOR THE VISUALLY HANDICAPPED

### NOTE: CHANGE IN MEETING DATE

† **April 13, 1999 - 1 p.m.** -- Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting to 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, FAX (804) 371-3351 or (804) 371-3140/TTY 

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Vocational Rehabilitation Services

† **March 8, 1999 - 7 p.m.** -- Public Hearing  
Holland Office Park, 468 Office Park Lane, Suite A104, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

† **March 10, 1999 - 7 p.m.** -- Public Hearing  
Trinity Episcopal Church, 2217 Columbia Pike, Arlington, Virginia.  (Interpreter for the deaf provided upon request)

† **March 17, 1999 - 5:30 p.m.** -- Public Hearing

Lions Sight Foundation, 501 Elm Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

† **March 25, 1999 - 1 p.m.** – Public Hearing  
Department for the Visually Handicapped, 111 Commonwealth Avenue, Bristol, Virginia.  (Interpreter for the deaf provided upon request)

† **April 17, 1999 - 2 p.m.** – Public Hearing  
Hinton Avenue Methodist Church, 750 Hinton Avenue, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

† **April 27, 1999 - 6:30 p.m.** – Public Hearing  
Virginia Rehabilitation Center for the Blind and Visually Impaired, 401 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

**Contact:** James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351 or toll-free 1-800-622-2155.

## Statewide Rehabilitation Council for the Blind

**March 13, 1999 - 10 a.m.** -- Open Meeting  
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the council 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, FAX (804) 371-3351 or toll-free 1-800-622-2155.

## STATE WATER CONTROL BOARD

† **March 4, 1999 - 2 p.m.** – Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Technical Advisory Committee to discuss the status of the Department of Environmental Quality's water quality management plan update efforts and to review a prototype plan.

**Contact:** Erlinda L. Patron, Environmental Engineer Consultant, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4047 or FAX (804) 698-4136.

† **March 11, 1999 - 9:30 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.

A regular meeting of the board.

**Contact:** Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

† **March 31, 1999 - 7:30 p.m.** – Public Hearing  
Sandy Bottom Nature Park, 1255 Big Bethel Road, Hampton, Virginia.

A public hearing to receive comments on the proposed issuance of a Virginia Water Protection Permit to the Virginia Department of Transportation for the proposed four lane divided highway between Hampton Roads Center Parkway and Harpersville Road.

**Contact:** Tracey E. Harmon, Department of Environmental Quality, Office of Water Permit Programs, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4105.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**April 15, 1999 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A routine business meeting. A public comment period will be held at the beginning of the meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY 

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### March 1

Cosmetology, Board for  
Economic Development Partnership, Virginia  
Emergency Planning Committee, Local - Goochland County  
† Mental Health, Mental Retardation and Substance Abuse Treatment Services, Department of

#### March 2

Economic Development Partnership, Virginia  
Hopewell Industrial Safety Council  
Medical Assistance Services, Board of  
† Mental Health, Mental Retardation and Substance Abuse Treatment Services, Department of

#### March 3

Agriculture and Consumer Services, Department of  
- Virginia Soybean Board

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# Calendar of Events

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Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers, and Landscape Architects,  
Board of

- Interior Designer Section

† Chesapeake Bay Local Assistance Board

- Northern Area Review Committee

- Southern Area Review Committee

Economic Development Partnership, Virginia

Health, Department of

- Virginia AIDS Drug Assistance Advisory Committee

† Nursing, Board of

- Special Conference Committee

† Sewage Handling and Disposal Appeal Review Board

## March 4

Agriculture and Consumer Services, Board of

† At-Risk Youth and Their Families, Comprehensive  
Services for

- State Management Team

† Conservation and Recreation, Department of

- Falls of the James Scenic River Advisory Board

Emergency Planning Committee, Local - Chesterfield  
County

Game and Inland Fisheries, Board of

Hammond Commission on Community Services and In-  
Patient Care

Medicine, Board of

- Informal Conference Committee

† Water Control Board, State

- Technical Advisory Committee

## March 5

† Dentistry, Board

Game and Inland Fisheries, Board of

HIV Community Planning Committee

## March 8

Alcoholic Beverage Control Board

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

† Professional and Occupational Regulation, Board for

## March 9

Agriculture and Consumer Services, Department of

- Virginia Cotton Board

† Charitable Gaming Commission

Nursing Home Administrators, Board of

- AIT Task Force Committee

Recycling Markets Development Council, Virginia

## March 10

Agriculture and Consumer Services, Department of

- Virginia Marine Products Board

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers, and Landscape Architects,  
Board of

† Cemetery Board

† Emergency Planning Committee, Local - City of  
Alexandria

† Emergency Planning Committee, Local - City of  
Winchester

† Funeral Directors and Embalmers, Board of

- Resident Trainee Task Force Committee

Interagency Coordinating Council, Virginia

## March 11

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers, and Landscape Architects,  
Board of

- Land Surveyor Section

† Conservation and Recreation, Department of

- Virginia State Parks Foundation

† Longwood College

- Finance Committee

† Medicine, Board of

- Informal Conference Committee

† Optometry, Board of

† Water Control Board, State

## March 12

Agriculture and Consumer Services, Department of

- Virginia Peanut Board

† Dentistry, Board of

Mental Health, Mental Retardation and Substance Abuse  
Treatment Services, Department of

- State Human Rights Committee

Psychology, Board of

- Examination Committee

## March 13

Visually Handicapped, Department for the

- Statewide Rehabilitation Council for the Blind

## March 15

Cosmetology, Board for

Local Government, Commission on

Medical Assistance Services, Department of

- Pharmacy Liaison Committee

† Motor Vehicle Dealer Board

- Advertising Committee

- Dealer Practices Committee

- Licensing Committee

- Transaction Recovery Fund Committee

## March 16

† Assistive Technology Loan Fund Authority

† Corrections, Board of

- Administration Committee

Environmental Quality, Department of

- Virginia Ground Water Protection Steering  
Committee

† Intergovernmental Relations, Virginia Advisory  
Commission on

- Visual Quality Committee

† Motor Vehicle Dealer Board

- Finance Committee

- Franchise Law Committee

## March 17

† Corrections, Board of

- Administration Committee

Funeral Directors and Embalmers, Board of

- Special Conference Committee

† Historic Resources State Review Board and Historic Resources Board  
† Labor and Industry, Department of  
- Migrant and Seasonal Farmworkers Board  
† Racing Commission, Virginia  
† Transportation Board, Commonwealth

## March 18

† Aging, Department for the  
† Corrections, Board of  
- Liaison Committee  
Labor and Industry, Department of  
- Apprenticeship Council  
† Medicine, Board of  
- Informal Conference Committee  
† Soil and Water Conservation Board, Virginia  
- Ad Hoc Committee on Financial Policy  
† Transportation Board, Commonwealth

## March 19

† Agriculture and Consumer Services, Department of  
- Virginia Dark-Fired Tobacco Board  
Audiology and Speech-Language Pathology, Board of  
† Dentistry, Board of  
† Information Management, Council on  
Nursing Home Administrators, Board of  
- Legislative/Regulatory Committee

## March 22

† Agricultural Council, Virginia  
Alcoholic Beverage Control Board  
Cosmetology, Board for  
† Game and Inland Fisheries, Department of  
Library Board

## March 23

† Agricultural Council, Virginia  
Agriculture and Consumer Services, Department of  
- Virginia State Apple Board  
† Game and Inland Fisheries, Department of  
Marine Resources Commission

## March 24

† Community Colleges, State Board for  
- Academic and Student Affairs Committee  
- Audit Committee  
- Budget and Finance Committee  
- Facilities Committee  
- Personnel Committee  
† Game and Inland Fisheries, Department of  
Higher Education for Virginia, State Council of

## March 25

† Community Colleges, State Board for  
† Compensation Board  
† Game and Inland Fisheries, Department of  
† Real Estate Board  
- Education Committee  
- Fair Housing Committee  
- Time-Share Advisory Committee

## March 26

Disability Services Council

† Executive Council, State  
† Game and Inland Fisheries, Department of  
Medicine, Board of  
- Informal Conference Committee

## March 30

† Agriculture and Consumer Services, Department of  
- Virginia Winegrowers Advisory Board  
Funeral Directors and Embalmers, Board of  
- Legislative Committee

## April 1

† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
Emergency Planning Committee, Local - Chesterfield  
County

## April 6

Hopewell Industrial Safety Council  
† Soil and Water Conservation Board  
- Technical Advisory Committee on Dam Safety

## April 9

† Health Professions, Department of  
- Health Practitioners' Intervention Program  
† Medicine, Board of  
- Credentials Committee  
- Executive Committee

## April 12

† Barbers, Board for

## April 13

† Visually Handicapped, Board for the

## April 15

Waterworks and Wastewater Works Operators, Board  
for

## April 20

† Real Estate Appraiser Board

## April 21

† Intergovernmental Relations, Virginia Advisory  
Commission on  
† Racing Commission, Virginia

## April 26

Accountancy, Board for

## April 30

† Executive Council, State

## May 11

† Air Pollution Control Board, State

## PUBLIC HEARINGS

## March 1

Environmental Quality, Department of

## March 3

† Environmental Quality, Department of  
† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

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# Calendar of Events

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**March 8**

† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

**March 10**

† Environmental Quality, Department of  
† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

**March 15**

Local Government, Commission

**March 17**

Air Pollution Control Board, State  
† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

**March 18**

Rehabilitative Services, Department of and  
Rehabilitation Advisory Council, State

**March 25**

Rehabilitative Services, Department of and  
Rehabilitation Advisory Council, State  
† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

**March 30**

Rehabilitative Services, Department of and  
Rehabilitation Advisory Council, State

**March 31**

† Water Control Board, State

**April 7**

Rehabilitative Services, Department of and  
Rehabilitation Advisory Council, State

**April 8**

Rehabilitative Services, Department of and  
Rehabilitation Advisory Council, State

**April 17**

† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services

**April 27**

† Visually Handicapped, Department for the  
- Vocational Rehabilitation Services