
THE VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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PUBLICATION SCHEDULE AND DEADLINES

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

March 1999 through December 1999

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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15:17	April 21, 1999	May 10, 1999
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Title 1. Administration			
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
Title 2. Agriculture			
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
Title 4. Conservation and Natural Resources			
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
4 VAC 15-330-120	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-140	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-150	Amended	15:5 VA.R. 578	1/1/99
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
4 VAC 20-620-40	Amended	15:9 VA.R. 1157	1/1/99
4 VAC 20-620-42 emer	Added	15:5 VA.R. 718	10/30/98-11/17/98
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
4 VAC 20-720-60	Amended	15:3 VA.R. 321	10/1/98
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 20-720-80	Amended	15:12 VA.R. 1790	2/1/99
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 20-720-106 emer	Added	15:12 VA.R. 1845	2/1/99-2/12/99
4 VAC 20-960-45	Amended	15:7 VA.R. 982	1/1/99
4 VAC 20-1020-10 through 4 VAC 20-1020-40	Added	15:12 VA.R. 1790	2/2/99
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)	--

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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
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
4 VAC 25-150-500 through 4 VAC 25-150-530	Amended	15:2 VA.R. 162-163	11/11/98
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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4 VAC 25-150-720 through 4 VAC 25-150-740	Amended	15:2 VA.R. 173	11/11/98
4 VAC 25-150 (Forms)	Erratum	15:6 VA.R. 938	--
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8 VAC 35-30-30	Amended	15:11 VA.R. 1706	1/18/99
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 5-30-20	Repealed	15:12 VA.R. 1791	4/1/99
9 VAC 5-40-880	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-890	Amended	15:12 VA.R. 1794	4/1/99
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9 VAC 5-40-940	Amended	15:12 VA.R. 1795	4/1/99
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9 VAC 5-40-1670	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1690	Amended	15:12 VA.R. 1797	4/1/99
9 VAC 5-40-1750	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1770	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1780	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1810	Amended	15:12 VA.R. 1799	4/1/99
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9 VAC 5-40-5800	Amended	15:12 VA.R. 1801	4/1/99
9 VAC 5-40-5810	Amended	15:12 VA.R. 1802	4/1/99
9 VAC 5-40-5820	Amended	15:12 VA.R. 1804	4/1/99
9 VAC 5-40-5822	Added	15:12 VA.R. 1806	4/1/99
9 VAC 5-40-5824	Added	15:12 VA.R. 1807	4/1/99
9 VAC 5-40-5850	Amended	15:12 VA.R. 1808	4/1/99
9 VAC 5-40-5855	Added	15:12 VA.R. 1811	4/1/99
9 VAC 5-40-5860	Amended	15:12 VA.R. 1812	4/1/99
9 VAC 5-40-5870	Amended	15:12 VA.R. 1815	4/1/99
9 VAC 5-40-5880	Amended	15:12 VA.R. 1816	4/1/99
9 VAC 5-40-5890	Amended	15:12 VA.R. 1820	4/1/99
9 VAC 5-40-5920	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-40-5930	Repealed	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-410	Amended	15:12 VA.R. 1823	4/1/99
9 VAC 5-50-410	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-420	Amended	15:12 VA.R. 1828	4/1/99
9 VAC 5-50-420	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-60	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-70	Amended	15:13 VA.R. 1925	4/14/99
9 VAC 5-60-80	Amended	15:13 VA.R. 1926	4/14/99
9 VAC 5-60-90	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-60-100	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-70-40	Amended	15:12 VA.R. 1791	4/1/99
9 VAC 5-80-30	Repealed	15:11 VA.R. 1717	4/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-2000 through 9 VAC 5-80-2190	Added	15:11 VA.R. 1717-1728	4/1/99
9 VAC 5-80-2010	Erratum	15:13 VA.R. 1955	--
9 VAC 5-200-10	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-20	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-30	Added	15:13 VA.R. 1931	4/14/99
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
9 VAC 20-60-14	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-17	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-18	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-60	Amended	15:9 VA.R. 1158	2/17/99
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 (Forms)	Amended	15:12 VA.R. 1854	--

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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
Title 12. Health			
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
12 VAC 30-10-140 emer	Amended	15:13 VA.R. 1942	7/1/99-6/30/00
12 VAC 30-10-150 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-30 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-50-70 emer	Amended	15:13 VA.R. 1944	7/1/99-6/30/00
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 30-50-320 emer	Added	15:13 VA.R. 1944	7/1/99-6/30/00
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 30-120-61 through 12 VAC 30-120-69 emer	Added	15:13 VA.R. 1944-1947	7/1/99-6/30/00
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
12 VAC 35-210-10 through 12 VAC 35-210-90	Added	15:12 VA.R. 1933-1936	4/15/99
Title 13. Housing			
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 10-40-20	Amended	15:12 VA.R. 1829	1/28/99
13 VAC 10-40-130	Amended	15:12 VA.R. 1832	1/28/99
13 VAC 10-40-160	Amended	15:12 VA.R. 1834	1/28/99
13 VAC 10-40-210	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-220	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
13 VAC 10-40-230	Amended	15:12 VA.R. 1835	1/28/99
Title 14. Insurance			
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
Title 16. Labor and Employment			
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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
Title 18. Professional and Occupational Licensing			
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 50-22-100	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-22-140	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-30-90	Amended	15:12 VA.R. 1838	5/1/99
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 65-20-70 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
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 65-20-120 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-130	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-130 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
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 65-20-435 emer	Added	15:12 VA.R. 1846	2/2/99-2/1/00
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 85-40-25 emer	Added	15:11 VA.R. 1731	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 85-40-45 emer	Added	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 85-40-65 emer	Added	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 85-80-10 emer	Amended	15:12 VA.R. 1847	1/29/99-1/28/00
18 VAC 85-80-11 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-12 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-35 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-40 through 18 VAC 85-80-90 emer	Amended	15:12 VA.R. 1848-1849	1/29/99-1/28/00
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
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
18 VAC 95-20; Appendices I, II and III	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 105-30-10	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-20	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-30	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-35	Added	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-40	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-50	Repealed	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-60	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-70	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-90	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-100	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-110	Repealed	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-120	Amended	15:12 VA.R. 1841	3/31/99
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 110-20-130	Erratum	15:12 VA.R. 1865	--
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
18 VAC 155-20-40	Amended	15:13 VA.R. 1938	5/1/99
Title 19. Public Safety			
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
Title 22. Social Services			
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	--
22 VAC 40-325-10 and 22 VAC 40-325-20 emer	Added	15:12 VA.R. 1849-1850	4/1/99-3/31/00
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229 emer	Added	15:12 VA.R. 1851-1853	2/4/99-2/3/00
Title 24. Transportation and Motor Vehicles			
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 30-350-10	Amended	15:13 VA.R. 1939	2/22/99
24 VAC 30-470-10	Amended	15:10 VA.R. 1339	1/11/99

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60-12 et seq. Virginia Hazardous Waste Management Regulations (Amendment 15)**. The purpose of the proposed action is to update the regulations regarding transportation, treatment, storage, and disposal of hazardous waste so as to protect the public health, natural resources and environment; maintain consistency with federal requirements; and maintain authorization. By maintaining the equivalence of its regulations with those issued by the United States Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), the Commonwealth remains eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Amendment 15 will consider incorporation of changes in the federal regulations in Title 40 of the Code of Federal Regulations occurring since Amendment 14 through July 1, 1998, including amendments promulgated in the Federal Register on, at least, the following dates: January 3, 1995, December 6, 1994, January 13, 1995, February 9, 1995, April 17, 1995, May 12, 1995, April 4, 1995, May 19, 1995, June 29, 1995, July 11, 1995, September 29, 1995, October 30, 1995, December 11, 1995, February 9, 1996, March 26, 1996, April 8, 1996 (2), April 30, 1996, June 28, 1996, July 10, 1996, August 26, 1996, February 17, 1997, April 12, 1996, July 1, 1996, December 6, 1994, May 19, 1995, September 29, 1995, November 13, 1995, February 9, 1996, June 5, 1996, November 23, 1996, January 14, 1997, February 12, 1997, May 12, 1997, June 13, 1997, June 17, 1997, July 14, 1997, August 28, 1997, December 5, 1997, December 8, 1997, April 15, 1998, May 4, 1998, June 29, 1998, May 6, 1998, July 14, 1998, May 26, 1998, June 8, 1998, and June 19, 1998. These amendments of the federal regulations address, at least, the following items:

1. Revisions of the Universal Treatment Standards regarding land disposal restrictions or related changes;
2. Revisions to listings and exemptions of certain carbamate chemicals production wastes (U and K listings);
3. Housekeeping changes related to adoption errors and obsolete provisions;

4. Adoption of additional test methods related to rules that prohibit liquids in landfills;
5. New rules about the public participation process in the permitting of storage, treatment and disposal facilities and for test burns at incinerators and combustion facilities;
6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;
7. Addition of rules related to Phase III of the land disposal restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;
8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;
9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;
10. Adoption of additional air standards for the control of organic emissions from tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on-site;
11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;
12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;
13. Adoption of land disposal restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises record keeping related to land disposal restrictions, regulates polymerizations as a treatment alternative, clarifies de minimis amounts exemption of characteristic wastewaters, and excludes processed circuit boards and scrap metal from regulation as hazardous wastes;
14. Update the incorporation by reference citation of SW-846, Third Edition, "Test Methods for Evaluation Solid Waste, Physical/Chemical Methods," to include changes through January 13, 1997 (through Update III);
15. Revisions and withdrawals of certain rules related to listing of carbamate wastes;

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16. Extension of alternate treatment standard for carbamate under the land disposal restrictions (Aug. 26, 1997, to Aug. 26, 1998);

17. Clarifications of the rules for authorization of variances from the treatment standards of the land disposal restriction regulations, and incorporation of rules requiring public participation in site specific variance considerations;

18. Amendments and clarifications of the air standards for the control of organic emissions from tanks, surface impoundments, and container;

19. Exclusions from regulation as hazardous waste of the condensates derived from the overhead gases from kraft mill steam strippers under specified conditions;

20. Additions of specific organobromine production wastes to the list of hazardous wastes and listings of land disposal treatment standards for those wastes;

21. Correction and adoption of rules related to the management standards of used oil contaminated with PCB's and other used oil;

22. Adoption of treatment standards under the land disposal restrictions for metal wastes, mineral processing waste and 12 metal constituents; adoption of land disposal prohibition and treatment standards for mineral processing waste that are ignitable, corrosive or reactive; amendment of the definition of when secondary materials being recycled are solid waste so as to exclude certain mineral processing waste; amendment of the definition of which wastes fall under the Bevill exemption; adoption of treatment standards under the land disposal restrictions for contaminated soils as waste; and adoption of corrections and clarifying provisions to the land disposal restrictions;

23. Exclusion from regulation as solid waste those fuels produced from a hazardous waste which is comparable to some currently used fossil fuels, and addition of provisions to make it easier for existing facilities to make changes to their existing permit.

In addition to the promulgated amendments of federal regulations, Amendment 15 may consider the following items:

1. Errors and omissions resulting from previous amendments of the regulations, including the change in the format of the regulations effected by Amendment 14;

2. Several amendments to the requirements for the transportation of hazardous waste, including insurance requirements; financial assurance requirements for hazardous waste management facilities; and documentation demonstrating compliance with financial assurance requirements which were recommended by commenters regarding Amendment 14, but which could not be addressed in Amendment 14 for procedural reasons;

3. Revision of the schedule of permit application fees to reflect increased cost of permit reviews;

4. Further use or expansion of the format of incorporation by reference of federal regulations;

5. Inclusion of additional waste streams as listed Universal Wastes;

6. Alterations or clarifications of the regulations concerning transfer stations and the definition of transfer stations to prevent inappropriate siting of the transfer station and abusive practices; and

7. Alterations or clarifications of the regulations concerning receipt of waste from conditionally exempt small quantity generators to prevent threats caused by amassing such waste from several generators in an inappropriate manner.

A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exist, and during the public participation process, the general public will also be asked to suggest less intrusive and burdensome alternatives. The vast majority of changes to be considered will be the direct result of incorporation of federal regulatory text into Commonwealth regulations, and consistency with federal regulations is required by the Act and necessary for authorization of the Commonwealth's program by USEPA. Many of the changes to federal regulations that would be incorporated are themselves a reduction in intrusion and burden on the regulated community from prior federal requirement currently incorporated into the Commonwealth regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until June 1, 1999.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4213, FAX (804) 698-4327 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R99-127; Filed March 10, 1999, 10:26 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-630-10 et seq. General Virginia Pollution Abatement Permit Regulation for Confined Poultry Feeding Operations.** This rulemaking is proposed in order to implement the requirements of § 62.1-44.17:1.1 of the Code of Virginia. The general permit will establish requirements for the storage, treatment and management of poultry waste,

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including dry litter. Owners or operators of confined poultry feeding operations will be required to develop and implement a nutrient management plan, track and account for poultry waste and ensure proper waste storage. The statute requires that the board adopt this general permit regulation no later than October 1, 2000, and that after October 1, 2001, all persons owning or operating confined poultry feeding operations shall operate in compliance with its provisions.

A technical advisory committee will be formed to assist in the development of the regulations. The statute that mandates the development of this general permit regulation also stipulates that membership on this advisory committee shall be balanced among organizations and persons expressing an interest in the program and shall include a minimum of three representatives of poultry growers, three representatives of commercial poultry processors and three representatives of environmental organizations. The primary function of the committee will be to develop recommendations to the board on the content of the general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on Friday, April 16, 1999, and provide name, address, telephone number and organization represented (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the draft general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.17:1.1 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. on Friday, April 16, 1999.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240, telephone (804) 698-4075 or FAX (804) 698-4032.

VA.R. Doc. No. R99-113; Filed February 24, 1999, 9:20 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **Program for All-Inclusive Care for the Elderly (PACE): 12 VAC 30-10-10 et seq. State Plan under Title XIX of the Social Security Act Medical**

Assistance Program; General Provisions, 12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services, and 12 VAC 30-120-10 et seq. Waivered Services. The purpose of the proposed action is to promulgate permanent regulations, essentially like the existing emergency regulations that provide for the administration of the Program of All-Inclusive Care for the Elderly (PACE). The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until April 14, 1999, to Diana Thorpe, Appeals Division, 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) 371-8850.

VA.R. Doc. No. R99-112; Filed February 24, 1999, 11:27 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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 85-80-10 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.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

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

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

May 5, 1999 - 3 p.m. – Public Hearing
Alleghany County Administration Building, 110 Rosedale Avenue, Covington, Virginia.

May 28, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards**. The purpose of the proposed amendments is to correct the downstream limits of a stocked trout stream classification for the Jackson River in Covington, Virginia. If adopted as proposed, the amendment would change 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meeting will be held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or 1-800-592-5482 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Ms. Daub no later than April 28, 1999.

The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, or obtained from

Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or toll free at 1-800-592-5482 or TDD (804) 698-4261.

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

Contact: Eleanore Daub, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4111, FAX (804) 698-4522 or toll-free 1-800-592-5482.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

May 4, 1999 - 10:30 a.m. – Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia.

May 28, 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 Professional and Occupational Regulation intends to adopt regulations entitled: **18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed regulations is to regulate professional boxing and wrestling in Virginia. The proposed regulations replace the emergency regulations that became effective on August 11, 1998. Aside from a few editorial changes, the language of the proposed regulations is unchanged from the emergency regulations.

Statutory Authority: §§ 54.1-201 and 54.1-831 of the Code of Virginia.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: 4 VAC 15-40-10 et seq. **Game:** In General (amending 4 VAC 15-40-70, 4 VAC 15-40-240, and 4 VAC 15-40-280; adding 4 VAC 15-40-281).

4 VAC 15-50-10 et seq. **Game:** Bear (amending 4 VAC 15-50-120).

4 VAC 15-110-10 et seq. **Game:** Fox (repealing 4 VAC 15-110-30 and 4 VAC 15-110-60).

4 VAC 15-190-10 et seq. **Game:** Quail (amending 4 VAC 15-190-10).

4 VAC 15-240-10 et seq. **Game:** Turkey (amending 4 VAC 15-240-10, 4 VAC 15-240-20, 4 VAC 15-240-40, 4 VAC 15-240-50, and 4 VAC 15-240-70; adding 4 VAC 15-240-31).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Notice:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 4, 1999, and remains open until May 6, 1999. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; and should state the regulatory action desired and the justification for the desired action. Submit comments to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, no later than April 29, 1999, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and

Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Thursday, May 6, 1999, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 6 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments (i) expand the area for the training of bird dogs on quail; (ii) allow licensed trappers to take fur-bearing species whenever population reduction is necessary to manage another wildlife species or whenever the condition of a species indicates the need for population reduction; (iii) include lands managed by the department under cooperative agreements; (iv) clarify the penalty for failure to comply with posted regulations; (v) prohibit the unauthorized feeding of bear, deer and turkey on national forest lands and department-owned lands; (vi) provide for bear hound training season in portions of certain counties; (vii) provide for a gun hunting season for foxes and a uniform trapping season on fox in certain counties; (viii) change the opening date of the quail season; (ix) allow hunting of turkeys on Thanksgiving Day; (x) expand the fall hunting season on turkeys from the current two-week season to three weeks in certain counties, and establish a two-week fall turkey season in certain areas that were previously closed to fall turkey hunting; (xi) change the opening date of spring gobbler season; and (xii) allow the taking of up to three bearded turkeys in the spring gobbler season.

CHAPTER 40. GAME: IN GENERAL.

4 VAC 15-40-70. Open dog training season.

A. Private lands and certain military areas. It shall be lawful to train dogs during daylight hours on rabbits and nonmigratory game birds on private lands, Fort A.P. Hill, Fort Pickett, and Quantico Marine Reservation. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, must comply with all regulations and laws pertaining to hunting and no game shall be taken; provided, however, that weapons may be in possession when training dogs on captive raised and properly marked mallards and pigeons so that they may be immediately shot or recovered, except on Sunday.

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B. Designated portions of certain department-owned lands and state forest lands. It shall be lawful to train dogs on quail on designated portions of the Amelia Wildlife Management Area, Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, and Dick Cross Wildlife Management Area, *Buckingham-Appomattox State Forest, and Cumberland State Forest* from September 1 to the day prior to the opening date of the quail hunting season, both dates inclusive. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting and no game shall be taken.

C. Designated department-owned lands. It shall be lawful to train dogs during daylight hours on rabbits and nonmigratory game birds on the Weston Wildlife Management Area from September 1 to March 31, both dates inclusive. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting and no game shall be taken.

4 VAC 15-40-240. Animal population control.

Whenever biological evidence suggests that populations of game animals or fur-bearing animals may exceed or threaten to exceed the carrying capacity of a specified range or whenever population reduction of a species is necessary to manage for another wildlife species, or whenever the health or general condition of a species, indicates the need for population reduction, or whenever the threat of human public health and safety or significant economic loss that indicates the need for population reduction, the director is authorized to issue special permits to obtain the desired reduction by licensed hunters or licensed trappers on areas prescribed by department wildlife biologists. Designated game species or fur-bearing species may be taken in excess of the general bag limits on special permits issued under this section under such conditions as may be prescribed by the director.

4 VAC 15-40-280. Department-owned or controlled lands; general regulations.

The open seasons for hunting and trapping, as well as hours, methods of taking, and bag limits for department-owned and or controlled lands, or lands managed by the department under cooperative agreement shall conform to the general regulations of the board unless excepted by posted rules appearing on a notice displayed at each recognized entrance to the land where the posted rules are in effect. Failure to comply with the posted rules will be treated as trespass in accordance with applicable trespass laws concerning seasons, hours, methods of taking, and bag limits shall constitute a violation of this regulation.

4 VAC 15-40-281. Unauthorized feeding of bear, deer, or turkey on national forest lands and department-owned lands.

It shall be unlawful to place or direct the placement of, deposit, distribute, or scatter food or salt capable of attracting

or being eaten by bear, deer or turkey on national forest lands, or on department-owned lands without the written authorization of the Director of the Department of Game and Inland Fisheries or his designee. The provisions of this section shall not prohibit the disposal of food in trash receptacles provided by the U.S. Forest Service on national forest lands or by the department on department-owned lands.

CHAPTER 50.
GAME: BEAR.

4 VAC 15-50-120. Bear hound training season.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties or in portions of counties in which bear hunting is permitted (~~except in the counties of Russell, Smyth, Tazewell, and Washington~~) from the last Saturday in August through the last Saturday in September. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear.

CHAPTER 110.
GAME: FOX.

4 VAC 15-110-30. Closed season. (Repealed.)

~~Continuous closed season in certain areas. It shall be unlawful to shoot foxes in the following counties, or parts thereof, at any time: Albemarle, Amelia, Charlotte, Clarke, Culpeper, Fauquier (except within the confines of the Quantico Marine Reservation), Halifax (except on regularly organized game preserves), Lee, Loudoun, Louisa and Rappahannock.~~

4 VAC 15-110-60. Prohibited in certain counties. (Repealed.)

~~It shall be unlawful to trap foxes in the counties of Clarke (except on the G. Richard Thompson Wildlife Management Area), Fauquier (except on the Chester F. Phelps and G. Richard Thompson Wildlife Management Areas), Goochland, Lee, Loudoun and Rappahannock.~~

CHAPTER 190.
GAME: QUAIL.

4 VAC 15-190-10. Open season; generally.

Except as otherwise specifically provided by the sections appearing in this chapter, it shall be lawful to hunt quail from ~~the second Monday in November~~ December 1 through January 31, both dates inclusive.

CHAPTER 240.
GAME: TURKEY.

4 VAC 15-240-10. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt turkeys from the last Monday in October and for 11 consecutive hunting days following; on Thanksgiving Day; and on the

Monday nearest December 9 through the first Saturday in January, both dates inclusive.

4 VAC 15-240-20. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, and on Thanksgiving Day.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, and on Thanksgiving Day in the counties of ~~Charles City, Buchanan, Chesterfield, Gloucester, Greenville, Henrico, Isle of Wight, James City, King George, Lancaster, Middlesex, New Kent, Northumberland, Prince George, Richmond, Southampton (north of U.S. Route 58), Surry, and Sussex, Westmoreland and York (except on Camp Peary).~~

4 VAC 15-240-31. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following in the counties of Charles City, Gloucester, Henrico, James City, King George, Lancaster, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York (except on Camp Peary).

4 VAC 15-240-40. Open season; spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the ~~Saturday nearest the 15th of second Saturday in~~ April and for 30 consecutive hunting days following, both dates inclusive, from ½ hour before sunrise to 12:00 noon prevailing time. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting. It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

4 VAC 15-240-50. Continuous closed season in certain counties, cities and areas.

There shall be continuous closed turkey season, except where a special spring season for bearded turkeys is provided for in 4 VAC 15-240-40 ~~of this chapter~~, in the counties of Accomack, Arlington, ~~Buchanan, Mathews, and Northampton and Southampton (except north of U.S. Route 58);~~ and in the cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

4 VAC 15-240-70. Bag limit.

The bag limit for hunting turkeys shall be one a day, three a license year, no more than two of which may be taken in the fall ~~and no more than two of which may be taken in the~~ spring.

VA.R. Doc. No. R99-119; Filed March 10, 1999, 11:48 a.m.

Title of Regulation: 4 VAC 15-90-10 et seq. Game: Deer (amending 4 VAC 15-90-20, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-90, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-120, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, and 4 VAC 15-90-250; repealing 4 VAC 15-90-130; adding 4 VAC 15-90-141).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Notice:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 4, 1999, and remains open until May 6, 1999. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; and should state the regulatory action desired and the justification for the desired action. Submit comments to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, and no later than April 29, 1999, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Thursday, May 6, 1999, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 6 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments (i) change the general firearms deer season and special archery seasons in certain counties; (ii) allow deer of either sex to be taken during the entire late special muzzleloading season on private lands in certain counties; (iii) remove certain counties from the late special muzzleloading season; (iv) allow the use of both lead and nonlead bullets (including jacketed bullets) during the special muzzleloading seasons; (v) change the bag limit for deer in certain areas and change the bonus deer permits provisions; (vi) allow deer hunters 15 years of age and under to take one antlerless deer per license year during the deer

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special muzzleloading seasons and the general firearms season in counties and have at least one either-sex deer hunting day during the general firearms season; (vii) change the number of either-sex deer hunting days in certain counties, cities and national forest lands; (viii) establish a bucks only general firearms season in Buchanan County; (ix) close deer hunting in Wise County; and (x) allow a full season either sex general firearms deer season in Arlington County.

4 VAC 15-90-20. Open season; cities and counties west of Blue Ridge Mountains and certain cities and counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for 11 consecutive hunting days following in the cities and counties west of the Blue Ridge Mountains (except *Clarke County and on non-national forest lands in Frederick and Warren counties*, and on the Radford Army Ammunition Plant in Pulaski County), and in the counties (including cities within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad except in the City of Lynchburg), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad), and on the Chester F. Phelps Wildlife Management Area.

4 VAC 15-90-70. Bow and arrow hunting.

A. Early special archery. It shall be lawful to hunt deer with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains (except *Clarke County and on non-national forest lands in Frederick and Warren counties*) and in the counties of (including cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in *Frederick and Warren* and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Either-sex deer hunting days. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except in *Buchanan County and on private lands in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section*).

D. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery season.

E. Requirements for bow and arrow. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season. It shall be unlawful to use dogs when hunting with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive.

G. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4 VAC 15-40-20 B, to hunt deer subject to the provisions of subsections A through G of this section. For the purpose of the application of subsections A through G to this subsection the phrase "bow and arrow" includes crossbow.

4 VAC 15-90-80. Muzzleloading gun hunting.

A. Early special muzzleloading season. It shall be lawful to hunt deer with muzzleloading guns from the first Monday in November through the Saturday prior to the third Monday in November, both dates inclusive, in all cities and counties where hunting with a rifle or muzzleloading gun is permitted east of the Blue Ridge Mountains, except on national forest lands in Amherst, Bedford and Nelson counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach.

It shall be lawful to hunt deer with muzzleloading guns from the second Monday in November through the Saturday prior to the third Monday in November, both dates inclusive, in all cities and counties where hunting with a rifle or muzzleloading gun is permitted west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties.

B. Late special muzzleloading season west of Blue Ridge Mountains and in certain cities and counties east of Blue Ridge Mountains. It shall be lawful to hunt deer with muzzleloading guns from the third Monday in December through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains (except *Clarke County and on non-national forest lands in Frederick and Warren counties*), and east of the Blue Ridge Mountains in the counties of (including the cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in *Frederick and Warren*.

C. Either-sex deer hunting days east and west of the Blue Ridge Mountains during the early muzzleloading season. Deer of either sex may be taken during the entire early special muzzleloading season in all cities and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands, department-owned lands and Philpott Reservoir) and on the first Saturday only east of

the Blue Ridge Mountains on state forest lands, state park lands, department-owned lands and on Philpott Reservoir.

~~Deer of either sex may be taken during the early special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and on national forest lands in Frederick, Page, Rockingham, Shenandoah, and Warren) and on national forest lands in Amherst, Bedford, and Nelson counties on the second Monday in November only. It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise and in the counties (including cities within) or portions of counties east of the Blue Ridge Mountains listed in subsection B of this section. Provided further it shall be lawful to hunt deer of either sex during the last day only of the last special muzzleloading season in the cities and counties within Lee, Russell, Scott, Smyth, Tazewell, and Washington.~~

D. Either-sex deer hunting days east and west of the Blue Ridge Mountains during the late special muzzleloading season. Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad except in the City of Lynchburg), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad). It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, and Washington) and on national forest lands in Amherst, Bedford, Frederick, Nelson, and Warren counties. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties (including the cities within) of Grayson, Lee, Russell, Scott, Smyth, Tazewell, and Washington.

~~D. E. Use of dogs prohibited. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns.~~

~~E. F. Muzzleloading gun defined. A muzzleloading gun, for the purpose of this section, means a single shot flintlock or percussion weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single lead projectile or sabot (with a .38 caliber or larger nonjacketed lead projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent).~~

~~F. G. Unlawful to have other firearms in possession. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.~~

4 VAC 15-90-90. Bag limit; generally; bonus deer permits and tag usage.

A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) and west of the Blue Ridge Mountains in Clarke, Frederick (except on national forest lands), and Warren (except on national forest lands) counties shall be two a day, ~~three~~ four a license year, one of which must be antlerless. Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery season, special muzzleloading seasons, and the general firearms season (except that deer hunters 15 years of age and under may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season using the antlerless only deer tag on their state resident junior bear, deer, turkey license or state resident youth combination license. Those deer hunters under 15 years of age and under and exempt from purchasing a license may also take one antlerless deer per license year on any deer hunting day during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season).

B. The bag limit for deer west of the Blue Ridge Mountains (except Clarke County and non-national forest lands in Frederick and Warren counties) and on national forest lands in Amherst, Bedford, Frederick, Nelson, and Warren counties shall be one a day, three a license year, one of which must be antlerless. Only one antlered buck may be taken during the special early muzzleloading season per hunter. Antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, the special muzzleloading seasons, and the general firearms season (except that deer hunters 15 years of age and under may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season using the antlerless only deer tag on their state resident junior bear, deer, turkey license or state resident youth combination license. Those deer hunters under 15 years of age and under and exempt from purchasing a license may also take one antlerless deer per license year on any deer hunting day during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season).

C. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is permitted (except Buchanan and Dickenson counties) during the special archery seasons, special muzzleloading seasons, and the general firearms season. Bonus deer permits shall be valid on public lands, including state parks, state forests, national wildlife refuges, military areas, etc., as authorized by the

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managing agency. Unless otherwise posted or authorized in writing for wildlife management areas by the department, or for national forest lands by the U.S. Forest Service, the use of bonus permits is prohibited on department-owned and national forest lands. Bonus deer permits ~~will~~ *shall* be limited to one set per person per license year valid for antlerless deer only. Deer taken on bonus permits shall count against the daily bag limit but are in addition to the seasonal bag limit.

4 VAC 15-90-100. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last two hunting days only, in the counties of (including cities within) Alleghany (except on national forest lands), Augusta (except on national forest and department-owned lands), Bath (except on national forest lands), Bland (except on national forest lands), ~~Carroll (except on national forest and department-owned lands),~~ Craig (except on national forest lands), Giles (except on national forest lands), Highland (except on national forest and department-owned lands), Montgomery (except on national forest lands), Page (except on national forest lands), Pulaski (except on national forest lands and the Radford Army Ammunition Plant), Rockbridge (except on national forest and department-owned lands), Rockingham (except on national forest lands), Shenandoah (except on national forest lands), and Wythe (except on national forest lands) and on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area.

4 VAC 15-90-110. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last hunting day.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last hunting day on the G.R. Thompson Wildlife Management Area and on national forest and department-owned lands in Alleghany, Augusta, Bath, Bland, *Botetourt*, ~~Carroll~~, ~~Craig~~, Giles, Highland, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe.

4 VAC 15-90-120. General firearms season either-sex deer hunting days; last 12-six hunting days.

During the general firearms season, deer of either sex may be taken on the last ~~42~~ six hunting days in the cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge and Fentress Naval Auxiliary Landing Field on the Northwest Naval Security Group), *Suffolk east of the Dismal Swamp line (except on the Dismal Swamp National Wildlife Refuge)* and Virginia Beach (except on Back Bay National Wildlife Refuge, Dam Neck Amphibious Training Base, Naval Air Station Oceana, False Cape State Park, and Fentress Naval Auxiliary Landing Field).

4 VAC 15-90-130. General firearms season either-sex deer hunting days; last 24 hunting days. (Repealed.)

~~During the general firearms season, deer of either sex may be taken on the last 24 hunting days in the City of Suffolk east of the Dismal Swamp line (except on Dismal Swamp National Wildlife Refuge).~~

4 VAC 15-90-141. General firearms season either-sex deer hunting days; first two Saturdays following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last two hunting days, in the counties (including cities within) of Appomattox (except on Appomattox-Buckingham State Forest), Brunswick, Buckingham (except on Appomattox-Buckingham State Forest), Charlotte, Chesterfield (except on Pocahontas State Park and Presquile NWR), Cumberland (except on Cumberland State Forest), Dinwiddie, Fluvanna, Goochland, Lunenburg, Mecklenburg, Nottoway, Prince Edward (except on Prince Edward State Forest), and Prince George (except on Fort Lee).

4 VAC 15-90-160. General firearms season either-sex deer hunting days; full season.

During the general firearms season, deer of either sex may be taken full season, in the counties of (including cities within) *Accomack*, Amherst (west of U.S. Route 29, except on national forest lands), *Arlington*, Bedford (*except on national forest lands*), Botetourt (except on national forest lands), Campbell (west of Norfolk Southern Railroad and in the City of Lynchburg only on private lands for which a special permit has been issued by the chief of police), *Carroll (except on national forest and department-owned lands)*, Clarke, Fairfax (restricted to certain parcels of land by special permit), Floyd, Franklin (except Philpott Reservoir and Turkeycock Mountain Wildlife Management Area), Frederick (except on national forest lands), Greensville, Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting), Henry (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area), Isle of Wight, Loudoun, Nelson (west of Route 151, except on national forest lands), Patrick (except on Fairystone Farms Wildlife Management Area, Fairystone State Park and Philpott Reservoir), Pittsylvania (west of Norfolk Southern Railroad), Prince William, Roanoke (except on national forest and department-owned lands), Southampton, ~~Surry (except on the Carlisle Tract of the Hog Island Wildlife Management Area), Sussex,~~ Warren (except on national forest lands) and in the cities of Hampton and Newport News, the Town of Chincoteague, and on Back Bay National Wildlife Refuge, Fort A.P. Hill, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, ~~Chippokes~~ *Chippokes* State Park, Dahlgren Surface Warfare Center Base, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress

Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, ~~Fort Pickett~~, Harry Diamond Laboratory, Langley Air Force Base, ~~NASA Langley Research Center~~, Naval Air Station Oceana, Northwest Naval Security Group, Pocahontas State Park, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park, Yorktown Naval Weapons Station.

4 VAC 15-90-170. General firearms season either-sex deer hunting days; Saturday following third Monday in November.

During the general firearms season, deer of either sex may be taken the Saturday immediately following the third Monday in November in the counties (including cities within) of Lee (except on national forest lands), Russell, Scott (except on national forest lands), Smyth, Tazewell, Washington, and on the Buckingham-Appomattox State Forest, Cumberland State Forest and Prince Edward State Forest and on national forest lands in *Craig*, Frederick, Grayson, Page, Shenandoah, Rockingham and Warren counties and on portions of Grayson Highlands State Park open to hunting.

4 VAC 15-90-190. General firearms season either-sex deer hunting days; first Saturday immediately following third Monday in November and last six days.

During the general firearms season, deer of either sex may be taken on the first Saturday immediately following the third Monday in November and the last six hunting days, in the counties of (including cities within) Middlesex, Mathews, and on the ~~Horsepen Lake Wildlife Management Area~~, James River Wildlife Management Area, ~~Oconeechee State Park~~, ~~Amelia Wildlife Management Area~~, ~~Briery Creek Wildlife Management Area~~, ~~Dick Cross Wildlife Management Area~~, White Oak Mountain Wildlife Management Area and on national forest lands in Amherst, ~~Bedford~~, and Nelson counties.

4 VAC 15-90-195. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last six hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last six hunting days, in the counties of (including the cities within) Amelia (~~except Amelia Wildlife Management Area~~), ~~Appomattox (except Buckingham-Appomattox State Forest)~~, Brunswick (~~except Fort Pickett~~), ~~Buckingham (except on Buckingham-Appomattox State Forest and Horsepen Lake Wildlife Management Area)~~, Charlotte, Chesterfield (~~except Pocahontas State Park and Presquile National Wildlife Refuge~~), Cumberland (~~except on Cumberland State Forest~~), Dinwiddie (~~except on Fort Pickett~~), Fluvanna, Goochland, Lunenburg, Mecklenburg (~~except Dick Cross Wildlife Management Area~~), ~~Oconeechee State Park~~, Nottoway (~~except on Fort Pickett~~), *Charles City (except on*

Chickahominy Wildlife Management Area), *Essex*, *King and Queen*, *King William*, *Louisa*, *New Kent*, *Powhatan*, ~~Prince Edward (except on Prince Edward State Forest and Briery Creek Wildlife Management Area)~~, ~~Prince George (except on Fort Lee)~~, *Richmond*, and *Westmoreland*.

4 VAC 15-90-200. General firearms season either-sex deer hunting days; first three Saturdays following third Monday in November and last 24 hunting days.

During the general firearms season, deer of either sex may be taken on the first three Saturdays immediately following the third Monday in November and on the last 24 hunting days, in the counties of (including cities within) ~~Accomack (except Chincoteague National Wildlife Refuge, and the Town of Chincoteague)~~, Northampton (except on Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), ~~and in the City of Suffolk (except on the Dismal Swamp National Wildlife Refuge)~~, *Surry (except on the Carlisle Tract of the Hog Island Wildlife Management Area)*, and *Sussex*.

4 VAC 15-90-210. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last 12 hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last 12 hunting days, in the counties of (including the cities within) Albemarle, Amherst (east of U.S. Route 29), Campbell (east of Norfolk Southern Railroad except City of Lynchburg), Caroline (except Fort A.P. Hill), ~~Charles City (except on Chickahominy Wildlife Management Area)~~, Culpeper (except on Chester F. Phelps Wildlife Management Area), ~~Essex~~, Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas, Sky Meadows State Park and Quantico Marine Reservation), Gloucester, Greene, Halifax, Hanover, Henrico (except Presquile National Wildlife Refuge), James City (except York River State Park), ~~King and Queen~~, King George (except Caledon Natural Area and Dahlgren Surface Warfare Center), ~~King William~~, Lancaster, ~~Louisa~~, Madison, Nelson (east of Route 151 except James River Wildlife Management Area), ~~New Kent~~, Northumberland, Orange, Pittsylvania (east of Norfolk Southern Railroad except White Oak Mountain Wildlife Management Area), Rappahannock, ~~Richmond~~, Spotsylvania, Stafford (except on Quantico Marine Reservation), ~~Westmoreland~~, *City of Suffolk (west of the Dismal Swamp line)*, and York (except on Camp Peary, Cheatham Annex and Yorktown Naval Weapons Station).

4 VAC 15-90-220. General firearms season; bucks only.

During the general firearms season, only deer with antlers visible above the hairline may be taken in the counties of (including the cities within) *Buchanan and Dickenson*, ~~Wise~~ and on national forest lands in Lee and Scott and on the Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area and on the Carlisle Tract of Hog Island Wildlife Management Area.

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4 VAC 15-90-250. Hunting prohibited in certain counties.

It shall be unlawful to hunt deer at any time in the counties of Arlington and Buchanan ~~Wise County~~.

VA.R. Doc. No. R99-118; Filed March 10, 1999, 11:48 a.m.

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Title of Regulation: **4 VAC 15-270-10 et seq. Game: Firearms (amending 4 VAC 15-270-60).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Notice:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 4, 1999, and remains open until May 6, 1999. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; and should state the regulatory action desired and the justification for the desired action. Submit comments to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia 23230, no later than April 29, 1999, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Thursday, May 6, 1999, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 6 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments clarify an existing prohibition on the use of rifles, pistols, and shotguns loaded with slugs at Ragged Island Wildlife Management Area and prohibit the possession of such items.

CHAPTER 270.
GAME: FIREARMS.

4 VAC 15-270-60. Use of firearms loaded with slugs and discharge of firearms near boardwalk or nature trail on Ragged Island Wildlife Management Area.

A. It shall be unlawful to *possess outside of a vehicle, or shoot or hunt with a rifle, muzzleloader, pistol or shotgun loaded with slugs, or to discharge a firearm within 100 yards of the boardwalk or nature trail possess shotgun slugs, on the Ragged Island Wildlife Management Area in Isle of Wight County. In addition, it shall be unlawful to discharge any firearm within 100 yards of the boardwalk or nature trail on Ragged Island Wildlife Management Area.*

B. *The provisions of this section shall not prohibit the possession, transport and use of loaded firearms by employees of the Department of Game and Inland Fisheries while engaged in the performance of their duties, nor shall it prohibit the possession and transport of loaded concealed handguns where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of Virginia.*

VA.R. Doc. No. R99-120; Filed March 10, 1999, 11:49 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-260-5 et seq. Water Quality Standards (amending 9 VAC 25-260-430).**

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

Public Hearing Date: May 5, 1999 - 3 p.m.

Public comments may be submitted until May 28, 1999.

(See Calendar of Events section for additional information)

Basis: Section 62.1-44.15(3a) of the Code of Virginia authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified or canceled.

Purpose: Water Quality Standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this rulemaking is to correct a stocked trout stream classification for the Jackson River in the vicinity of Covington, Virginia, from a Class V, stockable trout water to a Class IV, mountainous zone water in 9 VAC 25-260-430 sections 12 and 12 j. This provision of the regulation is justified from the

standpoint of the public's health, safety or welfare in that it allows for the correct classification of the stream which will protect the designated uses of the stream without imposing unreasonable requirements on the industrial user of the stream. Proper designation of stream uses protects water quality and living resources of Virginia's rivers, lakes and estuaries for consumption of fish and shellfish, recreational uses and conservation in general.

Substance: The Jackson River from Gathright Dam (the upstream limit of the designation) to Dunlap Creek (the downstream limit of the designation) was classified as stocked trout waters via an amendment to the Water Quality Standards effective December 10, 1997. Before that time, the entire section was designated mountainous zone water. In June 1998, the Department of Environmental Quality was informed by the Department of Game and Inland Fisheries that the downstream limit at Dunlap Creek was incorrect and should be moved farther up the river. This rulemaking will replace the Class V designation from Dunlap Creek upstream to the City of Covington's water treatment plant intake point with a Class IV (mountainous zone) designation.

Issues: The primary advantage to the public is a more accurate description of the stocked trout waters in this locality. The disadvantage to the public is that the designation is approximately 1.7 miles less trout water designated than before. This does not mean that trout cannot be found in this area, rather any Virginia Pollutant Discharge Elimination System Permits issued in the mountainous zone area would have less stringent dissolved oxygen and temperature limits. There are no particular advantages or disadvantages applicable to the state or the agency in implementing this amendment since implementation of permits into this region will not change if the designation reverts to mountainous zone waters in the lower 1.7 miles of stream.

Impact: It is anticipated that the proposed amendments will not affect any regulated entities, state, public, or small businesses since the amendments are essentially returning the designation to the same designation that applied one year ago. The provision is beneficial in that it allows for protection of the aquatic life uses in the stream for the general public while not imposing unreasonable requirements to the industrial user of the stream.

Applicable Federal Requirements: There are no provisions in the proposed regulation which are more restrictive than applicable federal requirements. The federal Water Quality Standards regulation at 40 CFR 131.10 states that each state must specify appropriate water uses to be achieved and protected. The classification of the waters of the state must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation. States may adopt subcategories of a use and set the appropriate criteria to reflect varying needs of such subcategories of uses, for instance, to differentiate between cold water (trout) and warm water fisheries.

40 CFR 131.10 also states that states may remove a designated use which is not an existing use (defined as those uses attained in the water body on or after November 28, 1975), or establish subcategories of a use if the state can demonstrate that attaining the designated use is not feasible because: (i) naturally occurring pollutant concentrations prevent the attainment of the use; (ii) natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met; (iii) human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; (iv) dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; (v) physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or (vi) controls more stringent than those required by §§ 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact. The state must conduct a use attainability analysis whenever the state wishes to remove a designated use that is specified in § 101(a)(2) of the Clean Water Act or to adopt subcategories of uses which require less stringent criteria.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation amends the water quality standards regulation to correct the stream classification of a section of the Jackson River in Covington, Virginia. This section, from the intersection of the Jackson River with Dunlap Creek upstream until the City of Covington's water treatment plant intake point (approximately 1.7 miles), will revert to its prior classification of a Class IV mountainous zone. It is presently a Class V, stockable trout water zone.

Estimated economic impact. The proposed regulation will have a net positive impact on the Commonwealth of Virginia. There will be no negative impact from this reclassification.

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Meanwhile, reclassification to Class IV will save the costs of revising Westvaco's permit, and prevent the likely economic disruption that would result from this revised permit.

Classifications of this section of the Jackson River affect the terms of permits issued to dischargers into this section. The sole permitted facility located on this section is the Westvaco plant located in Covington. This plant currently operates under a permit issued assuming that this section of the Jackson River is classified as a Class IV mountainous zone. If this regulation is not adopted, the Westvaco plant will be forced to revise its discharge permit to satisfy the requirements for Class V zones.

Revision of its permit would force Westvaco to change its behavior. A requirement of Class V zone discharge permits is for the temperature of discharges to be 70°F. During the summer months, ambient water temperatures at points upstream of the Westvaco discharge point exceed 70°F. Because of this, the process of cooling the discharges to the level of a Class V permit would require substantial investments in cooling equipment, and substantial ongoing energy costs for refrigeration of the discharges. The likely response of Westvaco to this situation would be to cease operations during the summer months [Telephone interview with Tom Botkin, Westvaco, 1-28-99]. It would then have no discharges into the Jackson River during these months.

Even if the Westvaco plant were to cease operations during the summer months, this section of the Jackson River would exhibit ambient temperatures exceeding the Class V requirements. Consequently, there will not be a biologically significant difference in water quality for this section whether it is classified as Class IV (with Westvaco discharging under its current permit) or as Class V (with Westvaco ending discharges during the summer months). Because there would be little or no difference in water temperature, and because this change would affect only a small portion of the Jackson river, it is felt that there will be no negative impact from this regulation on wildlife in the region [Telephone interview with Gerry Martel, Virginia Department of Game and Inland Fisheries, 1-28-99].

Meanwhile, this regulation will save substantial costs that would arise if this section remained classified as Class V. Without this reclassification, Westvaco and the Virginia Department of Environmental Quality would be forced to undertake the lengthy process of revising Westvaco's discharge permit. Under this proposal, Westvaco could continue to operate under its existing permit, and no revision would be necessary. This would save substantial administrative costs.

Additionally, as mentioned above, if this regulation is not adopted, the likely response of Westvaco would be to cease operations during the summer months. This would lead to the loss of economic activity produced by the Westvaco plant during these months, and would likely lead to the loss of some of the 1,750 jobs employed by this plant. The community of Covington would also suffer under this disruption of economic activity. On the other hand, if this proposal is adopted, economic activity at the Westvaco plant will continue during the summer months.

Thus, reclassifying this portion of the Jackson River from Class V to Class IV will not negatively affect wildlife. Meanwhile, adoption of this regulation will allow DEQ and Westvaco to forego the costly process of discharge permit revision, and it will prevent the economic disruption from reduced summer operations of the Westvaco plant that would result if Westvaco were forced to operate under a Class V discharge permit.

Businesses and entities affected. The proposed regulation will principally affect the Westvaco Corporation.

Localities particularly affected. The proposed regulation principally affects the City of Covington.

Projected impact on employment. The proposed regulation will prevent the loss of jobs at the Westvaco plant in Covington (employing 1,750) that would result if Westvaco were forced to operate under a discharge permit for a Class V stream.

Effects on the use and value of private property. The proposed regulation will prevent the loss of economic activity at the Westvaco plant in Covington that would result if Westvaco were forced to operate under a discharge permit for a Class V stream.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: DEQ agrees with the Department of Planning and Budget's economic impact analysis in that the primary impact will be placed upon the permittee if the trout stream classification is not corrected.

Summary:

The proposed amendment corrects the downstream limits of a stocked trout stream classification for the Jackson River near Covington, Virginia. If adopted as proposed, the amendment would change 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

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

SEC.	CLASS	SP. STDS.	SECTION DESCRIPTION
11	III		James River and its tributaries from, but not including, the Rockfish River to, but not including, the Maury River, unless otherwise designated in this chapter.
	V		Stockable Trout Waters in Section 11
	vi		Dancing Creek from the junction of Routes 610 and 641 to its headwaters.
	vi		North Fork Buffalo River from its confluence with the Buffalo River 1.8 miles upstream.

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vi	Pedlar River from the confluence of Enchanted Creek to Lynchburg's raw water intake.	ii	Cub Creek (Nelson County) from 1.4 miles above its confluence with the Tye River (in the vicinity of Route 699), upstream including all named and unnamed tributaries.
vi	Terrapin Creek from its confluence with Otter Creek to its headwaters.	ii	Davis Mill Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
***	Tye River from Tyro upstream to its confluence with the South and North Fork Tye Rivers.	ii	Durham Run from its confluence with the North Fork Tye River upstream including all named and unnamed tributaries.
VI	Natural Trout Waters in Section 11	ii	Elk Pond Branch from its confluence with the North Fork Piney River upstream including all named and unnamed tributaries.
ii	Big Branch from its confluence with the Pedlar River upstream including all named and unnamed tributaries.	ii	Enchanted Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
ii	Bluff Creek from its confluence with Enchanted Creek upstream including all named and unnamed tributaries.	ii	Enchanted Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
ii	Browns Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.	ii	Georges Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.
ii	Campbell Creek (Nelson County) from its confluence with the Tye River upstream including all named and unnamed tributaries.	ii	Greasy Spring Branch from its confluence with the South Fork Piney River upstream including all named and unnamed tributaries.
ii	Cove Creek from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.	ii	Harpers Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.
ii	Coxs Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.	ii	King Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.
ii	Crabtree Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.	ii	Lady Slipper Run from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
ii	Crawleys Creek from its confluence with the Piney River upstream including all named and unnamed tributaries.		

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ii	Little Cove Creek from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.	i	North Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.
iii	Little Irish Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.	iii	North Fork Thrashers Creek from its confluence with Thrashers Creek upstream including all named and unnamed tributaries.
ii	Little Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.	iii	North Fork Tye River from its confluence with the Tye River upstream including all named and unnamed tributaries.
i	Louisa Spring Branch from its confluence with the North Fork Piney River 1.6 miles upstream.	iii	(North Fork Tye River from its confluence with the Tye River 1.6 miles upstream.)
ii	Maidenhead Branch from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.	ii	(North Fork Tye River from 1.6 miles above its confluence with the Tye River 8.3 miles upstream.)
ii	Meadow Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.	iii	Pedlar River from 5 miles above Lynchburg's raw water intake upstream including all named and unnamed tributaries.
ii	Mill Creek (Nelson County) from its confluence with the North Fork Tye River upstream including all named and unnamed tributaries.	ii	Piney River from river mile 13.3 upstream including all named and unnamed tributaries.
ii	Mill Creek (Nelson County) from its confluence with the South Fork Tye River upstream including all named and unnamed tributaries.	ii	Pompey Creek from its confluence with the Little Piney River upstream including all named and unnamed tributaries.
ii	Nicholson Run from its confluence with Lady Slipper Run upstream including all named and unnamed tributaries.	ii	Reed Creek from the junction of Routes 764 and 638 upstream including all named and unnamed tributaries.
ii	North Fork Buffalo River from 1.8 miles above its confluence with the Buffalo River upstream including all named and unnamed tributaries.	ii	Rocky Branch from its confluence with the North Fork Buffalo River upstream including all named and unnamed tributaries.
		i	Rocky Run (Nelson County) from 1.6 miles above its confluence with the Tye River upstream including all named and unnamed tributaries.
		i	Shoe Creek (Nelson County) from its confluence with Piney River upstream including all named and unnamed tributaries.

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	iii		Silver Creek from its confluence with the Tye River upstream including all named and unnamed tributaries.	11f			(Deleted)
				11g	III	PWS	James River and its tributaries from the Business Route 29 bridge in Lynchburg to Reusens Dam to include the City of Lynchburg's alternate raw water intake at the Route 29 bridge and the Amherst County Service Authority's intake on Harris and Graham Creeks.
	ii		South Fork Piney River from its confluence with the Piney River upstream including all named and unnamed tributaries.				
				11h	III	PWS	James River and its tributaries, excluding the Pedlar River, from Reusens Dam to Coleman Dam, including the Eagle Eyrie raw water intake on an unnamed tributary to Judith Creek 1.0 mile from the confluence with Judith Creek, to its headwaters, and also the City of Lynchburg's raw water intake on the James River at Abert.
	ii		Statons Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.				
				11i	III	PWS	Pedlar River and its tributaries from Lynchburg's raw water intake to a point 5 miles upstream.
	iii		Wheeler's Run from its confluence with the Pedlar River upstream including all named and unnamed tributaries.				Stockable Trout Waters in Section 11i
					V		
	ii		Wiggins Branch from its confluence with Statons Creek upstream including all named and unnamed tributaries.		vi		Pedlar River from Lynchburg's raw water intake to a point 5 miles upstream.
11a	III	PWS	Unnamed tributary to Williams Creek from Sweet Briar College's raw water intake to its headwaters.		VI		Natural Trout Waters in Section 11i
					ii		Brown Mountain Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
11b	III	PWS	Buffalo River and its tributaries from Amherst's raw water intake to a point 5 miles upstream.		iii		Roberts Creek from its confluence with the Pedlar River upstream including all named and unnamed tributaries.
11c			(Deleted)				
11d	III		James River and its tributaries from a point 0.25 mile above the confluence of the Tye River to Six Mile Bridge.	11j	III		James River and its tributaries from the Owens-Illinois raw water intake near Big Island to, but not including, the Maury River.
11e	III		James River and its tributaries, excluding Blackwater Creek, from Six Mile Bridge to the Business Route 29 Bridge in Lynchburg.		V		Stockable Trout Waters in Section 11j

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vi	Battery Creek from its confluence with the James River to its headwaters.	vi	Back Creek (Highland County) from 37.1 miles above its confluence with the Jackson River 3.2 miles upstream.
vi	Cashaw Creek from its confluence with the James River to its headwaters.	vi	Back Run from its confluence with the James River 2.1 miles upstream.
vi	Otter Creek from its confluence with the James River to a point 4.9 miles upstream.	vi	Borden Creek from its confluence with Catawba Creek to a point 1.7 miles upstream.
vi	Rocky Row Run from its confluence with the James River to its headwaters.	v	pH-6.5-9.5 Buffalo Creek (Rockbridge County) from the confluence with Colliers Creek 3 miles upstream.
VI	Natural Trout Waters in Section 11j	v	Bullpasture River from the junction of the Cowpasture River and Route 678 to its headwaters.
iii	Falling Rock Creek from its confluence with Peters Creek upstream including all named and unnamed tributaries.	vi	Cowpasture River (Highland County) from 75.4 miles above its confluence with the James River 2.7 miles upstream.
ii	Hunting Creek from a point 3.7 miles from its confluence with the James River upstream including all named and unnamed tributaries.	vi	Craig Creek from the confluence of Muddy Branch to its headwaters.
iii	Otter Creek from 4.9 miles above its confluence with the James River upstream including all named and unnamed tributaries.	vi	Crush Run from its confluence with Catawba Creek to a point 2.8 miles upstream.
ii	Peters Creek from a point 0.2 mile above its confluence with the James River upstream including all named and unnamed tributaries.	vi	Elk Creek from its mouth to 0.6 mile upstream.
11k	(Deleted)	vi	Elk Creek from 1.9 miles above its confluence with the James River 1.2 miles upstream.
12	IV James River and its tributaries from the Maury River to their headwaters, unless otherwise designated in this chapter. (The Maury River and its tributaries to their headwaters have a special pH standard of 6.5-9.5 due to natural conditions.)	vi	Ellis Run from its confluence with Back Creek in Botetourt County to a point 1.6 miles upstream.
V	Stockable Trout Waters in Section 12	v	Falling Spring Creek from its confluence with the Jackson River to its headwaters. <i>Jackson River from 5 miles above the city of Covington's raw water intake to the Gathright Dam.</i>
vi	Alum Creek from its confluence with Brattons Creek 1.7 miles upstream.	v	Jackson River from 1.8 miles above Route 39 (river mile 65.4) 12.2 miles upstream.

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vi		Jackson River from 77.6 miles above its confluence with the James River to river mile 85.4.	***	Potts Creek from the Craig County line to its headwaters.
***		Jackson River from river mile 89.2 to headwaters.	v	Roaring Run from Route 615 to its headwaters.
vi		Jennings Creek from the Norfolk and Western Railroad to the confluence of Yellowstone Branch.	vi	South Fork Pads Creek from its confluence with Pads Creek approximately to its headwaters.
viii		Jerrys Run from its confluence with Dunlap Creek to its junction with Routes 60 and 782.	vi	Spreading Spring Branch from its confluence with the James River to the intersection of Routes 635 and 630.
***		Johns Creek (Craig County) from the junction of Routes 632 and 658 to Eliber Springs Branch.	v	Sweet Springs Creek from its confluence with Dunlap Creek to the West Virginia state line.
vi		Lees Creek from its confluence with Catawba Creek to a point 2 miles upstream.	vi	Trout Creek and all of its tributaries (except Pickles Branch) from its confluence with Craig Creek to their headwaters (including the tributaries' headwaters).
vi		McFalls Creek from its confluence with Jennings Creek to its headwaters.	vii	Tygers Creek from its confluence with Dunlap Creek to its headwaters.
vi		Mill Creek (Bath County) from 2.2 miles above its confluence with the Calfpasture River to its headwaters.	VI	Natural Trout Waters in Section 12
vi		Mill Creek from its confluence with Craig Creek to a point 2.1 miles upstream (Craig County).	iv	Als Run from its confluence with Jerrys Run upstream including all named and unnamed tributaries.
vi		Miller Branch from its confluence with Tygers Creek to its headwaters.	ii	Back Creek from its confluence with the James River near Buchanan upstream including all named and unnamed tributaries.
vi	pH-6.5-9.5	North Buffalo Creek from its confluence with Buffalo Creek 2.8 miles upstream.	ii	Barbours Creek from its confluence with Craig Creek upstream including all named and unnamed tributaries.
viii		Pads Creek from river mile 2.2 - 8.2 (6 miles), unless otherwise designated in this chapter.	ii	Barney Run from its confluence with Mare Run upstream including all named and unnamed tributaries.
vi		Pheasanty Run (Spring Run) from its confluence with the Cowpasture River 0.7 mile upstream.	ii	Bear Hole Run from its confluence with Dry Run upstream including all named and unnamed tributaries.
v		Potts Creek from the junction of Route 614 upstream to Boiling Spring.		

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ii		Bear Loop Branch from its confluence with Wilson Creek upstream including all named and unnamed tributaries.	ii		Brattons Run from the confluence of Alum Creek upstream including all named and unnamed tributaries.
ii		Beaver Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.	***		Broad Run from its junction with Routes 311 and 618 upstream including all named and unnamed tributaries.
ii	pH-6.5-9.5	Bennetts Run (Rockbridge County) from its confluence with the Maury River upstream including all named and unnamed tributaries.	ii		Cascades Creek from its confluence with Cedar Creek (Bath County) upstream including all named and unnamed tributaries.
iv		Benson Run from its confluence with the Cowpasture River upstream including all named and unnamed tributaries.	ii		Castle Run from its confluence with the Jackson River upstream including all named and unnamed tributaries.
iii		Biggs Run from its confluence with Craig Creek upstream including all named and unnamed tributaries.	ii		Cast Steel Run from its confluence with Potts Creek upstream including all named and unnamed tributaries.
ii		Big Laurel Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.	***		Cedar Creek from its confluence with the Jackson River to its confluence with Hot Springs Run.
ii		Big Lick Run from its confluence with Little Back Creek upstream including all named and unnamed tributaries.	ii		Cedar Creek (Rockbridge County) from 6.4 miles above its confluence with the James River upstream including all named and unnamed tributaries.
iii		Big Run from its confluence with Little Back Creek upstream including all named and unnamed tributaries.	ii		Chestnut Run from its confluence with Jennings Creek upstream including all named and unnamed tributaries.
iv		Black Run (Augusta County) from its confluence with Smith Creek upstream including all named and unnamed tributaries.	iii		Christleys Run from its confluence with Kempers Run upstream including all named and unnamed tributaries.
ii		Blue Spring Run from its confluence with Potts Creek upstream including all named and unnamed tributaries.	ii	pH-6.5-9.5	Clayton Mill Creek from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.
iii		Blue Suck Branch from its confluence with Simpson Creek upstream including all named and unnamed tributaries.	ii		Cornelius Creek from its confluence with North Creek upstream including all named and unnamed tributaries.

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ii	Cove Branch from its confluence with Barbour's Creek upstream including all named and unnamed tributaries.	iv	Ferrol Creek from its confluence with the Little Calpasture River upstream including all named and unnamed tributaries.
ii	Cowardin Run from its confluence with Rowan Run upstream including all named and unnamed tributaries.	ii	Ford Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.
ii	Crab Run from its confluence with the Bullpasture River upstream including all named and unnamed tributaries.	***	Fridleys Branch from its confluence with the Calpasture River upstream including all named and unnamed tributaries.
ii	Crow Run from its confluence with Dunlap Creek upstream including all named and unnamed tributaries.	iii	Furnace Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.
ii	Cub Run (Bath County) from its confluence with Dry Run upstream including all named and unnamed tributaries.	ii	Gochenour Branch from its confluence with Brattons Run upstream including all named and unnamed tributaries.
ii	Davis Run from Route 678 upstream including all named and unnamed tributaries.	ii	Grannys Creek from its confluence with Johns Creek upstream including all named and unnamed tributaries.
iii	Downey Branch from its confluence with Blue Suck Branch upstream including all named and unnamed tributaries.	***	Guys Run (Bath County) from its confluence with the Cowpasture River upstream including all named and unnamed tributaries.
ii	Dry Run (Bath County) from 1.5 miles above its confluence with the Cowpasture River upstream including all named and unnamed tributaries.	ii	Guys Run (Rockbridge County) from its confluence with the Calpasture River (at Camp Virginia, Route 39) upstream including all named and unnamed tributaries.
ii	East Fork Elk Creek from 0.8 mile above its confluence with Elk Creek upstream including all named and unnamed tributaries.	iii	Hays Creek from its confluence with Potts Creek upstream including all named and unnamed tributaries.
ii	Eliber Springs Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.	ii	Hidden Valley Spring from its confluence with the Jackson River 1.1 miles upstream.
ii	Ewin Run from its confluence with Potts Creek to the West Virginia state line.	ii	Hipes Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.
ii	Fallingwater Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.	***	Hypes Creek from Route 696 upstream including all named and unnamed tributaries.

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ii	Jackson River from river mile 85.4 to river mile 89.2.	iv	Left Prong Ramseys Draft from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.
ii	Jennings Creek from the confluence of Yellowstone Branch upstream including all named and unnamed tributaries.	ii	Left Prong Wilson Creek from its confluence with Wilson Creek upstream including all named and unnamed tributaries.
iv	Jerkemtight Branch from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.	ii	Lick Block Run from its confluence with the Left Prong Wilson Creek upstream including all named and unnamed tributaries.
***	Jerrys Run from its junction with Routes 60 and 782 upstream including all named and unnamed tributaries.	***	Lick Branch from its confluence with Craig Creek upstream including all named and unnamed tributaries.
iv	Jerrys Run (Augusta County) from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	Lick Run (Bath County) from 3.3 miles above its confluence with Stuart Run 3.3 miles upstream.
ii	Johns Creek from the confluence of Eliber Springs Branch upstream including all named and unnamed tributaries.	ii	Little Back Creek (Bath County) from Route 600 upstream including all named and unnamed tributaries.
ii	Jordan Run (Bath County) from its confluence with Thompson Creek upstream including all named and unnamed tributaries.	iv	Little Calfpasture River from 17.2 miles above its confluence with the Maury River upstream including all named and unnamed tributaries.
ii	Karnes Creek from a point 1.4 miles upstream of its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Little Crow Run from its confluence with Crow Run upstream including all named and unnamed tributaries.
ii	Kelly Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Little Mill Creek (Bath County) from its confluence with Mill Creek upstream including all named and unnamed tributaries.
ii	Kelso Spring Branch from its confluence with the Little Calfpasture River 1.3 miles upstream.	ii	Little Wilson Creek (from 1 mile above its confluence with Mill Creek) upstream including all named and unnamed tributaries.
ii	Laurel Run (Bath County) from its confluence with Dry Run upstream including all named and unnamed tributaries.	ii	Long Spring Run from its confluence with Little Back Creek upstream including all named and unnamed tributaries.

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iii	Lowry Run from 0.2 mile above its confluence with the Maury River upstream including all named and unnamed tributaries.	ii	Muddy Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.
ii	Madison Creek from Route 682 upstream including all named and unnamed tributaries.	ii	Nelse Branch from its confluence with Mill Branch upstream including all named and unnamed tributaries.
ii	Mare Run from its junction with Route 39 at Bath Alum upstream including all named and unnamed tributaries.	ii	North Branch Simpson Creek from its confluence with Simpson Creek upstream including all named and unnamed tributaries.
ii	Meadow Creek from its confluence with Craig Creek upstream including all named and unnamed tributaries.	ii	North Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.
iii	Middle Creek from its confluence with Jennings Creek upstream including all named and unnamed tributaries.	ii	Paint Bank Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.
ii	Mill Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.	ii	Panther Run from its confluence with Mare Run upstream including all named and unnamed tributaries.
i	Mill Creek (Bath County) from its confluence with the Cowpasture River 3.2 miles upstream.	ii	Paxton Branch from its confluence with Johns Creek upstream including all named and unnamed tributaries.
iii	Mill Creek from Rebecca Furnace upstream including all named and unnamed tributaries.	iii	Pedlar Gap Run from 1 mile above its confluence with the Maury River upstream including all named and unnamed tributaries.
ii	Mill Creek from its confluence with Craig Creek near Webbs Mill in Craig County upstream including all named and unnamed tributaries.	ii	Pickles Branch (a tributary to Trout Creek) from its mouth upstream including all named and unnamed tributaries.
ii	Mill Creek (Bath County) from its confluence with the Jackson River (Lake Moomaw) upstream including all named and unnamed tributaries.	ii	Piney Branch (Rockbridge County) from its confluence with Guys Run upstream including all named and unnamed tributaries.
ii	Mill Run (Highland County) from its confluence with the Bullpasture River 0.5 mile upstream.	iii	Poplar Cove Run from its confluence with Lowry Run upstream including all named and unnamed tributaries.
		iii	Porters Mill Creek from its confluence with Mill Creek upstream including all named and unnamed tributaries.

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ii	Pounding Mill Creek from its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Sinking Creek from Route 697 upstream including all named and unnamed tributaries.
ii	Purgatory Creek from its confluence with the James River upstream including all named and unnamed tributaries.	iii	Smith Branch from its confluence with Mill Creek upstream including all named and unnamed tributaries.
iv	Ramseys Draft from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.	iii	Smith Creek (Alleghany-Clifton Forge City) from Interstate 64, 2.4 miles upstream.
ii	Reservoir Hollow from 0.7 mile above its confluence with Indian Gap Run upstream including all named and unnamed tributaries.	ii	Snake Run from its confluence with Dunlap Creek upstream including all named and unnamed tributaries.
iv	Right Prong Ramseys Draft from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	South Buffalo Creek from its confluence with Buffalo Creek upstream including all named and unnamed tributaries.
ii	Rocky Creek from its confluence with Ramseys Draft upstream including all named and unnamed tributaries.	ii	Spring Branch (Bath County) from its confluence with Mill Creek 0.8 mile upstream.
ii	Rocky Run (Bath County) from its confluence with the Jackson River upstream including all named and unnamed tributaries.	ii	Spring Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.
ii	Rowan Run from its confluence with the Jackson River to the confluence with Cowardin Run.	iv	Still Run from its confluence with the Calfpasture River upstream including all named and unnamed tributaries.
ii	Sawmill Run (Bath County) from its confluence with Back Creek upstream including all named and unnamed tributaries.	iii	Stony Run from its confluence with Craig Creek upstream including all named and unnamed tributaries.
ii	Shawvers Run from its confluence with Potts Creek upstream including all named and unnamed tributaries.	ii	Trout Run from its confluence with Sinking Creek upstream including all named and unnamed tributaries.
ii	Simpson Creek from the junction of Route 776 and U. S. Route 60 upstream including all named and unnamed tributaries.	ii	Unnamed tributary to Brattons Run 0.7 mile above the confluence of Gochenour Branch from its mouth upstream including all named and unnamed tributaries.
		ii	Valley Branch from its confluence with Potts Creek upstream including all named and unnamed tributaries.

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	iii		Wildcat Hollow from its confluence with Little Back Creek upstream including all named and unnamed tributaries.	i	Laurel Run from its confluence with the Maury River upstream including all named and unnamed tributaries.
	ii		Wilson Creek (Bath County) within Douthat State Park Lake upstream including all named and unnamed tributaries.	ii	Little Marys Creek from its confluence with the South River upstream including all named and unnamed tributaries.
12a	IV	pH-6.5-9.5	Maury River and its tributaries, unless otherwise designated in this chapter, from U.S. Route 60 bridge to its confluence with the Little Calfpasture River.	***	Mill Creek from its confluence with the Maury River at Lexington upstream including all named and unnamed tributaries.
	V	pH-6.5-9.5	Stockable Trout Waters in Section 12a	ii	Mine Bank Creek from its confluence with Saint Marys River upstream including all named and unnamed tributaries.
	***		Hays Creek from its confluence with the Maury River to Brownsburg (9.5 miles).	ii	Nettle Creek from its confluence with Irish Creek upstream including all named and unnamed tributaries.
	***		Irish Creek from its confluence with the South River to river mile 8.9.	ii	Nettle Spring Branch from its confluence with Nettle Creek upstream including all named and unnamed tributaries.
	v		Marlbrook Creek from its confluence with the South River 2.2 miles upstream.	ii	North Fork Spy Run from its confluence with Spy Run upstream including all named and unnamed tributaries.
	VI	pH-6.5-9.5	Natural Trout Waters in Section 12a	ii	Rock Branch from its confluence with Irish Creek upstream including all named and unnamed tributaries.
	iv		Big Bend Creek from its confluence with Irish Creek upstream including all named and unnamed tributaries.	iv	Saint Marys River from its confluence with the South River upstream including all named and unnamed tributaries.
	ii		Big Marys Creek from its confluence with the South River upstream including all named and unnamed tributaries.	ii	Saint Marys River from its confluence with the South River 3.6 miles upstream.
	ii		Chimney Branch from its confluence with Saint Marys River upstream including all named and unnamed tributaries.	ii	Saint Marys River from 3.6 miles above its confluence with the South River upstream including all named and unnamed tributaries.
	ii		Hogback Creek from its confluence with Saint Marys River upstream including all named and unnamed tributaries.	i	Spy Run from its confluence with the South River upstream including all named and unnamed tributaries.
	iii		Irish Creek from river mile 8.9 upstream including all named and unnamed tributaries.	ii	

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	ii		Sugartree Branch from its confluence with Saint Marys River upstream including all named and unnamed tributaries.	12j	IV	PWS	Jackson River and its tributaries from Covington's raw water intake to a point 5 miles upstream.
	ii		Wigwam Creek from its confluence with Nettle Creek upstream including all named and unnamed tributaries.		V		Stockable Trout Waters in Section 12j Jackson River from the confluence of Dunlap Creek to the Gathright Dam Covington's raw water intake to a point 5 miles upstream.
12b	IV	PWS pH-6.5-9.5	Maury River and its tributaries from Lexington's raw water intake to a point 5 miles upstream.	12k	IV	PWS	Roaring Run above Clearwater Park's raw water intake to its headwaters.
12c	IV	PWS	Black Run from Craigsville's raw water intake to its headwaters.	12l	IV	PWS	Catawba Creek and its tributaries from the City of Roanoke's raw water intake 0.1 mile upstream from its confluence with Buchanan Branch to a point 5 miles upstream.
12d	IV	PWS	Moore's Creek located on Brushy Mountain.				
12e	IV		Cowpasture River from the Alleghany-Botetourt County line upstream to U.S. Route 60 bridge.	12m	IV	PWS	Unnamed tributary to Catawba Creek from the Catawba State Hospital's raw water intake (approximately 1,000 feet north of the Hospital's main building), upstream to its headwaters.
12f	IV	PWS	Smith Creek and Clifton Forge Reservoir from Clifton Forge's raw water intake to their headwaters.				
	VI	PWS	Natural Trout Waters in Section 12f				
	ii		Piney Branch from its confluence with Smith Creek upstream including all named and unnamed tributaries.				
	ii		Smith Creek (Alleghany County) from 4 miles north of Clifton Forge near Route 606 (at the stream gage upstream of the filtration plant) upstream including all named and unnamed tributaries.				
12g	IV	PWS	Mill Branch and its tributaries located on Horse Mountain.				
12h	IV	PWS	Potts Creek and its tributaries from Hercules, Inc.'s raw water intake to a point 5 miles upstream.				
12i	IV	PWS	Dunlap Creek and its tributaries from the Covington Boys Home raw water intake to a point 5 miles upstream.				

VA.R. Doc. No. R98-322; Filed March 10, 1999, 10:25 a.m.



TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

Title of Regulation: 13 VAC 10-60-10 et seq. Rules and Regulations for Energy Loans (REPEALING).

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

Summary:

The rules and regulations for energy loans are being repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-123; Filed March 10, 1999, 10:42 a.m.

Title of Regulation: 13 VAC 10-100-10 et seq. Rules and Regulations for Virginia Homesteading Program (REPEALING).

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

Summary:

The rules and regulations for the Virginia homesteading program are being repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-125; Filed March 10, 1999, 10:41 a.m.

Title of Regulation: 13 VAC 10-110-10 et seq. Rules and Regulations for Mortgage Credit Certificate Program (REPEALING).

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

Summary:

The rules and regulations for the mortgage credit certificate program are being repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-124; Filed March 10, 1999, 10:41 a.m.

Title of Regulation: 13 VAC 10-170-10 et seq. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income (REPEALING).

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

Summary:

The rules and regulations for HUD-insured home equity conversion mortgage loans to elderly persons of low and moderate income are being repealed because the program authorized by such rules and regulations has been terminated.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

VA.R. Doc. No. R99-126; Filed March 10, 1999, 10:41 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: 18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations.

Statutory Authority: §§ 54.1-201 and 54.1-831 of the Code of Virginia.

Public Hearing Date: May 4, 1999 - 10:30 a.m.

Public comments may be submitted until May 28, 1999. (See Calendar of Events section for additional information)

Basis: Chapter 8.1 of Title 54.1 of the Code of Virginia creates the statutory authority for the professional boxing and wrestling events regulatory program. Specifically, § 54.1-831 of the Code of Virginia mandates that the Director of the Department of Professional and Occupational Regulation implement Chapter 8.1 of Title 54.1 of the Code of Virginia and the federal Professional Boxing Safety Act of 1996 by promulgating regulations that include requirements for:

1. Initial and renewal licensure;
2. Licensure and conduct of events;
3. Standards of practice for persons arranging, promoting, conducting, supervising and participating in events;
4. Grounds for disciplinary actions against licensees;
5. Records to be kept and maintained by licensees;
6. Manner in which fees are to be accounted for and submitted to the department; and
7. Minimum health coverage for injuries sustained in a boxing match.

Purpose: This is a new regulation to implement an act of the 1998 Session of the General Assembly. The purpose of the proposed regulations is to create a regulatory framework to protect the public as well as individual boxers and wrestlers. The proposed regulations provide protection to the public against incompetent, unqualified, unscrupulous or unfit persons engaging in professional boxing and wrestling events.

Until 1994, professional boxing and wrestling in Virginia was regulated by a regulatory board administered through the Department of Professional and Occupational Regulation (DPOR). Advances in mass communications technologies resulted in fewer and fewer events being held in Virginia. As a result, the amount of revenue available to operate the program decreased.

In 1994, the Virginia General Assembly passed a bill that authorized DPOR to contract with a private vendor to perform the regulatory functions, continued the regulatory

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program as before (including the method of funding), and was in effect through June 30, 1998. DPOR entered into such a contract and took the actions necessary to withdraw the regulations promulgated by the old Athletic Board. The vendor developed regulations in compliance with the authority provided by law and his contract. Those regulations ceased to be valid on July 1, 1998.

In 1996, the U. S. Congress passed the Professional Boxing Safety Act of 1996 that mandates a state regulatory program. (The Act allowed Virginia to continue its then-current regulatory program until July 1, 1998.)

Senate Bill No 157 (1998) replaces the pre-1994 statute and:

- Continues the pre- and post-1994 regulatory and funding framework;
- Continues DPOR's authority to contract with a vendor;
- Authorizes DPOR to operate the program in the event a vendor cannot be found; and
- Establishes a regulatory framework that complies with the federal Professional Boxing Safety Act of 1996.

The department placed emergency regulations into effect on August 11, 1998, to implement both the 1998 Act of the Virginia General Assembly, which became effective on July 1, 1998, and the 1996 Act of Congress. The emergency regulations expire on August 10, 1999. The proposed regulations will replace the emergency regulations and are, in substance, unchanged from the emergency regulations.

Substance: The key provisions of the proposed regulations that make changes to the current status of law are identified and explained as follows:

1. **Scope:** A summary of what aspects of boxing and wrestling are regulated and a general explanation of how they are regulated. Those aspects that are not regulated are also addressed.
2. **General Provisions:** Defines terms used throughout the regulations, explains when a license is required, establishes standards for license expiration and renewal, establishes fees to be paid to obtain licenses, and creates the Professional Boxing and Wrestling Task Force to advise the director on matters relating to boxing and wrestling.
3. **Individual and Event Licensing Standards:** Establishes entry standards for licensure in each of the several license categories.
4. **Official Approval and Conduct Standards for Events:** Establishes standards to act as an event official (referee, ringside physician, judge, timekeeper, etc.) and the duties event officials must discharge during an event.
5. **Event Licensing and Conduct Standards:** Establishes standards for event license application, approval and request for reconsideration; enumerates equipment to be provided by boxing promoters, seconds and boxers; sets standards for boxing event conduct

(referee's instructions, duration of round, counting during knockdowns, fouls, scoring, etc.); requires the reporting of boxing contest results in compliance with the federal Professional Boxing Safety Act of 1996; and sets wrestling event conduct standards.

6. **Gate Fees:** Establishes procedures to be used by promoters and the department to assure prompt payment and deposit of the gate fee established by § 54.1-833 of the Code of Virginia.

7. **Standards of Conduct and Performance:** Establishes grounds for disciplinary action by the department against licensees.

The forgoing are identical in substance to the emergency regulations currently in effect.

Issues: Professional boxing is a contact sport that, like professional football, involves individuals of considerable physical strength and conditioning engaging each other in a test of athletic skill. As in professional football, the object in boxing is to score points and any contestant who is rendered unable to compete is removed from the contest. Government oversight protects both the public and the boxers by assuring that all events are competently organized and managed; that boxers face only opponents of comparable skill who are physically and medically sound; and that all events are directly supervised by officials (referees, judges, ringside physicians, etc.) who are held accountable to the government, rather than to those with a financial interest in the contest. Serious injuries can occur quickly in the heat of a boxing match, making the direct supervision and immediate intervention by the referee essential to protect the athletes. Judges ensure an objectively scored contest and ringside physicians assure the boxers remain physically sound throughout the match as well as provide any immediate medical attention needed.

Professional wrestling is more a dramatic exhibition and less an athletic contest than is boxing. Wrestlers must still be trained and physically conditioned for their own safety and that of the nearby audience. Control over the event must be exercised to keep the exhibition inside the ring and away from the audience, as well as to prevent contestants from intentionally cutting themselves to create a flow of blood to add to the dramatic effect (a practice called "juicing"). The public benefits through wrestling events that may be very dramatic and exciting but controlled enough to ensure there are no injuries to the audience through physical contact or contact with body fluids which might spread disease. The wrestlers are similarly protected by excluding the audience from their activities, and by protection from contact with body fluids.

The costs of regulating boxing and wrestling are paid by the regulants and by the audience. Regulants must pay a fee to the department to become licensed and to renew their licenses. Promoters must pay the department a gate fee which is calculated based on the number of tickets sold to attend an event and the fee received by the promoter for the rights to broadcast a live event. Promoters pass the gate fee on to the audience in the form of increased ticket prices and

increased charges for the right to broadcast a live event. The result is that those who participate in boxing and wrestling matches and those who seek entertainment as spectators of boxing and wrestling matches pay the costs of the regulatory program. No regulatory costs are paid by the general tax revenues.

In summary, the public and those regulated benefit from the protections provided by the regulatory program. Absent these protections, boxing and wrestling events could become uncontrolled brawls, injuring numerous individuals and damaging property. The disadvantage is the fee paid by regulants to become licensed and the additional admission costs paid by spectators to access live boxing and wrestling events that are necessary to pay government costs to ensure safe events.

Economic Impact: The direct economic impact on those regulated and the paying audience is estimated to be \$62,000 per year to implement and enforce the proposed regulations.

All anticipated costs are expected to be ongoing as no significant start-up costs, other than an initial \$1,440 in Attorney General fees to review the proposed, have been identified.

The proposed regulation will directly affect all those individuals and firms wishing to participate in or promote a professional boxing or wrestling match in Virginia. It is estimated that 150 boxers, 200 wrestlers, 14 promoters, 85 trainers/seconds/cutman, and three matchmakers will be directly regulated and, therefore, directly affected. They will be required to pay license fees; obtain the training, experience and physical examination necessary to qualify for a license; pay the fees necessary to obtain the required bond and insurance; and purchase the required athletic equipment for each event (ring, boxing gloves, etc.) in order to comply with the proposed regulation.

The proposed regulation will also directly affect those individuals who choose to view live boxing and wrestling events through the purchase of an admission to a live event or the payment of an access fee to a cable service or other provider of live entertainment through electronic means, by increasing their ticket or access fee costs.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Prior to 1994, the Athletic Board of DPOR regulated professional boxing and wrestling in Virginia. The 1994 General Assembly passed legislation that mandated DPOR to contract with a private vendor to perform the regulatory functions of the Athletic Board. In 1996, Congress passed the Professional Boxing Safety Act (Boxing Safety Act) which established a number of provisions governing the boxing industry and required them to be administered by the state.

The 1998 General Assembly passed Senate Bill 157 that provided for a regulatory and funding framework complying with the federal Boxing Safety Act and authorized DPOR to contract with a vendor to assist in administering the regulatory program. The proposed regulations replace the emergency regulations that became effective on August 11, 1998, to implement the above referenced state legislation. Aside from a few editorial changes implemented by the Registrar, the language of the proposed regulations is unchanged from the emergency regulations. The standards are essentially the same as were administered and enforced by the private vendor with the following exceptions:

- Gate fees charged to promoters are now assessed at 5.0% of the first \$100,000 of total gross receipts, and 2½% of the remainder of total gross receipts. Gate fees were assessed at 5.0% of the first \$100,000 of total gross receipts, 2½% of the second \$100,000, and 1.0% of the remainder of total gross receipts.
- Promoters are charged an event fee for all boxing and wrestling events, which is used to pay the ringside physician, judges, referees, timekeeper, and other event officials. In the past, the promoter paid these fees directly to the individuals.¹ This change was required to comply with changes in the federal code that prohibit event officials from "receiving compensation from any person who sanctions, arranges, or promotes professional boxing matches or otherwise has a financial interest in an active boxer."²
- All wrestlers must annually submit a signed statement from a licensed physician attesting to the applicant's physical competency to participate in a wrestling exhibition without endangering the applicant's health.
- Boxers must register with the national boxer registry and obtain a federal identification card that is examined by the event inspector before each competition.
- Promoters are required to provide a fully equipped and staffed ambulance at the site of any boxing event for the entire duration of the event.

¹ Note: This practice was discontinued, even prior to the implementation of the emergency regulations, in response to the federal Professional Boxing Safety Act of 1996.

² 15 USC § 6308.

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Estimated economic impact. The proposed regulations implement the legislatively mandated transfer of oversight authority from a private vendor to DPOR while maintaining many of the same standards for the regulated community. The vendor contracted by DPOR relied on the regulations promulgated by the old Athletic Board when it was assigned regulatory authority for professional boxers and wrestlers. The proposed regulations are based on these "old regulations" as well as an analysis of the regulations of other states with active boxing and wrestling programs. Obsolete requirements were eliminated, certain provisions were updated for accuracy, and the language in the regulation was drafted to increase the compatibility with other states. These changes are technical in nature and will not have any economic impact. However, there are some provisions that represent a change from the standards administered and enforced by the private contractor.

Gate and Event Fees

The structure of the gate fee, payable by promoters to the Commonwealth, was modified by the 1998 General Assembly. Previously, only 1.0% was charged on total gross receipts above \$200,000. Consistent with the new statutory provisions, the proposed regulations call for 2½% of total gross receipts over \$200,000 to be paid. This change is not expected to have much impact since, according to the Virginia Boxing and Wrestling Association (VBWA), only three events have been held in Virginia since 1934 with total gross receipts over \$200,000.

The proposed regulations require an event fee to be paid by promoters at each application for a boxing or wrestling event license. This fee is used by the state to pay for the services of all event officials. Previously, promoters paid event officials directly but federal legislation now prohibits this practice in an attempt to eliminate potential conflicts of interest. According to the VBWA, the specified event fees may actually represent a reduction in costs for promoters in most cases.

Wrestling Licensure Requirements

All licensed wrestlers must submit the results of an annual physical under the proposed standards. Large national organizations such as the WWF and WCW already require and pay for annual physicals for their members. Therefore, for some wrestlers in Virginia, this requirement will not represent any change in behavior. For wrestlers who do not currently receive annual physicals, this requirement may increase their licensure costs by an average of \$35.

This provision is intended to ensure that wrestlers are physically competent to engage in wrestling events without endangering their health. There is little justification, on economic grounds, for government to protect adults from the consequences of their own decisions. The agency has not provided any evidence of a compelling interest requiring the government to interject itself into a wrestler's decision about whether he or she is in good enough physical condition to

participate in a match.³ In the absence of evidence that adult wrestlers are not capable of making rational choices on this matter, economic theory suggests that the agency should allow wide latitude for individual choice. Given the information presented by the agency, there is little to distinguish the choice about whether to wrestle from many other choices individuals make daily without government direction.

However, it should be noted that there are incidental benefits resulting from this annual physical examination requirement. The majority of other states have a similar requirement for wrestlers. Bringing Virginia's regulations up to the industry standard will allow wrestlers licensed here easier access to licensure in other states. Also, many physicals include testing for HIV and other communicable diseases, which provide benefits for the other wrestlers in the ring, although this is not explicitly required by the regulation. While it is likely that many wrestlers may obtain a physical for these reasons absent a regulatory requirement, the compliance costs are low and therefore any net economic impact is probably small.

Boxing Event Requirements

The Professional Boxing Safety Act of 1996 requires all boxers to register with the national boxer registry and obtain a federal identification card that will be examined by the event inspector before each competition. The federal identification card may be obtained at no charge and is intended to ensure that boxers with revoked or medically suspended licenses are not able to fight under fictitious names.

The Act also requires promoters to provide a fully equipped and staffed ambulance at the site of any boxing event for the entire duration of the event. The compliance costs for this provision could range from nothing (if, as often happens, a rescue squad volunteers its time for free) to approximately \$100. In rare instances, such as rural counties with a limited number of ambulances available, this requirement may prohibit boxing events from taking place.

According to the VBWA, there has been only one boxing-related death in Virginia (1956) and only four reports of boxers having been sent to the hospital since 1981 (all for exhaustion). While boxing is a dangerous sport where the possibility of serious injury or death exists, this is another area where it would seem appropriate to defer to the judgment of the organizers and participants regarding the necessity of an on-site ambulance.

It should be noted though, that having an ambulance on site would provide an auxiliary benefit if someone in the audience were taken ill. At most, there may be a small marginal benefit resulting from this requirement, but the costs of procuring the service are small as well. Therefore, although

³ The agency's justification for government intervention is to protect the audience from the trauma of witnessing a severe injury or death but it is not clear that protecting an audience from these events is an appropriate function of government either.

the direction of the net economic impact is not known, its magnitude is expected to be small.

Summary of Analysis. The proposed regulations implement the legislatively mandated transfer of oversight authority for professional boxers and wrestlers in Virginia from a private contractor to the Director of DPOR to comply with new federal and state mandates. The standards proposed are very similar to those used by the contractor with the few exceptions discussed above. Some wrestlers may face an increase in licensure costs with no direct benefits identified. Providing a fully equipped ambulance at all boxing events may increase costs for some promoters, again with no direct benefits identified. Promoters may experience a reduction in event costs, as all event officials will now be paid directly by the state out of the fees collected for event licenses. This arrangement will reduce potential conflicts of interest and promote fair competitions.

Businesses and entities affected. The proposed changes will affect all individuals involved in professional boxing or wrestling in Virginia. This population consists of approximately 150 boxers, 200 wrestlers, 25 managers, 14 promoters, 85 trainers/seconds/cutmen, and three matchmakers.

Localities particularly affected. Rural counties with a limited number of available ambulances may be disproportionately affected by the requirement that promoters provide a fully equipped ambulance at all boxing events. This provision may reduce or eliminate the number of boxing matches taking place in these areas.

Projected impact on employment. The proposed regulation is not anticipated to have any significant impact on employment in Virginia.

Effects on the use and value of private property. The proposed regulation is not anticipated to have any significant effects on the use and value of private property in Virginia.

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

Summary:

The proposed regulations establish application and licensure requirements for individual boxers and wrestlers who participate in professional boxing and wrestling events and for individuals and firms that promote or conduct professional boxing and wrestling events. Separate eligibility standards are established for boxers and wrestlers. Standards are established for the conduct of events as well as for the conduct of regulated individuals participating in events. In addition, standards for the assignment of boxing event officials to licensed events and the duties the assigned officials must perform are established as well as procedures for the reporting, verification and payment of the gate fees required by statute to be paid to the Commonwealth following every event.

CHAPTER 40.
VIRGINIA PROFESSIONAL BOXING AND WRESTLING
EVENTS REGULATIONS.

PART I.
SCOPE.

18 VAC 120-40-10. Scope.

These regulations contain procedures and requirements for the licensure of individuals and firms to engage in the conduct of professional boxing and wrestling events as provided for in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia.

Amateur boxing and wrestling contests, where the participants receive no money, compensation, or reward other than a suitably inscribed memento are exempt from the provisions of Chapter 8.1 of Title 54.1 of the Code of Virginia and from the provisions of these regulations.

The director of the department is empowered to (i) promulgate these regulations, (ii) issue licenses, (iii) investigate to determine compliance with these regulations, and (iv) take disciplinary action, in accordance with the Virginia Administrative Process Act, against those who fail to comply with these regulations. Furthermore, to the extent applicable, these regulations shall be construed in accordance with and governed by Virginia's Administrative Process Act. The director is also empowered to contract with a vendor to perform certain tasks on the director's behalf. These tasks include examining and recommending licensure, investigating and ensuring that events are conducted in compliance with statutes and regulations, performing clerical duties, collecting fees, maintaining records, developing proposed regulations, and recommending enforcement actions.

The director is empowered by Chapter 8.1 of Title 54.1 of the Code of Virginia to conduct investigations as to whether monopolies, combinations, or other circumstances exist to restrain matches or exhibitions of professional boxing or wrestling.

PART II.
GENERAL PROVISIONS.

18 VAC 120-40-20. Definitions.

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

"Boxer" means a person competing in the sport of boxing.

"Boxer registry" means an entity that maintains records and identification of boxers.

"Boxing" means the contact sport of attack or defense using fists, feet, or both, including professional kick boxing, boxing, or any similar contest.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple

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subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

“Contest,” “bout,” or “match” means the portion of an event wherein specific individuals (two boxers, or two or more wrestlers) engage in boxing or wrestling which ends when a decision is reached.

“Contractor” means any person who has entered into a contract with the department to provide services to assist the Commonwealth in complying with the provisions of this chapter.

“Department” means the Department of Professional and Occupational Regulation or its successor.

“Director” means the Director of the Department of Professional and Occupational Regulation.

“Event” means any professional boxing or wrestling show that includes one or more contests or matches.

“Event officials” means those individuals assigned to carry out the duties of an event inspector, inspector, referee, timekeeper, judge, or ringside physician as established by this chapter.

“Event inspector” means the individual assigned to be in overall charge of the conduct of an event to assure compliance with this chapter.

“Event license” means a method of regulation whereby any promoter arranging or conducting a boxing or wrestling event is required to obtain a prior authorization from the department.

“Inspector” means the individual assigned to assist the event inspector as provided for in this chapter.

“Judge” means an individual assigned to score a boxing contest as provided for in this chapter.

“License” means a method of regulation whereby any person arranging, conducting, or participating in boxing or wrestling activities is required to obtain a prior authorization from the department.

“Licensed event” means an event that has been issued a license from the department in accordance with this chapter.

“Manager” means any person who receives compensation for services as a representative or agent of a boxer or wrestler to arrange for his participation in an event.

“Matchmaker” means any person who selects, arranges for, or in any manner procures specific individuals to be contestants in an event or match.

“Person” means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or any other entity.

“Promote” or “promotion” means to organize, arrange, publicize, or conduct an event in the Commonwealth.

“Promoter” means any person who undertakes to promote an event.

“Rabbit punch” means a blow delivered by a boxer against his opponent that strikes the back of the opponent’s neck with a chopping motion.

“Referee” means the event official assigned to a boxing contest to assure the proper conduct of the contest and the safety of the contestants or the licensed wrestler assigned to a wrestling contest to assure the safety of the spectators as provided for in this chapter.

“Responsible management” means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company; or
6. The officers and directors of an association.

“Ringside physician” means the medical doctor assigned to assure the medical health and safety of each boxer as provided for in this chapter.

“Task force” means the professional boxing and wrestling task force.

“Timekeeper” means the individual assigned to time each round and the interval between rounds, and to count for knockdowns as provided for in this chapter.

“Trainer,” “second,” or “cutman” means an individual who undertakes to assure the well-being of a boxer by providing instruction or advice concerning techniques or strategies of boxing, and who may work in the corner with a boxer between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

“Wrestler” means any person competing or participating as an opponent in wrestling.

“Wrestling” means any contact sport or exhibition in which individuals attempt to subdue or unbalance an opponent.

18 VAC 120-40-30. License required.

A. No individual shall engage or offer to engage in the activities of a boxer, manager, matchmaker, promoter, trainer, second, cutman, or wrestler, as defined in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia, without first possessing a valid license therefor.

B. No person shall promote or conduct a boxing or wrestling event without first having obtained a license for such event.

18 VAC 120-40-40. License expiration and renewal.

A. Except as set out in subsection B of this section, each license issued to an individual or to a firm shall expire on December 31 of the year in which the license was issued, except that licenses issued during the last 45 days of any calendar year shall expire on December 31 of the following calendar year.

B. Each license to conduct a boxing or wrestling event issued to a licensed promoter shall be valid only for the duration of the event described in the application for licensure.

C. The department or its contractor will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

D. Prior to the expiration date shown on the license, each licensee desiring to renew the license shall return to the department or its contractor the renewal notice and the fee specified in 18 VAC 120-40-50. Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee.

18 VAC 120-40-50. Fees.

A. Each applicant shall submit the following fee along with the application for licensure:

Boxer	\$20
Wrestler	\$20
Manager	\$30
Promoter	\$300
Trainer, second, and cutman	\$20
Matchmaker	\$50

B. Each application for a boxing event license shall be accompanied by the following fee:

1. Events of 42 rounds or fewer, with no more than one nontitle 10 or 12 round bout - \$850.
2. Events exceeding 42 rounds, with more than one nontitle 10 or 12 round bout or with a title bout - \$2,000.

C. Each application for a wrestling event license shall be accompanied by a fee of \$50.

18 VAC 120-40-60. Professional boxing and wrestling task force.

A. The director may appoint a professional boxing and wrestling task force, consisting of four members, which shall advise the director on any matters relating to professional boxing and wrestling events in the Commonwealth.

B. The task force shall be composed of two representatives of the sports of boxing or wrestling, and two citizen members as defined in §§ 54.1-107 and 54.1-200 of the Code of Virginia. All members shall be residents of the Commonwealth.

C. Each task force member shall serve a four-year term, except that of the initial appointments, one shall be for two years, and one shall be for three years. No member shall serve more than two consecutive four-year terms.

PART III.

INDIVIDUAL AND EVENT LICENSING STANDARDS.

18 VAC 120-40-70. Application requirements.

A. Individuals and firms desiring to be issued a license shall apply on forms supplied by the department or its contractor.

B. Individual applicants shall be at least 18 years of age.

C. The application shall be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant. Fees shall remain valid for 90 days and shall not be refunded.

D. The applicant shall disclose the following information about himself, in the case of an individual, or about the firm and every member of the responsible management of the firm, in the case of a firm:

1. Any guilty finding by the department, or by a court of any competent jurisdiction, of any material misrepresentation while engaged in boxing, wrestling, or other athletic activities, or any conviction, guilty plea or finding of guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor which, in the judgment of the department, adversely affects the applicant's ability while engaged in boxing, wrestling, or other athletic activities;
2. Any disciplinary action taken by the department or another jurisdiction in connection with the applicant's participation in or promotion of professional athletic contests or activities including, but not limited to, monetary penalty, fine, suspension, revocation, or surrender of a license in connection with a disciplinary action; and
3. Any currently or previously held boxing or wrestling licenses issued by this Commonwealth or any other jurisdiction.

Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

E. Each individual applicant shall disclose his physical address and each firm applying for licensure shall disclose the physical addresses of the firm and the firm's responsible management. A post office box shall not be accepted in lieu of a physical address.

F. The fee established by 18 VAC 120-40-50 A shall accompany the application and shall not be refunded.

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G. The receipt of an application and the deposit of fees in no way indicates approval by the department.

18 VAC 120-40-80. Entry requirements for boxer.

A. Each applicant for a license as a boxer shall submit a completed application as described in 18 VAC 120-40-70 and the following:

1. A satisfactory record of professional boxing or, in the case of applicants who have participated in fewer than 10 professional boxing bouts, evidence of competency in the elements of offense and defense. Such evidence may take the form of signed statements from individuals who have provided training to the applicant or records of the applicant's conduct in amateur as well as professional boxing competition and shall be sufficient to satisfy the department that the applicant has the ability to compete; and
2. A list of all ring names under which the applicant has competed as a boxer in this Commonwealth or elsewhere.

B. All licenses issued by the department shall conform with the standards established by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

18 VAC 120-40-90. Entry requirements for wrestler.

A. Each applicant for a license as a wrestler shall submit a completed application as described in 18 VAC 120-40-70, and a signed statement from a licensed physician that the applicant is in good physical health and has no abnormalities or deficiencies which would prevent his participation in a wrestling event or endanger the applicant's health when engaging in a wrestling exhibition.

B. The department may deny the application for a license as a wrestler to any applicant who has suffered a serious head injury or other serious physical injury, and may, in any case, require an additional, specific medical examination to determine the applicant's suitability before approving the applicant for licensure as a wrestler.

C. The department may deny the application for a license as a wrestler of any applicant, or suspend or revoke the license as a wrestler of any licensee who has been subject to the following actions by agencies in other jurisdictions that regulate wrestling:

1. Denial or suspension of a license as a wrestler for reasons of medical safety when it has been determined by competent medical examination that participation in a wrestling event by the applicant may pose a risk to the applicant's health; or
2. A violation of a law or regulation governing wrestling which is substantially the same as that found in Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia or in this chapter.

18 VAC 120-40-100. Entry requirements for manager.

Each applicant for a license as a manager shall submit a completed application as described in 18 VAC 120-40-70, and a statement that the applicant possesses a knowledge of this chapter.

18 VAC 120-40-110. Entry requirements for matchmaker.

Each applicant for a license as a matchmaker shall submit a completed application as described in 18 VAC 120-40-70, and a statement that the applicant does not employ and does not otherwise have a financial interest in or commercial connection with any wrestler, boxer, manager, trainer, or second, except that which may be necessary to arrange a wrestler's or boxer's participation in a specific event.

18 VAC 120-40-120. Entry requirements for promoter.

Each applicant for a license as a promoter shall submit a completed application as described in 18 VAC 120-40-70, and a statement that the applicant possesses a knowledge of this chapter.

18 VAC 120-40-130. Entry requirements for trainer, second, or cutman.

Each applicant for a license as a trainer, second, or cutman shall submit a completed application as described in 18 VAC 120-40-70, and evidence of a knowledge of:

1. This chapter;
2. The treatment of injuries;
3. Physical conditioning, health care, nutrition, training, first aid, and the effects of alcohol as it relates to boxing; and
4. The bandaging of a boxer's hand.

The required evidence may take the form of the applicant's official record from a state regulatory agency, signed statements from current or former clients, or other documentary evidence that establishes that the applicant is competent.

PART IV.

OFFICIAL APPROVAL AND CONDUCT STANDARDS FOR EVENTS.

18 VAC 120-40-140. Requirements for approval to act as a boxing event inspector, inspector, referee, judge, or timekeeper.

To qualify to act on the department's behalf as an event inspector, inspector, referee, judge, or timekeeper of boxing contests, a person must:

1. Be at least 18 years of age;
2. Not have been convicted or found guilty, regardless of adjudication, of any felony or other crime involving lying, cheating or stealing, or involving illegal drugs or other acts involving the sport of boxing. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of conviction,

authenticated in such form as to be admissible as evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction; and

3. Submit verifications from three persons of his proficiency as an event inspector, inspector, referee, judge, or timekeeper, whichever is appropriate. Evidence of approval by the department, its contractor, or another jurisdiction with a regulatory program substantially equivalent to this chapter, may be submitted in lieu of the verifications from three persons.

18 VAC 120-40-150. Requirements for approval of boxing ringside physicians.

To qualify to act on the department's behalf as a boxing ringside physician, an applicant must provide evidence of (i) licensure by the Virginia Board of Medicine as a physician for a period of at least five years and (ii) a current certification in cardiopulmonary resuscitation.

18 VAC 120-40-160. Assignment to boxing event and payment for services of event officials.

A. The department or its contractor shall assign a sufficient number of event officials to each licensed boxing event who shall discharge the duties established in this chapter and to assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. Event officials not assigned to a licensed event shall be present at the event only upon payment of admission as a spectator.

18 VAC 120-40-170. Duties of boxing event inspectors.

A. An event inspector shall be assigned by the department or its contractor to each boxing event and shall be in overall charge of the conduct of the event and shall assure that all assigned inspectors, referees, timekeepers, judges, and ringside physicians are present and perform their duties.

B. The event inspector shall officiate at weigh-in to assure that all boxers are properly weighed and licensed, and shall assure that the boxers have no weights or other objects which could influence the accuracy of the weighing.

C. The assigned event inspector shall assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

18 VAC 120-40-180. Duties of boxing inspectors.

A. Inspectors shall be assigned to each event to assist the event inspector in the discharge of his duties.

B. Inspectors shall be assigned by the event inspector to be in charge of the dressing room and the corners, and shall accompany the boxers to the corner. An inspector shall remain in each corner and assure compliance with this chapter.

C. An inspector shall assist the event inspector during the weigh-in and the ringside physician during the physical examination.

D. Inspectors shall perform other duties as assigned to assure compliance with this chapter.

18 VAC 120-40-190. Duties of boxing referees.

An assigned referee shall perform the following duties before, during, and after each assigned contest:

1. Provide the prefight instructions to boxers;
2. Assure that each boxer is properly gloved and wearing the required safety equipment;
3. Exercise supervision over the conduct of the contest to assure compliance with this chapter and to take immediate corrective action when a failure to comply is observed;
4. Immediately stop any contest when, in his judgment, one of the boxers is outclassed by the other, injured, or otherwise unable to safely continue to participate in the contest;
5. Endeavor to perform his duties in a manner which does not impede the fair participation of either boxer;
6. Consult, when he feels it appropriate, with the ringside physician on the advisability of stopping the contest if either boxer appears injured or unable to continue;
7. Count for knockdowns and knockouts as provided for in 18 VAC 120-40-340;
8. Determine fouls and stop contests as provided in 18 VAC 120-40-350;
9. Immediately stop any contest and notify the department's representative or contractor present at the event if one or both of the boxers is not putting forth his best effort; and
10. Assure the health and well-being of the boxers to the greatest extent possible.

18 VAC 120-40-200. Duties of boxing judges.

An assigned boxing judge shall perform the following duties before, during, and after each assigned contest:

1. Score each contest on the 10-point system. The better boxer of each round shall receive 10 points and the opponent proportionately less. If the round is even, assign each boxer 10 points. No fractional points shall be given. Points shall be awarded immediately after the end of the round;
2. Be present and attentive during the entire contest;
3. Provide his scorecards to the event inspector or his designee at the end of each round; and
4. Report to the event inspector or his designee promptly at the time directed.

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18 VAC 120-40-210. Duties of boxing timekeepers.

An assigned boxing timekeeper shall perform the following duties before, during, and after each assigned contest:

1. Provide a chronometer of a type suitable for timing the rounds of a boxing contest;
2. Assure that a warning is sounded 10 seconds before the start of each round by blowing a whistle or other sound easily heard by the boxers and distinct from the sound signaling the beginning and end of each round;
3. Assure that each round and the interval between each round is correctly and uniformly timed and that a bell or gong with a distinctive tone which is easily heard by the boxers is sounded at the beginning and end of each round;
4. Assist the referee in the counting for a knockdown to assure the downed boxer receives the correct amount of time allowed by this chapter to return to the contest; and
5. Report to the event inspector or his designee promptly at the time directed.

18 VAC 120-40-220. Duties of ringside physicians.

The assigned ringside physician shall perform the following duties before, during, and after each assigned contest:

1. Conduct a physical examination of each boxer immediately before the contest to assure his fitness to compete. In addition, for female boxers, examine the breasts and note any masses, determine whether she is experiencing her menstrual period, and obtain her verbal assurance that she is not pregnant. A pregnancy test may be conducted if the ringside physician determines it is necessary to assure the health and safety of the boxer;
2. Report to the event inspector or his designee promptly at the time directed and remain at ringside during the entire duration of all contests assigned;
3. Signal the referee immediately in the event an injury is observed which the referee has not observed and enter the ring only after the referee has stopped or suspended the contest;
4. Render immediate medical aid to any boxer injured during a contest and, where appropriate, accompany the boxer to the hospital or other place where competent medical aid may be delivered. In no case shall the assigned ringside physician cease the direct application of his skills as a physician to an injured boxer until such time as the ringside physician, in his best medical judgment, determines that his services are no longer necessary or the injured boxer is under the care of other medically competent individuals;
5. Assure all substances in the possession of seconds, trainers, or cutmen are appropriate for use on boxers during the course of the contest; and

6. Report immediately to the department or its contractor his determination of the fitness of each boxer to participate in the boxing contest. A written report summarizing the results of his examination of each boxer shall be provided to the department or its contractor within 24 hours after the date of the licensed boxing event.

PART V.

EVENT LICENSING AND CONDUCT STANDARDS.

18 VAC 120-40-230. Application for a license to conduct a boxing or wrestling event.

A. At least 14 days before the date of any boxing or wrestling event in the Commonwealth, the licensed promoter desiring to conduct the event shall deliver an application for a license to conduct a boxing or wrestling event to the department or its contractor. The application shall be on forms provided by the department and shall:

1. Contain the card of boxing or wrestling contests to be exhibited, including the name of each contestant, and, in the case of a boxing contest, the number of rounds each is scheduled to compete. The promoter may modify the card at any time up to the day of the event by providing the required documents for the additions to and notice of the deletions from the card which accompanied the application;
2. The date, location, and time of the event for which a license is sought;
3. Evidence that all boxers scheduled to compete are covered by a health insurance policy to cover medical expenses for injuries incurred during the boxing event which shall have a minimum of coverage of \$5,000;
4. File a surety bond with the department or its contractor conditioned on the payment of gate fees and penalties imposed by Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and on the fulfillment of contracts made with boxers and wrestlers. The bond shall be in form and substance satisfactory to the department and in an amount equal to the sum of (i) the total gate fee required by this chapter if all seats were to be sold and (ii) the total amount due to all boxers and wrestlers for their appearance in the event, but shall not exceed \$100,000. The bond shall be executed by a surety authorized to do business in the Commonwealth.
5. Acknowledgment that the boxing promoter will provide a copy of the contract between the promoter applying for an event license and each licensed boxer at weigh-in. No contract shall be required from wrestling promoters;
6. A copy of each contract by the promoter for the sale of rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers; and

7. A statement that the applicant has read and understands this chapter and will conduct the event in full compliance with same.

B. In no case shall the applicant for an event license announce or advertise, either directly or indirectly, the event to the public until the department has approved the application and issued the event license.

18 VAC 120-40-240. Equipment to be provided by boxing promoters.

The promoter shall assure that each event shall have the following:

1. A boxing ring which shall be in the shape of a square not less than 16 feet nor more than 24 feet on each side within the ropes. The ring floor must extend at least 18 inches beyond the ropes and shall be padded with ensolite or another similar closed-cell foam. Padding must extend beyond the ring ropes and over the edge of the platform with a top covering of canvas, duck, or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used. The ring platform shall not be more than five feet above the floor of the building and shall be provided with suitable steps for use by contestants. Ring posts shall be of metal, not more than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. The ring posts must be at least 18 inches away from the ropes. There shall be four ring ropes not less than one inch in diameter and wrapped in soft material. The lower rope shall be 18 inches above the ring floor;

2. A bell or gong located at the ring no higher than the floor level of the ring. The bell or gong must produce a clear tone easily heard by the contestants;

3. Dressing rooms adequate in number and equipment to reasonably facilitate the boxer's or wrestler's activities before and after the contest. Separate dressing rooms shall be provided when both male and female boxers or wrestlers are scheduled to compete;

4. A fully equipped ambulance with a currently trained ambulance crew at the site of any boxing event for the entire duration of the event;

5. A notice to the nearest hospital and the persons in charge of its emergency room of the date, time, and location of the boxing event;

6. Boxing gloves of at least 10 ounces for all contestants, except that during all championship bouts, boxers weighing under 147 pounds shall wear at least eight ounce gloves; and

7. Boxing gloves having the distal portion of the thumb attached to the body of the glove so as to minimize the possibility of injury to the opponent's eye and shall, if not new, be whole, clean and in sanitary condition with no displacement or lumping of the padding material. Gloves shall be inspected by the event inspector or his designee

before each contest and those found defective shall be replaced before the contest begins.

18 VAC 120-40-250. Promoter to provide copy of contract with boxer at weigh-in; penalty for noncompliance; contents of contract.

A. The promoter shall provide a copy of his contract with each boxer scheduled to compete in the event to the event inspector at the time of weigh-in for the event.

B. Failure to provide a copy of the contract for a boxer at weigh-in shall result in the boxer's disqualification to compete in the event.

C. Each contract shall contain the name of the promoter, the name of the boxer, and the amount of compensation to be paid to the boxer by the promoter.

18 VAC 120-40-260. Equipment to be provided by boxing seconds.

Each boxing second shall provide the following equipment for use at the event:

1. A clear plastic water bottle;
2. A bucket containing ice;
3. A solution of a kind approved by the ringside physician to stop hemorrhaging;
4. Adhesive tape;
5. Gauze;
6. Scissors; and
7. One extra mouthpiece.

18 VAC 120-40-270. Equipment to be provided by each boxer.

Each boxer shall provide the following equipment:

1. Trunks for male boxers, and trunks and upper body covering for female boxers;
2. Foul-proof groin protector (males) or foul-proof pelvic girdle and foul-proof breast protector as a binder (females);
3. A mouth piece properly fitted to each boxer's mouth;
4. Boxing shoes;
5. Foot pads - kick boxers only; and
6. Shin pads - kick boxers only.

18 VAC 120-40-280. Contest approval; request for reconsideration.

A. The event inspector assigned to an event shall obtain information on each boxer from a boxer registry and examine that information, the results of the ringside physician's examination, and any other pertinent information available to determine, to the extent possible, that both contestants are substantially equal in boxing skill and ability, and are medically

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fit to compete. No contest shall take place without the approval of the event inspector and the ringside physician assigned to the event by the department or its contractor.

B. No boxer shall participate in a boxing contest who has:

1. Been knocked out in the 60 days immediately preceding the date of the contest;
2. Been technically knocked out in the 30 days preceding the date of the contest;
3. Been a contestant in a boxing bout during the 15 days preceding the date of the contest;
4. Suffered a cerebral hemorrhage;
5. Suffered a serious head injury or other serious physical injury. The department or its contractor may require an additional, specific medical examination to determine the boxer's suitability; or
6. Been found to be blind in one eye or whose vision in one eye is so poor that a physician recommends the boxer not participate in a boxing contest.

C. No boxer shall participate in a boxing contest while under a suspension from the boxing commission of another jurisdiction of the United States due to:

1. A recent knockout or series of consecutive losses;
2. An injury, requirement for a medical procedure, or physician denial of eligibility to box;
3. Failure of a test for drugs or controlled substances; or
4. The use of false aliases or falsifying, or attempting to falsify, official identification cards or documents.

D. Any promoter or boxer may request a reconsideration by the director of the event inspector's decision by immediately providing in writing additional information or contradictory evidence concerning the boxer's skill, ability, or medical fitness.

E. A boxer who is suspended by a boxing commission of another jurisdiction of the United States may be allowed to box if:

1. The boxer was suspended for a knockout, technical knockout, series of consecutive losses, an injury, a requirement of a medical procedure, or physician denial of certification and the time interval for knockouts and technical knockouts in subsection B of this section has been met and further proof of sufficiently improved medical or physical condition has been furnished;
2. The boxer was suspended for the failure of a drug test or the use of false aliases or falsifying, or attempting to falsify, official identification cards or documents and that a suspension was not, or is no longer, merited by the facts;
3. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the department or the department's

contractor notifies the suspending commission in writing and consults with the designated official of the suspending commission prior to the grant of approval for such boxer to participate in a boxing contest; or

4. The boxer was suspended for any reason other than those mentioned in subdivisions 1 and 2 of this subsection and the boxer's appeal to the Association of Boxing Commissions results in a determination that the suspension was without sufficient grounds, was for an improper purpose, or was not related to the health and safety of the boxer or the purposes of the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

F. Each boxer shall compete only with a boxer within the same weight classification as specified in the following schedule:

- Mini-Flyweight up to 105 pounds
- Light-Flyweight over 105 to 108 pounds
- Flyweight over 108 to 112 pounds
- Junior Bantamweight over 112 to 115 pounds
- Bantamweight over 115 to 118 pounds
- Junior Featherweight over 118 to 122 pounds
- Featherweight over 122 to 126 pounds
- Junior Lightweight over 126 to 130 pounds
- Lightweight over 130 to 135 pounds
- Junior Welterweight over 135 to 140 pounds
- Welterweight over 140 to 147 pounds
- Junior Middleweight over 147 to 154 pounds
- Middleweight over 154 to 160 pounds
- Super Middleweight over 160 to 168 pounds
- Light-Heavyweight over 168 to 175 pounds
- Cruiserweight over 175 to 190 pounds
- Heavyweight over 190 pounds

G. No boxer may engage in a boxing contest without the approval of the department or the department's representative if the difference in weight between the contestants exceeds the allowance shown in the following schedule:

- Up to 118 pounds not more than 3 pounds
- 118 pounds - 126 pounds not more than 5 pounds
- 126 pounds - 135 pounds not more than 7 pounds
- 135 pounds - 147 pounds not more than 9 pounds
- 147 pounds - 160 pounds not more than 11 pounds
- 160 pounds - 175 pounds not more than 12 pounds
- 175 pounds - 190 pounds not more than 20 pounds
- 190 pounds and over, no limit.

18 VAC 120-40-290. Boxing event conduct standards.

A. Bandaging of each boxer's hands shall not exceed one winding of surgeon's adhesive tape, not over 1½ inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist. Soft surgical bandage not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each

hand shall be used. Up to one 15-yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages. Bandages shall be adjusted in the dressing room in the presence of the event inspector or his designee.

B. Any boxer who has signed a contract to box on a promoter's program shall be subject to be called by the department to appear at any time to be weighed or to be examined by a physician designated by the department when the department has reason to believe the boxer may not be qualified or may not be medically sound to participate in the contest.

C. Each boxer who signs a contract to box on a promoter's program shall appear at a time and place designated by the department or its contractor to be weighed on department-approved scales in the presence of each other, and a representative designated by the department. Boxers shall have all weights removed from their bodies before the weigh-in but may wear shorts in the case of males, and shorts and shirts in the case of females.

D. Each boxer shall be examined immediately before the contest by a ringside physician assigned to the event and shall not participate in the contest unless pronounced medically able to compete by the ringside physician.

18 VAC 120-40-300. Access to boxer's dressing rooms.

On the day of a contest, only the following individuals are allowed in the dressing room of a boxer:

1. The boxer's manager;
2. The boxer's trainers, seconds, or cutmen;
3. The promoter's representatives;
4. Any representative of the department or its contractor in the conduct of his official duties; and
5. Any representative of a law-enforcement agency of competent jurisdiction while discharging his official duties.

18 VAC 120-40-310. Referee's instructions to boxing contestants.

The referee shall, before starting a contest, ascertain from each boxer the name of his chief second, and shall hold the chief second responsible for the conduct of the assistant seconds during the progress of the contest. The referee shall call contestants together before each bout for final instructions, at which time each contestant shall be accompanied by his chief second only.

18 VAC 120-40-320. Number and conduct of seconds.

A. No contestant may have more than four seconds, except that in a contest for a world title, the department or its contractor may authorize five seconds.

B. Only one of the seconds may be inside the ring ropes between rounds.

C. Any excessive or undue spraying or throwing of water on any boxer by a second between rounds is prohibited.

D. Seconds shall not enter the ring until the bell signals the end of a round. Seconds shall leave the ring at the sound of the timekeeper's warning that 10 seconds remains before the start of the next round, removing all buckets, stools and other equipment promptly.

E. Seconds shall not use during any contest Monsol's solution, alcoholic beverages, stimulants, or other substances not approved by the department or its contractor.

18 VAC 120-40-330. Duration of round.

Each round of boxing shall be three minutes in duration with a one-minute lapse between rounds, except that bouts between female boxers shall consist of two-minute rounds with a one-minute lapse between rounds.

18 VAC 120-40-340. Counting by referee during knockdowns and knockouts.

A. A boxer who is knocked from his feet by a blow from his opponent shall receive a count of 10 seconds from the referee. The referee shall begin his count when the boxer is down or is helpless on the ropes.

B. A boxer who leaves the ring during a round for any reason shall have a count of 20 seconds to reenter the ring unassisted.

C. The referee shall administer a "mandatory eight" count to a boxer who is knocked down.

D. The referee shall rule as a knockout any count of 10 where the boxer is unable or unwilling to reenter the contest before the count of 10 or, in the case of a boxer who has left the ring for any reason, before the count of 20. The opponent of the boxer so counted shall win the contest.

18 VAC 120-40-350. Boxing fouls, duties of referee, and deduction of points.

A. Any of the following acts committed by a boxer during a boxing contest shall constitute a foul:

1. Hitting below the belt.
2. Hitting an opponent who is down or is getting up after being down.
3. Holding an opponent with one hand and hitting with the other.
4. Holding or deliberately maintaining a clinch.
5. Wrestling or kicking.
6. Striking an opponent who is helpless as a result of previous blows and so supported by the ropes that he does not fall after being instructed by the referee to a neutral corner.
7. Butting with the head or shoulder or using the knee.
8. Hitting with the open glove, the butt of the hand, the wrist or the elbow, and all backhand blows.

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9. Purposely going down without being hit.
10. Striking deliberately at that part of the body over the kidneys.
11. Deliberately using the rabbit punch.
12. Jabbing the opponent's eyes with the thumb of the glove.
13. Using abusive language in the ring.
14. Engaging in any unsportsmanlike trick or action which causes injury to an opponent.
15. Hitting on the break.
16. Hitting after the bell has sounded signaling the end of the round.
17. Hitting an opponent whose head is between or outside of the ropes.
18. Pushing an opponent about the ring or into the ropes.

B. Referees are responsible for enforcing the rules of the contest and shall not permit fouls or other unfair practices which may cause an injury to a boxer. Referees shall warn each boxer who commits a foul during a boxing contest.

C. Any boxer who commits any foul after being warned by the referee may have points deducted by the referee or may lose the contest by disqualification by the referee.

D. Boxers who commit fouls or any other infraction may be penalized by the referee through the deduction of points from his score. The number of points to be deducted shall be determined by the referee based on his determination of the severity of the foul and its adverse effect on the opponent and shall be reported to the judges and both contestants as soon as practical. The points shall be deducted from the score of the round in which the fouls were committed.

E. The referee shall stop a contest when he determines that a foul has occurred and determine whether the fouled boxer is able to continue. The referee may order the contest suspended for a reasonable period of time to allow the fouled boxer to recover if the referee determines the boxer's chance of winning has not been seriously jeopardized. The referee shall inform the event inspector or his designee of his determination that the foul was accidental.

F. The referee shall stop a contest when he determines that an injury resulting from an accidental foul is so severe as to adversely affect the fouled boxer's chances of winning. The contest shall be a draw if the accidental foul occurs during the first three rounds. The contest shall be determined by a tabulation of the scores of the completed rounds if the accidental foul occurs after the third round.

G. The referee shall stop a contest when he determines that an injury resulting from an accidental foul has been aggravated by fair blows. The outcome of the contest shall be determined by scoring the completed rounds.

18 VAC 120-40-360. Scoring of boxing contest, decisions, and announcement of decisions.

A. Each contest shall be scored by the judges assigned by the department or its contractor. At the end of each round, the score cards shall be presented to the event inspector or his designee who shall examine the score cards. The winner shall be the boxer who receives the highest score from the majority of the judges. The contest is a draw if neither boxer scores so as to obtain a majority.

B. When the event inspector has examined the score cards and checked them for accuracy, he shall inform the ring announcer of the decision. The announcer may inform the audience of the decision.

C. The department shall not change a decision rendered at the end of any boxing contest unless:

1. It is determined that there has been wrongful or illegal collusion affecting the result of the contest;
2. An error is found in the compilation of the scorecards which discloses an error which shows that the decision favored the wrong boxer; or
3. The department determines through investigation that there was a violation of this chapter which adversely impacted on the fairness of the contest or the decision.

18 VAC 120-40-370. Boxer conduct standards.

A. The administration of or use of any alcohol, controlled substance, or stimulant in any part of the body, either before or during a match, to or by any boxer shall be grounds for disciplinary action.

B. A boxer shall submit to a urinalysis or chemical test before or after a contest if the department or its contractor directs him to do so. Failure to submit to medical testing shall be grounds for disciplinary action.

C. A boxer found to be under the influence of alcohol or any controlled substance shall be subject to disciplinary action.

18 VAC 120-40-380. Full contact karate (kick boxing) event conduct standards.

The provisions of this chapter which apply to boxers shall also apply to full contact karate (kick boxing) with the following modifications:

1. Contests shall not exceed 12 two-minute rounds with a one-minute rest period between rounds.
2. Fouls may result in the deduction of one or more points based on the severity of the foul as determined by the referee. The referee shall base his decision as to the severity of the foul on the intent of the contestant committing the foul and the result of the foul on the fouled contestant. At the time of the foul, the referee shall indicate to the judges the number of points to be subtracted from each judge's ballot. Fouls include:

- a. Head butting;

- b. Striking with the elbow;
- c. Striking to the groin;
- d. Attacking with the knee;
- e. Chopping to the back of the neck (rabbit punch);
- f. Striking to the face with any part of the arm other than the gloved hand (as in the spinning-back first attempt which lands with the forearm or elbow);
- g. Kicking to the legs;
- h. Punching or kicking a contestant when he is down (A contestant is knocked down when any part of his body, other than his feet, touches the floor. If a contestant is on his way to the floor, his opponent may continue to attack until he has touched the floor with any part of his body other than his feet.);
- i. Takedowns;
- j. Intentionally pushing, shoving, or wrestling an opponent out of the ring with any part of the body;
- k. Sweeping other than boot to boot;
- l. Attacking on the break when both contestants have been ordered to take one step back by the referee;
- m. Attacking after the bell has sounded to end the round;
- n. Holding and hitting, such as holding with one hand, especially behind the neck, and hitting with the other hand;
- o. Grabbing or holding onto an opponent's foot or leg, followed by a takedown;
- p. Holding the ropes with one hand while kicking, punching, or defending with the other hand or with the legs;
- q. Leg checking - extending the leg to check an opponent's leg to prevent him from kicking;
- r. Purposely going down without being hit, resulting in the referee automatically administering an 8 count;
- s. Using abusive language in the ring;
- t. Hitting or flicking with an open glove; and
- u. Refusing to compete.

18 VAC 120-40-390. Reporting the results of boxing contests.

Not later than two business days after the conclusion of a boxing match, the department or its contractor shall report the results of such boxing match and any related ineligibility to compete in boxing contests to each boxer registry as required by the federal Professional Boxing Safety Act of 1996 (15 USC § 6301 et seq.).

18 VAC 120-40-400. Wrestling event conduct standards.

A. Wrestling exhibitions shall be conducted inside the ring ropes.

B. Each match shall be conducted under the supervision of a referee who shall be currently licensed as a wrestler and who shall be responsible for the safety of the spectators.

C. Each participant in each wrestling match shall be currently licensed as a wrestler.

D. In no case shall a wrestler intentionally cause a flow of blood or other bodily fluid from his body during the course of the exhibition.

E. In the event a visible flow of blood or other bodily fluid from any wrestler occurs during a contest, the referee shall immediately suspend the contest until medical treatment can be obtained. If the flow of blood or other bodily fluid cannot be stopped, the exhibition involving that wrestler shall not continue.

F. Neither referees nor promoters shall permit physically dangerous conduct or tactics by any wrestler.

G. Promoters shall maintain peace, order, and decency in the conduct of any wrestling exhibition.

18 VAC 120-40-410. Promoter to allow access to event and event facilities.

A. The department may assign one or more representatives to each event to evaluate the contractor's performance or to assure compliance with Chapter 8.1 (§ 54.1-828 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. All event officials and representatives of the department assigned to an event, whether to monitor the contractor's performance or for any other authorized purpose, shall be granted immediate access by the promoter and the promoter's representatives to the licensed event and to any area or portion of the event facilities.

PART VI.
GATE FEES.

18 VAC 120-40-420. Reporting, verification, and payment of gate fees.

A. Each promoter shall furnish to the department, within 24 hours after the completion of each boxing or wrestling event, a written and verified report on the form provided by the department showing the number of tickets sold, unsold, and given away and the amount of gross proceeds thereof for such events originating in the Commonwealth. The report shall also include the total gross proceeds from the sale of rights to distribute in any manner such event by any video, telephonic, or other communication method involving the control of electrons or other charge carriers for such live events originating in the Commonwealth.

B. The promoter shall pay the department, within the same 24-hour period, a fee of (i) 5.0% of the first \$100,000

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of its total gross receipts and (ii) 2½% of the remainder of its total gross proceeds.

C. The department or its contractor may examine or cause to be audited the records and accounts of the promoter.

PART VII.

STANDARDS OF CONDUCT AND PERFORMANCE.

18 VAC 120-40-430. Grounds for disciplinary action by the department.

A. The department shall have the authority to deny application for and to deny renewal of a license or event license as well as to discipline a licensee through a fine, license suspension, or license revocation for the following reasons:

1. The licensee violates or induces another person to violate any provisions of Chapters 1, 2, 3 or 8.1 of Title 54.1 of the Code of Virginia or of this chapter.
2. The licensee obtained his license or event license through misrepresentation or fraud.
3. The applicant or licensee is found to have a medical condition which makes participation in boxing or wrestling events a health hazard.
4. The applicant or licensee has altered a license issued by the department.
5. The applicant or licensee has been convicted in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing, or of any misdemeanor for acts carried out while engaged in boxing, wrestling, or other athletic activities. Any plea of *nolo contendere* shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be admissible as *prima facie* evidence of such conviction or discipline.
6. The applicant or licensee has been the subject of disciplinary action taken by Virginia or another jurisdiction in connection with the applicant's participation in or promotion of professional athletic contests or activities, including but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
7. The applicant for a license as a boxer or licensed boxer failed or refused to appear when directed by the department or its contractor for the purposes of weighing or conducting a medical examination.
8. The applicant or licensee fails to furnish a valid reason or a doctor's certificate to explain any failure to appear at an event in which he agreed to participate by signing a contract.

B. The department, or its contractor if the contractor's duties include the conduct of disciplinary proceedings, shall

conduct disciplinary procedures in accordance with the Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).

NOTICE: The forms used in administering 18 VAC 120-40-10 et seq., Virginia Professional Boxing and Wrestling Events Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Boxing and Wrestling Non-Participant License Application, B&WNPLIC, eff. 8/98.

Boxing and Wrestling Promoter License Application, B&WPRLIC, eff. 8/98.

Boxing and Wrestling Event License Application, B&WEVLIC, eff. 9/98.

Boxing and Wrestling Event Card Additions and Deletions Form, B&WEVCHG, eff. 8/98.

Boxing and Wrestling Approved Boxing and Wrestling Official Application, B&WOFAPP, eff. 8/98.

Boxing and Wrestling Event Surety Bond Form, B&WBOND, eff. 8/98.

Boxing and Wrestling Participant License Application, B&WPLIC, eff. 8/98.

Boxing and Wrestling Deposit Verification, eff. 8/98.

Boxing and Wrestling Promoter's Fee Report, B&WPFR FIN, eff. 10/98.

VA.R. Doc. No. R98-252; Filed March 10, 1999, 12:17 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Title of Regulation: 20 VAC 5-311-10 et seq. **Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs (PUE980812).**

Statutory Authority: § 12.1-13 of the Code of Virginia.

Public Notice:

The State Corporation Commission has established a proceeding to adopt interim rules to govern issues common to natural gas and electricity restructuring retail access pilot programs, Case No. PUE980812, Ex Parte: In the matter of establishing interim rules for retail access

pilot programs. In its December 3, 1998, Order Establishing Procedural Schedule in this case, the commission directed these proposed interim rules to address certification, codes of conduct, and standards of conduct governing relationships among entities participating in such pilot programs. The commission ordered its staff to select and lead a task force, comprised of a broad cross-representation of interested market participants, to propose such interim rules and to issue a report and the recommended rules by March 9, 1999.

The proposed interim rules consist of three sections in a new chapter, Chapter 311 (20 VAC 5-311-10 et seq.) of Title 20 of the Virginia Administrative Code. The proposed rules pertain to the relationships between (i) the competitive service provider and its retail customers; (ii) the competitive service provider and the local distribution company and the transmission provider; (iii) the local distribution company and the competitive service provider; and (iv) the local distribution company and its retail customers. Minimum requirements for licensure of energy service providers and aggregators also are recommended. Additionally, the proposed interim rules allow parties to request waivers from the State Corporation Commission.

Copies of the task force report, including the proposed interim rules, are available on the commission's website at <http://www.state.va.us/scc/index.html> or may be obtained from the commission's Division of Economics and Finance, P.O. Box 1197, Richmond, VA 23218-1197. Written comments on the proposed interim rules should be submitted both to the Task Force Coordinator at the commission's Division of Economics and Finance, which address is listed above, and to the State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, VA 23219-2118. All written comments should include a conspicuous reference to Case No. PUE980812 and must be received by April 9, 1999.

A hearing on the proposed interim rules is scheduled for April 19, 1999, at 10 a.m., in the commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia. Any person desiring to make a statement at this public hearing need only appear in the commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself as a public witness to the commission's bailiff.

CHAPTER 311.

INTERIM RULES GOVERNING ELECTRIC AND NATURAL GAS RETAIL ACCESS PILOT PROGRAMS.

20 VAC 5-311-10. Interim rules governing competitive service providers.

A. The following provisions shall govern the relationship between the competitive service provider and its retail customers:

1. A competitive service provider shall provide accurate, understandable customer solicitation and marketing materials and customer service contracts which include clear pricing terms and conditions, term of customer contract and provisions for termination by either the customer or the competitive service provider.

2. A competitive service provider claiming its offerings possess unique attributes shall be required to provide reasonable support for the claim.

3. A competitive service provider shall have in place explicit dispute resolution procedures and clearly identify the addresses and phone numbers of persons authorized to assist customers when they have a complaint.

4. A competitive service provider shall furnish to customers a toll-free telephone number for customer inquiries during normal business hours regarding services provided by the competitive service provider.

5. A competitive service provider shall enroll a customer only when properly authorized by that customer and such authorization is appropriately verified.

6. A competitive service provider shall adequately safeguard customer information, including payment history, unless disclosure is otherwise authorized by the customer or unless the information to be disclosed is already in the public domain.

7. A competitive service provider may terminate a contract with a customer for nonpayment of competitive services with appropriate notification to the customer and to the local distribution company.

B. The following provisions shall govern the relationships between the competitive service provider and the local distribution company and the transmission provider:

1. A competitive service provider shall submit to the local distribution company the appropriate name of the entity, business and mailing addresses, and the names, telephone numbers and e-mail addresses of the appropriate contact persons.

2. A competitive service provider shall furnish the local distribution company proof of appropriate licensure from the State Corporation Commission.

3. A competitive service provider shall adhere to all requirements of the local distribution company's and transmission provider's schedules, terms and conditions of service as approved by the State Corporation Commission or the Federal Energy Regulatory Commission, or both, as applicable.

4. An energy service provider shall procure sufficient electric generation and transmission service to serve the requirements of its firm customers. In the event of a failure to fulfill such obligations, the energy service provider shall be responsible for penalties as prescribed by the local distribution company.

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5. A competitive service provider shall comply with all initial and continuing requirements of the State Corporation Commission's licensure process and the local distribution company's and transmission provider's registration processes.

6. A competitive service provider shall adhere to standards developed for exchanging data and information in an electronic medium upon implementation of such standards.

C. Any request for a waiver of any of the provisions in subsection A or B of this section shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission may impose.

20 VAC 5-311-20. Interim rules governing local distribution companies.

A. The following provisions shall govern the relationship between the local distribution company and the competitive service provider:

1. A local distribution company shall not give an affiliated competitive service provider undue preference over a nonaffiliated competitive service provider.

2. A local distribution company shall not give undue preference to an affiliated competitive service provider over the interests of any other competitive service provider related to the provision of electric transmission, distribution, generation or ancillary services, or natural gas supply or capacity. However, this provision is limited to activities that are beyond the jurisdiction of the Federal Energy Regulatory Commission.

3. To the extent the local distribution company provides any competitive service provider information related to the transmission, distribution or provision of electricity and/or natural gas, the local distribution company shall make such information contemporaneously available to all other competitive service providers upon request. The local distribution company may make such information available by posting it on an electronic bulletin board. Nothing in this subdivision shall require the local distribution company to disseminate to all competitive service providers information requested and deemed competitively sensitive by a competitive service provider and supplied by the local distribution company. This subdivision shall not apply to daily operational data provided by the local distribution company to any competitive service provider in the ordinary course of conducting business.

4. Employees of a local distribution company who have responsibility for operations or reliability functions of the distribution system shall operate independently from an affiliated competitive service provider, and their offices shall be separated from the offices of the affiliated competitive service providers to the maximum extent practicable.

5. The cost of any shared employees, services or facilities between a local distribution company and an affiliated competitive service provider shall be fully and clearly allocated between the two entities. Separate books of account and records shall be maintained for each such affiliate. Any local distribution company that provides competitive energy services through a division shall maintain documentation of the methodologies used to allocate any shared costs to that division and provide such documentation to the State Corporation Commission staff upon request.

6. A local distribution company shall not condition the provision of any distribution services on the purchase of electricity and/or natural gas from an affiliated competitive service provider.

7. Joint advertising shall be prohibited between the local distribution company and any competitive service provider unless made available to all competitive service providers upon the same price, terms and conditions.

8. Neither a local distribution company nor any competitive service provider shall:

a. Suggest that the distribution services provided by the local distribution company are of a superior quality when electricity and/or natural gas is purchased from a particular competitive service provider; or

b. Suggest that the competitive energy services provided by a competitive service provider are being provided by a local distribution company rather than the specified competitive service provider.

9. No affiliated competitive service provider shall trade upon, promote or advertise its relationship with the local distribution company or use the name or logo employed by the local distribution company as its own, without clearly disclosing that the affiliated competitive service provider is not the same company as the local distribution company.

10. A local distribution company shall establish and file with the State Corporation Commission dispute resolution procedures to address complaints alleging violations of these rules.

11. Notwithstanding any other provision of this section, in emergency situations, a local distribution company is authorized to take any actions that may be necessary to ensure public safety and reliability of the distribution system. The State Corporation Commission upon a reasonable claim of inappropriate action may later investigate such actions.

B. The following provisions shall govern the relationship between the local distribution company and its retail customers:

1. A local distribution company shall provide pilot program information and facilitate enrollment of pilot customers pursuant to State Corporation Commission approved pilot programs.

2. A local distribution company shall, upon request, provide competitive service providers with the addresses of eligible pilot customers on a nondiscriminatory basis consistent with each local distribution company's pilot tariff as approved by the State Corporation Commission. Other customer specific information about pilot customers shall not be provided to competitive service providers without customer authorization.

3. Changes to terms and conditions concerning customer deposits required by the local distribution company to implement the pilot shall be set forth in each local distribution company's pilot tariff approved by the State Corporation Commission.

4. Changes to terms and conditions concerning customer disconnection for nonpayment shall be set forth in each local distribution company's pilot tariff approved by the State Corporation Commission.

5. The State Corporation Commission shall establish a policy to determine the disposition of partial payments with regard to services provided by competitive service providers and the local distribution company.

6. The local distribution company shall be the default supplier during the pilot program period pursuant to the prices, terms, and conditions of its State Corporation Commission approved tariffs.

7. A local distribution company shall only switch a pilot customer's competitive service provider in accordance with the local distribution company's pilot tariff approved by the State Corporation Commission.

C. Any request for a waiver of any of the provisions in subsection A or B of this section shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission may impose.

20 VAC 5-311-30. Minimum requirements for licensure of energy service providers and aggregators.

A. Any application for a license to be an energy service provider or aggregator shall include at least the following provisions:

1. Legal name or names of the applicant as well as any trade name or names.

2. a. Name of applicant and business addresses of the applicant's principal office and any Virginia office location or locations.

b. A list of states in which the applicant or an affiliate conduct electric or natural gas retail business.

3. Names of the applicant's affiliates and subsidiaries. Applicant may satisfy this requirement by providing a copy of its most recent Form 10K, Exhibit 21 filing with the Securities and Exchange Commission.

4. Disclosure of any affiliate relationships with Virginia local distribution companies as well as any related affiliated competitive service provider agreements

pursuant to which competitive energy services are provided within the Commonwealth of Virginia.

5. Telephone number of the customer service department or the title and telephone number of the customer service contact person.

6. Title and telephone number of the company liaison with the State Corporation Commission.

7. A copy of the applicant's authorization to do business in Virginia from the State Corporation Commission.

8. In the event the energy service provider intends to collect security deposits or prepayments, the energy service provider shall hold such funds in escrow in Virginia, and shall provide the name and address of the institution holding such deposits or prepayments.

9. If the applicant collects or plans to collect taxes owed to the Commonwealth or to a locality within the Commonwealth, the applicant shall be required to provide proof of financial viability in the form of a minimum bond rating of BBB- by a major rating agency. In lieu of such minimum bond rating other instruments may be used to indemnify the state and locality for taxes to be collected from the customer, such as:

- a. A deposit of \$25,000 in an escrow account;
- b. A guarantee of \$25,000 by an affiliated corporation which has a minimum bond rating of BBB- by a major rating agency;
- c. The posting of a security bond with the State Corporation Commission in the amount of \$25,000; or
- d. A committed line of credit in the amount of \$25,000.

10. Identification of the geographic area or areas or any pilots in which the applicant proposes to provide service, the type of service or services it proposes to provide, the class of customers to which it proposes to provide such services, and a description of the applicant's experience or other evidence regarding its ability to provide such services.

11. Disclose whether any application for license or authority to conduct business in a similar retail access program has ever been denied or whether any license or authority issued to it or an affiliate has ever been suspended, revoked or sanctioned.

12. A \$250 pilot registration fee shall accompany each initial application.

B. Any request for a waiver of any of the provisions in subsection A of this section shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission may impose.

VA.R. Doc. No. R99-121; Filed March 10, 1999, 7:52 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-20-10 et seq. Pertaining to the Licensing of Fixed Fishing Devices (amending 4 VAC 20-20-35).

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

Effective Date: March 1, 1999.

Summary:

The amendments establish a zone around pound nets in which fishing, anchoring, drifting, and trolling are prohibited.

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

4 VAC 20-20-35. No-fishing zone.

A. *The prohibited fishing zone around any pound net shall consist of that area bounded by two straight lines, 125 feet from the left and right sides of the centerline of the pound net, which extend parallel with the longest axis of the net from the channelward end of the head of the net to the shoreward end of the leader of the net.*

B. *It shall be unlawful for any person fishing from a boat or vessel to anchor, drift, troll, or otherwise fish within, or to cast into the prohibited fishing zone of any pound net which is marked according to the provisions of subsection C of this section. Further, it shall be unlawful for any person to take or harvest crabs from any part of a pound net which is marked according to the provisions of subsection C of this section unless such person has the written permission of the owner of the pound net.*

C. *If the owner of a pound net intends that the prohibited fishing zone be enforced around his pound net, that owner shall mark his net with flags placed at each end of the net, one at the channelward end of the head of the net and one at the shoreward end of the leader of the net. Each flag shall be of blaze-orange color, 12 inches high and 12 inches wide, and shall be supported by a mast of sufficient size to*

maintain the bottom of the flag at least four feet above the surface of the water.

D. *It shall be unlawful for any person to tamper with any flag marking the prohibited fishing zone of any pound net.*

E. *It shall be unlawful for any person to tie, fasten or secure any boat or vessel to any pole, stake, netting or any other part of a pound net or staked gill net, except during the normal lawful fishing of such nets by the licensee, his crew or agent.*

VA.R. Doc. No. R99-115; Filed March 1, 1999, 2:25 p.m.

* * * * *

Title of Regulation: 4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-50 and 4 VAC 20-620-70).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: March 1, 1999.

Summary:

The amendments (i) establish a minimum size of 16 inches and closed seasons of July 25-31, 1999, and January 1 - February 29, 2000, for the recreational harvest of Summer Flounder in Virginia and (ii) add a statement that this chapter does not prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

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

4 VAC 20-620-50. Minimum size limits.

A. *The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.*

B. *The minimum size of Summer Flounder harvested by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be ~~45~~ 16 inches, total length.*

C. *Length shall be measured in a straight line from tip of nose to tip of tail.*

D. *It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.*

E. *Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.*

4 VAC 20-620-70. Recreational fishing season.

A. The recreational fishing season shall be ~~year-round~~ and there is no closed season from July 25 through July 31, 1999, and from January 1 through February 29, 2000. It shall be unlawful for any person fishing recreationally to take, catch, or possess any Summer Flounder during the closed fishing season.

B. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

VA.R. Doc. No. R99-116; Filed March 1, 1999, 2:26 p.m.

* * * * *

Title of Regulation: **4 VAC 20-900-10 et seq. Pertaining to Horseshoe Crab (amending 4 VAC 20-900-10; adding 4 VAC 20-900-25 and 4 VAC 20-900-35).**

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

Effective Date: March 1, 1999.

Summary:

The amendments prohibit the harvest of horseshoe crabs within 1,000 feet of all beaches in Virginia during the horseshoe crab spawning season of May 1 through June 7. Additionally, all persons harvesting or landing horseshoe crabs in Virginia are required to report their harvest and landings to the Virginia Marine Resources Commission.

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

4 VAC 20-900-10. Purpose.

The purpose of this ~~regulation~~ chapter is to establish commercial fisheries management measures and monitoring requirements in accordance with the Interstate Fishery Management Plan for Horseshoe Crab, and to license and identify, for fishery management data gathering purposes, those persons harvesting horseshoe crabs by hand.

4 VAC 20-900-25. Commercial fisheries management measures.

A. It shall be unlawful for any person to harvest horseshoe crabs from any shore or tidal waters of Virginia within 1,000 feet, in any direction, of the mean low water line from May 1 through June 7. The harvests of horseshoe crabs for biomedical use shall not be subject to this limitation.

B. Harvests for biomedical purposes shall require a special permit issued by the Commissioner of Marine Resources, and all crabs taken pursuant to such permit shall be returned to the same waters from which they were collected.

4 VAC 20-900-35. Monitoring requirements.

A. Any person harvesting or landing horseshoe crabs in Virginia shall report monthly on forms provided by the Marine Resources Commission all harvests of horseshoe crabs including, but not limited to, bait fisheries, bycatch, biomedical industry, and scientific and educational research harvests. Reporting requirements shall consist of numbers and pounds landed by sex, harvest method and harvest location.

B. Persons harvesting horseshoe crabs for biomedical use and owners of facilities using horseshoe crabs for biomedical purposes shall monitor and report monthly to the commission all harvests or purchases of horseshoe crabs and the percentage of mortality up to the point of release including that mortality which occurs during harvest, shipping, handling, and bleeding.

C. Owners of biomedical facilities using horseshoe crabs shall participate in the tagging program of the commission to evaluate the post-release mortality of horseshoe crabs.

D. Monthly reports shall be due to the commission no later than the fifth day of the following month.

NOTICE: The form used in administering 4 VAC 200-900-10 et seq., Pertaining to Horseshoe Crab, is listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORM

Virginia Marine Mandatory Reports, rev. 1/99.

Final Regulations

**Mandatory Reporting Form Directions
(Multiple Trip Ticket Form)**

(1) COMMERCIAL REGISTRATION		WATER FISHED (5)	AMT OF GEAR (6)	GEAR (7)	HRS (8) FISHED	CONT. (13)
		SPECIES & MARKET CATEGORY (9)	LIVE WEIGHT OR AMOUNT (10)	✓ (11) PRCD	PRICE (12)	
(2) BUYER & CITY/COUNTY LANDED						
(3) SPECIAL PERMIT INFORMATION						
DATE (4)						

commercial registration number _____ hereby state that I have no harvesting activity in Virginia state waters in the year of 19_____, in the months of _____.

(Circle months of no activity)

JAN FEB MAR APR MAY JUNE
JULY AUG SEPT OCT NOV DEC

commercial registration number _____ hereby state that I have no harvesting activity in Virginia state waters in the year of 19_____, in the months of _____.

(Circle months of no activity)

JAN FEB MAR APR MAY JUNE
JULY AUG SEPT OCT NOV DEC

SIGNATURE: _____

SIGNATURE: _____

FIELD DESCRIPTIONS

FIELD #	DESCRIPTION
1	COMMERCIAL REGISTRATION LICENSE NUMBER
2	NAME OF BUYER AND CITY OR COUNTY WHERE YOU FIRST LANDED YOUR HARVEST
3	SPECIAL PERMIT INFORMATION (eg. CRAB DREDGE, BLACK DRUM, STRIPED BASS PERMIT NUMBER)
4	DATE HARVEST WAS TAKEN FROM WATER
5	WHAT WATER BODY WAS THE GEAR FISHED IN (ONLY ONE)
6	HOW MUCH GEAR WAS WORKING?
7	WHAT TYPE OF GEAR USED (ONLY ONE)
8	HOW LONG WAS THE GEAR WORKING? (HOURS)
9	WHAT SPECIES WAS HARVESTED
10	HOW MUCH WAS HARVESTED? (LBS, BU, NL, IBL, ETC..)
11	CHECK IF HARVEST WAS PROCESSED (PRCD = FILLETED, GUTTED, PICKED, PUFFER TAILS, FINS, ETC.)
12	PRICES (OPTIONAL)
13	PUT AN "X" IN THIS BOX IF HARVEST DATA IS CONTINUED FROM THE SAME DAY, OR THE GEAR OR WATER BODY CHANGES ON THE SAME DAY

PLEASE READ: This is a "first ticket of each 1st ticket" form. On the other four tickets you may only need to put the date, the species, and the amount harvested. However, if you have a check box for "continued" you must check it. If you have a check box for "continued" you must make the changes on each new ticket. Check the continuation box if the harvest information on another ticket is continued from the same day (eg. more than six species, more than one gear or water fished on the same day).

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT US AT 1-800-937-9247.

commercial registration number _____ hereby state that I have no harvesting activity in Virginia state waters in the year of 19_____, in the months of _____.

(Circle months of no activity)

JAN FEB MAR APR MAY JUNE
JULY AUG SEPT OCT NOV DEC

commercial registration number _____ hereby state that I have no harvesting activity in Virginia state waters in the year of 19_____, in the months of _____.

(Circle months of no activity)

JAN FEB MAR APR MAY JUNE
JULY AUG SEPT OCT NOV DEC

SIGNATURE: _____

SIGNATURE: _____

1 COMMERCIAL REGISTRATION #	WATER FISHED	GEAR AMT	GEAR	HRS	CONT.
	SPECIES & MARKET CATEGORY	LIVE WEIGHT OR AMOUNT	✓ IF PRCD	PRICE	
1 BUYER & CITY/COUNTY LANDED					
- SPECIAL PERMIT INFO.					
DATE					

1 COMMERCIAL REGISTRATION #	WATER FISHED	GEAR AMT	GEAR	HRS	CONT.
	SPECIES & MARKET CATEGORY	LIVE WEIGHT OR AMOUNT	✓ IF PRCD	PRICE	
1 BUYER & CITY/COUNTY LANDED					
- SPECIAL PERMIT INFO.					
DATE					

1 COMMERCIAL REGISTRATION #	WATER FISHED	GEAR AMT	GEAR	HRS	CONT.
	SPECIES & MARKET CATEGORY	LIVE WEIGHT OR AMOUNT	✓ IF PRCD	PRICE	
1 BUYER & CITY/COUNTY LANDED					
- SPECIAL PERMIT INFO.					
DATE					

1 COMMERCIAL REGISTRATION #	WATER FISHED	GEAR AMT	GEAR	HRS	CONT.
	SPECIES & MARKET CATEGORY	LIVE WEIGHT OR AMOUNT	✓ IF PRCD	PRICE	
1 BUYER & CITY/COUNTY LANDED					
- SPECIAL PERMIT INFO.					
DATE					

1 COMMERCIAL REGISTRATION #	WATER FISHED	GEAR AMT	GEAR	HRS	CONT.
	SPECIES & MARKET CATEGORY	LIVE WEIGHT OR AMOUNT	✓ IF PRCD	PRICE	
1 BUYER & CITY/COUNTY LANDED					
- SPECIAL PERMIT INFO.					
DATE					

"CONT. □" = Please mark with an "✓" if you are continuing harvest data from the same day (e.g. new gear, new water, etc. on same day)
 "✓ IF PRCD." = The live weight or amount column is actually processed weight (e.g. catfish fillets, puffer tails, gutted fish, etc)
 Complete **All** information on the first ticket of each "5 ticket" form; duplicate information on the following four tickets can be left blank.

089208

VMRC COPY

VA.R. Doc. No. R99-114; Filed March 1, 1999, 2:25 p.m.



Final Regulations

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-50, 13 VAC 10-180-60 [, 13 VAC 10-180-70] and 13 VAC 10-180-90).

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

Effective Date: March 10, 1999.

Summary:

The amendments (i) eliminate definitions that are no longer needed; (ii) require the submission of a local notification form prior to the application deadline; (iii) require successful applicants to submit a completed IRS Form 8821 with a tax credit reservation; (iv) adjust the scoring for preliminary plan of development, final plan of development, proper zoning and building permits; (v) add a scoring category for providing documentation to be sent by the authority to the locality in which the proposed development is to be located prior to the application deadline; (vi) provide points for projects located in locally identified revitalization areas; (vii) limit points for new construction in the Northern Virginia tax credit pool and add points for new construction in the rural tax credit pool; (viii) award points to applications providing for developments with brick exteriors; (ix) delete points for location of proposed developments; (x) remove the use of estimated numbers and provide for the use of standard numbers in the efficient use of tax credit scoring categories; (xi) provide for a uniform scoring threshold; (xii) limit developer's fees in subsequent tax credit applications; (xiii) create a new scoring category for rent restricted units; (xiv) require market studies from any applicant that receives a reservation of tax credits; and (xv) make other technical and clarification changes.

Agency Contact: Copies of the regulation may be obtained from J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540.

13 VAC 10-180-10. Definitions.

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

"*Applicant*" means an applicant for credits under this chapter and also means the owner of the development to whom the credits are allocated.

"*Credits*" means the low-income housing tax credits as described in § 42 of the IRC.

~~"*Estimated highest gross square footage per unit*" means in subdivision 3 a of 13 VAC 10-180-60, the highest total usable, heated square footage, as certified by an architect (or contractor for rehabilitation developments of 24 units or less), for each type of unit as defined by the number of bedrooms (efficiency, one-bedroom unit, two-bedroom unit, three or more bedroom units) in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60.~~

~~"*Estimated lowest gross square footage per unit*" means in subdivision 3 a of 13 VAC 10-180-60, the lowest total usable, heated square footage, as certified by an architect (or contractor for rehabilitation developments of 24 units or less), for each type of unit as defined by the number of bedrooms (efficiency, one-bedroom unit, two-bedroom unit, three or more bedroom units) in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60.~~

~~"*Estimated highest per bedroom cost for new construction units*" means, in subdivision 6 d of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location) per bedroom, as proposed by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.~~

~~"*Estimated highest per bedroom cost for rehabilitation units*" means, in subdivision 6 d of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location) per bedroom, as proposed by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.~~

~~"*Estimated highest per bedroom credit amount for new construction units*" means, in subdivision 6 b of 13 VAC 10-180-60, the highest amount of credits per bedroom (within the low-income housing units), as requested by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.~~

~~"*Estimated highest per bedroom credit amount for rehabilitation units*" means, in subdivision 6 b of 13 VAC 10-180-60, the highest amount of credits per bedroom (within the low-income housing units), as requested by an~~

applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.

~~"Estimated highest per unit cost for new construction units" means, in subdivision 6 c of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location), as proposed by an applicant, in any development in the state (or if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.~~

~~"Estimated highest per unit cost for rehabilitation units" means, in subdivision 6 c of 13 VAC 10-180-60, the highest total development cost (adjusted by the authority for location), as proposed by an applicant, in any development in the state (or if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.~~

~~"Estimated highest per unit credit amount for new construction units" means, in subdivision 6 a of 13 VAC 10-180-60, the highest amount of credits per low-income unit, as requested by an applicant, in any development in the state (or if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of new construction units.~~

~~"Estimated highest per unit credit amount for rehabilitation units" means, in subdivision 6 a of 13 VAC 10-180-60, the highest amount of credits per low-income unit, as requested by an applicant, in any development in the state (or, if the executive director shall so determine, in each pool) for which an application for credits has been filed at the time of assignment of points pursuant to 13 VAC 10-180-60 and which is composed solely of rehabilitation units.~~

"IRC" means the Internal Revenue Code of 1986, as amended, and the rules, regulations, notices and other official pronouncements promulgated thereunder.

"IRS" means the Internal Revenue Service.

"Low-income housing units" means those units which are defined as "low income units" under § 42 of the IRC.

"Qualified application" means a written request for tax credits which is submitted on a form or forms prescribed or approved by the executive director together with all documents required by the authority for submission and meets all minimum scoring requirements.

"Qualified low-income buildings" or "qualified low-income development" means the buildings or development which meets the applicable requirements in § 42 of the IRC to qualify for an allocation of credits thereunder.

13 VAC 10-180-50. Application.

Prior to submitting an application for reservation, applicants shall submit on such form as required by the executive director, the letter for authority signature by which the authority shall notify the chief executive officers (or the equivalent) of the local jurisdictions in which the developments are to be located to provide such officers a reasonable opportunity to comment on the developments. When scoring the applications, the executive director will award points to those applications that submit the form within the deadlines established by the executive director and subtract points from those applications that fail to submit the form by such deadlines.

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

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

Each application shall include evidence of (i) sole fee simple ownership of the site of the proposed development by the applicant, (ii) lease of such site by the applicant for a term exceeding the compliance period (as defined in the IRC) or for such longer period as the applicant represents in the application that the development will be held for occupancy by low-income persons or families or (iii) right to acquire or lease such site pursuant to a valid and binding written option or contract between the applicant and the fee simple owner of such site for a period extending at least four months beyond any application deadline established by the executive director, provided that such option or contract shall have no conditions within the discretion or control of such owner of such site. A contract that permits the owner to continue to market the property, even if the applicant has a

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right of first refusal, does not constitute the requisite site control required in clause (iii) above. No application shall be considered for a reservation or allocation of credits unless such evidence is submitted with the application and the authority determines that the applicant owns, leases or has the right to acquire or lease the site of the proposed development as described in the preceding sentence. In the case of acquisition and rehabilitation of developments funded by Rural Development of the U.S. Department of Agriculture, the site control document does not need to be approved by all partners of the seller if the general partner of the seller executing the site control document provides (i) an attorney's opinion that such general partner has the authority to enter into the site control document and such document is binding on the seller or (ii) a letter from the existing syndicator indicating a willingness to secure the necessary partner approvals upon the reservation of credits.

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

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

IRC and a certification, together with an opinion of an independent certified public accountant or other assurances satisfactory to the executive director, setting forth the calculation of the amount of credits requested by the application and certifying, among other things, that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

~~[Each application shall include a valid IRS Form 8821, Tax Information Authorization, signed by the applicant naming the authority as the appointee to receive tax information. The Forms 8821 of all applicants that receive an allocation of credits will be forwarded to the IRS, which will authorize the IRS to furnish the authority with all IRS information pertaining to the applicants' developments, including audit findings and assessments.]~~

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

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

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

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

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

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

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

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

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth. ~~In any situation in which the executive director deems appropriate, he may treat two or more applications as a single application.~~

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

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

In making the determinations required by *the preceding* subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 *of this section*, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of

the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

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

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

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credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

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

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

1. Readiness.

~~a. Written evidence satisfactory to the authority of (i) *of preliminary approval by local authorities of the plan of development for the proposed development (30 points) or (ii) approval by local authorities of the plan of development or site plan for the proposed development or (iii) that such approval is not required. (20 40 points)*~~

~~b. Written evidence satisfactory to the authority of preliminary approval by local authorities of the plan of development. (10 points)~~

~~e. b. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (30 40 points)~~

~~e. c. Valid building permit(s) or letter dated within three months prior to the application deadline stating~~

that all approvals are in place and building permits will be issued upon receipt of all fees. (~~35 20 points~~)

~~e. d. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)~~

2. Housing needs characteristics.

~~a. Submission of the letter in the form prescribed by the authority with the necessary attachments, addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points)~~

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

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

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

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

~~b. c. Documentation from the local authorities that the proposed development is located in a Qualified Census Tract (QCT) [or such other locally identified~~

revitalization area,] or determination by the authority that the proposed development is located in a Difficult Development Area as defined by the U.S. Department of Housing and Urban Development or in an Enterprise Zone designated by the state. (20 points)

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

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

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

3. Development characteristics.

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

square footage per unit for a given unit type ~~established by the executive director~~ divided by the ~~estimated~~ highest gross square footage per unit for a given unit type ~~established by the executive director~~ minus the ~~estimated~~ lowest gross square footage per unit for a given unit type ~~established by the executive director~~.)

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

~~(2) Rehabilitation of existing housing stock. (25 points if hard construction costs, as determined by the executive director, equal or exceed \$15,000 per unit; 15 points if such hard construction costs equal or exceed \$5,000 up to \$14,999 per unit, provided, however, if combined with points from subdivision b (1) above, the total points from b (1) and b (2) may not exceed 80 points.)~~

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

b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction *in jurisdictions other than the jurisdictions listed in the Northern Virginia [MSA-Poll pools] established by the executive director* (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. *Proposed new construction developments to be located in the jurisdictions listed in the rural pool established by the executive director will receive an additional 20 points; however, no applicant will receive more than 80 points under this subdivision.* Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting ~~VHDA~~ *the authority* to override the point calculations and provide the maximum points under this subdivision.

c. Lower amount of credit request. (Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less

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than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000.)

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

(1) [~~Brick exterior walls. (15 points times the percentage of exterior walls covered by brick) (2)~~] The following points are available for any application:

- (a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points)
- (b) If all units have a washer and dryer. (7 points)
- (c) If all units have a balcony or patio. (5 points)
- (d) If all units have a washer and dryer hook-up only. (3 points)
- (e) If all units have a dishwasher. (2 points)
- (f) If all units have a garbage disposal. (1 point)
- (g) If the development has a laundry room. (1 point)
- (h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)
- (i) If all units have a range hood above the stove. (1 point)
- (j) If all metal windows have thermal breaks, and if insulating glass for windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)
- (k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)
- (l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)
- (m) If all exterior doors exposed to weather are metal. (1 point)

[~~(n) Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)]~~

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

- (a) If all cooking ranges have front controls. (1 point)
- (b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

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

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

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

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

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

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

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

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

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

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

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

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

The maximum number of points that may be awarded under any combination of the scoring categories under [subdivision ~~subdivisions~~] 3 d [~~(2), (3) and (4)~~] of this section is 30 points.

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

~~boundaries, the size of existing tax credit developments in the geographic area and the size of the proposed development.)~~

4. Tenant population characteristics.

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

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

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

5. Sponsor characteristics.

a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. In comparison with the proposed development, the controlling general partner or partners, or principals of the controlling general partner or partners acting in the capacity of controlling general partner or partners, has placed in service one or more developments which, in the aggregate, would result in the highest number of points under one of the following: (i) at least an equal number of low-income housing units (60 points); or (ii) two or more times as many low-income housing units (90 points). For purposes of this subdivision 5 a of this section, each low-income housing tax credit unit developed in Virginia, as evidenced by the issuance of IRS forms 8609, shall count as a full low-income housing unit; each low-income housing tax credit unit developed out of Virginia shall count as 75% of a low-income housing unit; any other developed residential units (either for sale or rental) shall count as 50% of a low-income unit. In implementing the scoring of this subdivision a, (i) only existing units will be counted, (ii) the units of the proposed development will not be counted, and (iii) the executive director may determine that multiple applications for which he deems to be a single development shall be considered a single application. [*The experience of the principals of the controlling partner may be drawn from two or more separate entities, provided that, the officers and directors of such separate entities are identical to each other.*]

b. Participation by a qualified nonprofit organization authorized to do business in Virginia and substantially

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

6. Efficient use of resources.

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

b. The percentage by which the total of the amount of credits per bedroom in such low-income housing units (the "per bedroom credit amount") of the proposed development is less than the ~~weighted average of the estimated highest standard per unit credit amounts established by the executive director per bedroom credit amount for new construction units and the estimated highest per bedroom credit amount for, adaptive reuse units and rehabilitation units, respectively,~~ based upon the number of new construction units, *adaptive reuse units* and rehabilitation units in the proposed development. (If the per bedroom credit amount of the proposed development equals or exceeds ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the proposed development is assigned no points; if the per bedroom credit amount of the proposed development is less than ~~such weighted average the applicable standard per unit credit amount established by the executive director,~~ the difference is calculated as a percentage

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of such ~~weighted average standard per unit credit amount established by the executive director~~, and then multiplied by 120 points.)

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

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

~~With respect to this subdivision 6 only, the term "new construction units" shall be deemed to include adaptive reuse units and units determined by the applicable local governmental unit to be uninhabitable which are intended to be rehabilitated. Also, For the purpose of calculating the points to be assigned pursuant to such subdivision 6 above, all credit amounts shall be those requested in the applicable application include any credits previously allocated to the development, and the per unit credit amount and per bedroom credit amount~~

for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

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

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

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. [*Applicants receiving points under this subdivision a may not receive points under subdivision b below.*] (The product of (i) 50 points multiplied by (ii) the percentage of low-income housing units restricted for occupancy to households at or below 50% of the area median gross income.)

[*b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points multiplied by (ii) the percentage of low-income units restricted to the rents required for occupancy to households at or below 50% of the area median gross income.)*]

[~~b. c.~~] Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 15-year compliance period as defined in the IRC; such commitment beyond the end of the 15-year compliance period and prior to the end of the 30-year

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

[~~e d~~] Commitment by the applicant to sell the proposed development by option or right of first refusal to a qualified nonprofit organization authorized to do business in Virginia and substantially based or active in the community of the development, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for profit entity. The applicant must record such option or right of first refusal as an exhibit to the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants receiving points under this subdivision [~~e d~~] may not receive bonus points under subdivision [~~b c~~] above. (50 points)

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

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

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

points and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines [~~, in his sole discretion,~~] to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits

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remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, ~~if the credits available equal to or exceed 75% of the credits needed for the financial feasibility of~~ *provided that the applicant's modified development produces at least 75% of the units and bedrooms described in the application for the proposed development, or* (ii) move the proposed development and the credits available to another pool, ~~or~~ (iii), ~~for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development.~~ Any modifications shall be subject to the approval of the executive director; ~~provided, however, that in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to 43 VAC 10-180-60 this section.~~ *The reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be made only to proposed developments that rank high enough to receive some credits from the state housing credit ceiling for the current year. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed*

development. However, ~~any such~~ the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the ~~sole~~ reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

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

Notwithstanding anything contained herein, the executive director shall not reserve more than \$1.2 million of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year.

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director [~~in his sole discretion~~]. *The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director may, as a condition to the binding commitment, require each applicant to obtain a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.*

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from

which the current year's credits are reserved to such applicants.

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

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

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

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

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

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

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

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

[13 VAC 10-180-70. Allocation of credits.

At such time as one or more of an applicant's buildings or an applicant's development which has received a reservation of credits is (i) placed in service or satisfies the requirements of § 42(h)(1)(E) of the IRC and (ii) meets all of the preallocation requirements of this chapter, the binding commitment and any other applicable contractual agreements between the applicant and the authority, the applicant shall so advise the authority, shall request the allocation of all of the credits so reserved or such portion thereof to which the applicant's buildings or development is then entitled under the IRC, this chapter, the binding commitment and the aforementioned contractual agreements, if any, and shall submit such application, certifications, legal and accounting opinions, evidence as to costs, a breakdown of sources and uses of funds, pro forma financial statements setting forth anticipated cash flows, and

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other documentation as the executive director shall require in order to determine that the applicant's buildings or development is entitled to such credits as described above. The applicant shall certify to the authority the full extent of all federal, state and local subsidies which apply (or which the applicant expects to apply) with respect to the buildings or the development.

As of the date of allocation of credits to any building or development and as of the date such building or such development is placed in service, the executive director shall determine the amount of credits to be necessary for the financial feasibility of the development and its viability as a qualified low-income housing development throughout the credit period under the IRC. In making such determinations, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines, ~~in his sole discretion,~~ to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall then deem reasonable (or he may apply the criteria and assumptions he established pursuant to 13 VAC 10-180-60) for the purpose of making such determinations, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined in 13 VAC 10-180-60) at fixed interest rates, debt service on the proposed mortgage loan. The amount of credits allocated to the applicant shall in no event exceed such amount as so determined by the executive director by more than a de minimis amount of not more than \$100.

Prior to allocating credits to an applicant, the executive director shall require the applicant to execute and deliver to the authority a valid IRS Form 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information. The Forms 8821 of all applicants will be forwarded to the IRS, which will authorize the IRS to furnish the authority with all IRS information pertaining.

Prior to allocating the credits to an applicant, the executive director shall require the applicant to execute, deliver and record among the land records of the appropriate jurisdiction or jurisdictions an extended low-income housing

commitment in accordance with the requirements of the IRC. Such commitment shall require that the applicable fraction (as defined in the IRC) for the buildings for each taxable year in the extended use period (as defined in the IRC) will not be less than the applicable fraction specified in such commitment and which prohibits both (i) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of a low-income unit and (ii) any increase in the gross rent with respect to such unit not otherwise permitted under the IRC. The amount of credits allocated to any building shall not exceed the amount necessary to support such applicable fraction, including any increase thereto pursuant to § 42(f)(3) of the IRC reflected in an amendment to such commitment. The commitment shall provide that the extended use period will end on the day 15 years after the close of the compliance period (as defined in the IRC) or on the last day of any longer period of time specified in the application during which low-income housing units in the development will be occupied by tenants with incomes not in excess of the applicable income limitations; provided, however, that the extended use period for any building shall be subject to termination, in accordance with the IRC, (i) on the date the building is acquired by foreclosure or instrument in lieu thereof unless a determination is made pursuant to the IRC that such acquisition is part of an agreement with the current owner thereof, a purpose of which is to terminate such period or (ii) the last day of the one-year period following the written request by the applicant as specified in the IRC (such period in no event beginning earlier than the end of the fourteenth year of the compliance period) if the authority is unable to present during such one-year period a qualified contract (as defined in the IRC) for the acquisition of the building by any person who will continue to operate the low-income portion thereof as a qualified low-income building. In addition, such termination shall not be construed to permit, prior to close of the three-year period following such termination, the eviction or termination of tenancy of any existing tenant of any low-income housing unit other than for good cause or any increase in the gross rents over the maximum rent levels then permitted by the IRC with respect to such low-income housing units. Such commitment shall also contain such other terms and conditions as the executive director may deem necessary or appropriate to assure that the applicant and the development conform to the representations, commitments and information in the application and comply with the requirements of the IRC and this chapter. Such commitment shall be a restrictive covenant on the buildings binding on all successors to the applicant and shall be enforceable in any state court of competent jurisdiction by individuals (whether prospective, present or former occupants) who meet the applicable income limitations under the IRC.

In accordance with the IRC, the executive director may, for any calendar year during the project period (as defined in the IRC), allocate credits to a development, as a whole, which contains more than one building. Such an allocation shall apply only to buildings placed in service during or prior to the end of the second calendar year after the calendar year in which such allocation is made, and the portion of such

allocation allocated to any building shall be specified not later than the close of the calendar year in which such building is placed in service. Any such allocation shall be subject to satisfaction of all requirements under the IRC.

If the executive director determines that the buildings or development is so entitled to the credits, he shall allocate the credits (or such portion thereof to which he deems the buildings or the development to be entitled) to the applicant's qualified low-income buildings or to the applicant's development in accordance with the requirements of the IRC. If the executive director shall determine that the applicant's buildings or development is not so entitled to the credits, he shall not allocate the credits and shall so notify the applicant within a reasonable time after such determination is made. In the event that any such applicant shall not request an allocation of all of its reserved credits or whose buildings or development shall be deemed by the executive director not to be entitled to any or all of its reserved credits, the executive director may reserve or allocate, as applicable, such unallocated credits to the buildings or developments of other qualified applicants at such time or times and in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

The executive director may prescribe (i) such deadlines for submissions of requests for allocations of credits for any calendar year as he deems necessary or desirable to allow sufficient processing time for the authority to make such allocations within such calendar year and (ii) such deadlines for satisfaction of all preallocation requirements of the IRC the binding commitment, any contractual agreements between the authority and the applicant and this chapter as he deems necessary or desirable to allow the authority sufficient time to allocate to other eligible applicants any credits for which the applicants fail to satisfy such requirements.

The executive director may make the allocation of credits subject to such terms as he may deem necessary or appropriate to assure that the applicant and the development comply with the requirements of the IRC.

The executive director may also (to the extent not already required under 13 VAC 10-180-60) require that all applicants make such good faith deposits or execute such contractual agreements with the authority as the executive director may require with respect to the credits, (i) to ensure that the buildings or development are completed in accordance with the binding commitment, including all of the representations made in the application for which points were assigned pursuant to 13 VAC 10-180-60 and (ii) only in the case of any buildings or development which are to receive an allocation of credits hereunder and which are to be placed in service in any future year, to assure that the buildings or the development will be placed in service as a qualified low-income housing project (as defined in the IRC) in accordance with the IRC and that the applicant will otherwise comply with all of the requirements under the IRC.

In the event that the executive director determines that a development for which an allocation of credits is made shall not become a qualified low-income housing project (as

defined in the IRC) within the time period required by the IRC or the terms of the allocation or any contractual agreements between the applicant and the authority, the executive director may terminate the allocation and rescind the credits in accordance with the IRC and, in addition, may draw on any good faith deposit and enforce any of the authority's rights and remedies under any contractual agreement. An allocation of credits to an applicant may also be cancelled with the mutual consent of such applicant and the executive director. Upon the termination or cancellation of any credits, the executive director may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.]

13 VAC 10-180-90. Monitoring for IRS compliance.

A. Federal law requires the authority to monitor developments receiving credits for compliance with the requirements of § 42 of the IRC and notify the IRS of any noncompliance of which it becomes aware. Compliance with the requirements of § 42 of the IRC is the responsibility of the owner of the building for which the credit is allowable. The monitoring requirements set forth hereinbelow are to qualify the authority's allocation plan of credits. The authority's obligation to monitor for compliance with the requirements of § 42 of the IRC does not make the authority liable for an owner's noncompliance, nor does the authority's failure to discover any noncompliance by an owner excuse such noncompliance.

B. The owner of a low-income housing development must keep records for each qualified low-income building in the development that show for each year in the compliance period:

1. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit).
2. The percentage of residential rental units in the building that are low-income units.
3. The rent charged on each residential rental unit in the building (including any utility allowances).
4. The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under § 42(g)(2) of the IRC (as in effect before the amendments made by the *federal Revenue Reconciliation Act of 1989*).
5. The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented.
6. The annual income certification of each low-income tenant per unit.
7. Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W-2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the

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determination of annual income under section 8 of the United States Housing Act of 1937, 42 USC § 1401 et seq. ("section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under section 8, the documentation requirement of this subdivision 7 is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under § 42(g) of the IRC.

8. The eligible basis and qualified basis of the building at the end of the first year of the credit period.

9. The character and use of the nonresidential portion of the building included in the building's eligible basis under § 42(d) of the IRC (e.g., tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the development).

The owner of a low-income housing development must retain the records described in this subsection B for at least six years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

C. The owner of a low-income housing development must certify annually to the authority, on the form prescribed by the authority, that, for the preceding 12-month period:

1. The development met the requirements of the 20-50 test under § 42(g)(1)(A) of the IRC or the 40-60 test under § 42(g)(2)(B) of the IRC, whichever minimum set-aside test was applicable to the development.

2. There was no change in the applicable fraction (as defined in § 42(c)(1)(B) of the IRC) of any building in the development, or that there was a change, and a description of the change.

3. The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving section 8 housing assistance payments, the statement from a public housing authority described in subdivision 7 of subsection B of *this section* (unless the owner has obtained a waiver from the IRS pursuant to § 42(g)(8)(B) of the IRC).

4. Each low-income unit in the development was rent-restricted under § 42(g)(2) of the IRC.

5. All units in the development were for use by the general public and used on a nontransient basis (except for transitional housing for the homeless provided under § 42(i)(3)(B)(iii) of the IRC).

6. Each building in the development was suitable for occupancy, taking into account local health, safety, and building codes.

7. There was no change in the eligible basis (as defined in § 42(d) of the IRC) of any building in the development, or if there was a change, the nature of the change (e.g., a common area has become commercial space, or a fee is now charged for a tenant facility formerly provided without charge).

8. All tenant facilities included in the eligible basis under § 42(d) of the IRC of any building in the development, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building.

9. If a low-income unit in the development became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the development were or will be rented to tenants not having a qualifying income.

10. If the income of tenants of a low-income unit in the development increased above the limit allowed in § 42(g)(2)(D)(ii) of the IRC, the next available unit of comparable or smaller size in the development was or will be rented to tenants having a qualifying income.

11. An extended low-income housing commitment as described in § 42(h)(6) of the IRC was in effect (for buildings subject to § 7108(c)(1) of the *federal* Revenue Reconciliation Act of 1989).

Such certifications shall be made annually covering each year of the compliance period and must be made under the penalty of perjury.

In addition, each owner of a low-income housing development must provide to the authority, on a form prescribed by the authority, a certification containing such information necessary for the Commonwealth to determine the eligibility of tax credits for the first year of the development's compliance period.

D. The authority will review each certification set forth in subsection C of this section for compliance with the requirements of § 42 of the IRC. Also, the authority will inspect at least 20% of low-income housing developments each year and will inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20% of the low-income units in those developments. The authority will determine which low-income housing developments will be reviewed in a particular year and which tenant's records are to be inspected.

In addition, the authority, at its option, may request an owner of a low-income housing development not selected for the review procedure set forth above in a particular year to submit to the authority for compliance review copies of the annual income certifications, the documentation such owner has received to support those certifications and the rent record for each low-income tenant of the low-income units in their development.

All low-income housing developments may be subject to review at any time during the compliance period.

E. The authority has the right to perform, and each owner of a development receiving credits shall permit the performance of, an on-site inspection of any low-income housing development through the end of the compliance period of the building. The inspection provision of this subsection E is separate from the review of low-income certifications, supporting documents and rent records under subsection D of this section.

The owner of a low-income housing development should notify the authority when the development is placed in service. The authority [~~, at its sole discretion,~~] reserves the right to inspect the property prior to issuing IRS Form 8609 to verify that the development conforms to the representations made in the Application for Reservation and Application for Allocation.

F. The authority will provide written notice to the owner of a low-income housing development if the authority does not receive the certification described in subsection C of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in subsection D of this section or discovers by inspection, review, or in some other manner, that the development is not in compliance with the provisions of § 42 of the IRC.

Such written notice will set forth a correction period which shall be that period specified by the authority during which an owner must supply any missing certifications and bring the development into compliance with the provisions of § 42 of the IRC. The authority will set the correction period for a time not to exceed 90 days from the date of such notice to the owner. The authority may extend the correction period for up to 6 months, but only if the authority determines there is good cause for granting the extension.

The authority will file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the IRS no later than 45 days after the end of the correction period (as described above, including any permitted extensions) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The authority must explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under subdivisions 2 and 7 of subsection C of this section, respectively, that results in a decrease in the qualified basis of the development under § 42(c)(1)(A) of the IRC is noncompliance that must be reported to the IRS under this subsection F. If the authority reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the authority need not file Form 8823 in subsequent years to report that building's noncompliance.

The authority will retain records of noncompliance or failure to certify for six years beyond the authority's filing of the respective Form 8823. In all other cases, the authority

must retain the certifications and records described in subsection C of this section for three years from the end of the calendar year the authority receives the certifications and records.

G. If the authority decides to enter into the agreements described below, the review requirements under subsection D of this section will not require owners to submit, and the authority is not required to review, the tenant income certifications, supporting documentation and rent records for buildings financed by the Rural Economic *and* Community Development (RECD) under the § 515 program, or buildings of which 50% or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under § 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the authority must enter into an agreement with the RECD or tax-exempt bond issuer. Under the agreement, the RECD or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the authority. The authority may assume the accuracy of the information provided by RECD or the tax-exempt bond issuer without verification. The authority will review the information and determine that the income limitation and rent restriction of § 42(g)(1) and (2) of the IRC are met. However, if the information provided by the RECD or tax-exempt bond issuer is not sufficient for the authority to make this determination, the authority will request the necessary additional income or rent information from the owner of the buildings. For example, because RECD determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under section 8, the authority may have to calculate the tenant's income for purposes of § 42 of the IRC and may need to request additional income information from the owner.

H. The owners of low-income housing developments must pay to the authority such fees in such amounts and at such times as the authority shall [~~, in its sole discretion,~~] reasonably require the owners to pay in order to reimburse the authority for the costs of monitoring compliance with § 42 of the IRC.

I. The owners of low-income housing developments that have submitted IRS Forms 8821, Tax Information Authorization, naming the authority as the appointee to receive tax information on such owners shall submit from time to time renewals of such Forms 8821 as required by the authority throughout the extended use period.

VA.R. Doc. No. R99-43; Filed March 10, 1999, 10:40 a.m.



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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE APPRAISER BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 9 of the Code of Virginia, which exempts 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 Real Estate Appraiser Board will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 18 VAC 130-20-10 et seq. Real Estate Appraiser Board Rules and Regulations (amending 18 VAC 130-20-130).

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Effective Date: May 1, 1999.

Summary:

The amendments reduce the fees charged for renewal of licenses and certifications.

Agency Contact: Copies of the regulation may be obtained from Karen W. O'Neal, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2039.

18 VAC 130-20-130. Fees for renewal and reinstatement.

A. All fees are nonrefundable.

B. National registry fee assessment. In accordance with the requirements of § 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, \$50 of the biennial renewal or reinstatement fee assessed for all certified general real estate appraisers, certified residential and licensed residential real estate appraisers shall be submitted to the Appraisal Subcommittee. The registry fee may be adjusted in accordance with the Act and charged to the licensee.

Renewal and reinstatement fees for a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser and an appraiser trainee include a \$21 fee for a copy of the Uniform Standards of Professional Appraisal Practice. This fee is subject to the fee charged by the Appraisal Foundation and may be adjusted and charged to the applicant in accordance with the fee charged by the Appraisal Foundation.

C. Renewal fees are as follows:

Certified general real estate appraiser	\$146 \$111
Certified residential real estate appraiser	\$146 \$111
Licensed residential real estate appraiser	\$146 \$111
Appraiser trainee	\$66 \$61
Registered business entity	\$65 \$60

Certified instructor \$130 \$125

D. Reinstatement fees are as follows:

Certified general real estate appraiser	\$171
Certified residential real estate appraiser	\$171
Licensed residential real estate appraiser	\$171
Appraiser trainee	\$121
Registered business entity	\$100
Certified instructor	\$230

VA.R. Doc. No. R99-117; Filed March 4, 1999, 11:01 a.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

The distribution lists that are referenced as Appendices A and B in the following order are not being published. However, these lists are available from the agency contact person listed below.

Title of Regulation: 20 VAC 5-400-10 et seq. Telecommunications (adding 20 VAC 5-400-151).

Statutory Authority: § 12.1-13 of the Code of Virginia.

Effective Date: July 1, 1999.

Agency Contact: Copies of the regulation may be obtained from Kathleen A. Cummings, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9420. There is a charge for copies of \$1.00 for the first two pages and 50¢ for each page thereafter.

AT RICHMOND, February 26, 1999

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: Investigation of the termination of local exchange for failure to pay for long distance services
CASE NO. PUC970113

FINAL ORDER

By order entered July 23, 1997, the Commission invited comments concerning its investigation of the termination of local exchange services for failure to pay for long distance services. Comments were filed by nine parties on September 5, 1997. On September 26, 1997, the Commission's Staff submitted a report that included

recommendations and suggestions for further action. The Commission invited comments in response to the Staff report. Responses were submitted on January 16, 1998, by Hyperion Telecommunications of Virginia, Inc., MCI Telecommunications Corporation, and Bell Atlantic-Virginia, Inc. ("BA-VA").

By order of August 3, 1998, the Commission propounded five proposed rules (Attachment A to that order), invited comments concerning the proposed rules, and directed publication of the proposed rules in the Virginia Register. Comments concerning the proposed rules were received, on or before September 4, 1998, from AT&T Communications of Virginia, Inc. ("AT&T"), MCI Telecommunications (now MCI WorldCom, "MCIW") BA-VA, the Virginia Telecommunications Industry Association ("VTIA"), Cox Virginia Telecom, Inc., GTE South, Inc., Sprint Communications Company LP ("Sprint"), Central Telephone Company of Virginia ("Centel"), United Telephone-Southeast, Inc. ("United"), John Grier Construction Company, LCI International Telecom Corp., Bottom Line Solutions, Inc., Virginia Citizens Consumer Council ("VCCC"), and numerous private citizens.

On October 16, 1998, MCIW filed its Motion to Investigate "Cramming" and "Slamming" and requested the Commission to form an industry-staff task force to study these two problem areas.

Pursuant to that motion and the comments received earlier, the Commission, on October 20, 1998, entered its Order Scheduling Hearing "to receive evidence concerning the possible economic and financial effects of implementing the proposed rules, any issues raised in the above-noted MCI comments, and any other matter, material and relevant to the issues." The hearing date was subsequently rescheduled from November 24, 1998, to February 17, 1999, pursuant to a motion for additional time filed by the VTIA.

The matter was heard February 17, 1999. Public comments were received from Jean Ann Fox, Vice President of the VCCC. Appearances were entered by Robert M. Gillespie on behalf of the Commission's Staff; Warner F. Brundage, Jr. on behalf of BA-VA; Donald G. Owens and Michael McRae on behalf of AT&T; Michelle Walsh on behalf of the VTIA; James Scheltema on behalf of MCIW; and James B. Wright on behalf of Sprint, Centel, and United.

Testimonies were presented by Kathleen A. Cummings on behalf of the Commission's Staff; Lawrence S. Grant on behalf of BA-VA; Lilli Taylor on behalf of Sprint, Centel, and United; Denise Crombie on behalf of AT&T; and Donald A. Laub on behalf of MCIW.

Having considered the comments, the testimony and exhibits submitted at the February 17th hearing, and the proposed rules, the Commission has determined that the proposed rules should be adopted as published with one exception. That exception is proposed Rule D. Rule D needs only slight modification to accommodate the concerns of the parties that a Local Exchange Carrier ("LEC") is incapable of blocking access to only selected Interexchange

Carriers ("IXCs") from the LEC's facilities. To address that concern, Rule D is modified as follows:

A LEC billing on behalf of an interexchange carrier may, together with the interexchange carrier, block a customer's access to the interexchange carrier when the toll charges of the interexchange carrier have not been paid by that customer; but the LEC may not block that customer's access to other interexchange carriers for such nonpayment.

Due to the Federal Communications Commission's continuing investigation of "cramming" and "slamming," we are not persuaded to grant MCIW's motion to create such a task force at this time.

Accordingly, IT IS THEREFORE ORDERED THAT:

- (1) MCIW's Motion to Investigate "Cramming" and "Slamming" is denied.
- (2) The proposed rules as modified and restated in Attachment A hereto, are hereby adopted and shall become effective on July 1, 1999.
- (3) The rules as adopted shall be published in the Virginia Register.
- (4) There being nothing further to come before the Commission, this matter is dismissed and the record developed herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange company subject to the jurisdiction of the Commission as set out in Appendix A attached hereto; each interexchange carrier certificated in Virginia as set out in Appendix B attached hereto; to the office of Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Cox Virginia Telcom, Inc., Edward L. Petrini, Esquire and John D. Sharer, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Warner F. Brundage, Jr., Esquire, Vice President, General Counsel and Secretary, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219; Wilma R. McCarey, Esquire, AT&T Communications of Virginia, Inc., 3033 Chainbridge Road, Room 3-D, Oakton, Virginia 22185; Virginia Telecommunications Industry Association, Michelle K. Walsh, Esquire and Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Stephen C. Spencer, Regional Director-External Affairs, GTE South Incorporated, Three James Center, Suite 1200, 1051 East Cary Street, Richmond, Virginia 23219; MCI Telecommunications WorldCom; James R.J. Scheltema, Esquire, 1133 Nineteenth Street, N.W., Room 437, Washington, D.C. 20036; James B. Wright, Senior Attorney, Sprint Mid-Atlantic Telecom, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; Hyperion Telecommunications of Virginia, Inc., Janet S. Livengood, Esquire, DDI Plaza Two, 500 Thomas Street, Suite 400, Bridgeville, Pennsylvania 15107-2838; J. Scott Nicholls and Heather Troxell, LCI International, 8180

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Greensboro Drive, Suite 800, McLean, Virginia 22102; Catherine L. Caddy, President, Bottom Line Solutions, Inc., P.O. Box 8791, Roanoke, Virginia 24014; Joseph S. Terrell, Sr., President, John Grier Construction Company, P.O. Box 191, Williamsburg, Virginia 23187-0191; MCI Telecommunications Corporation, Eric Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Hyperion Telecommunications of Virginia, Inc., Dana Frix, Esquire and Jonathan D. Draluck, Esquire, Swidler & Berlin, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 6 North 6th Street, Suite 402, Richmond, Virginia 23219; Andrew D. Lipman, Esquire and Jean L. Kiddoo, Esquire, Swidler & Berlin, 3000 K Street, N.W., Washington, D.C. 20007-5116; Operator Service Providers, Mr. Paul Gamberg, 6611 Valjean Avenue, #201, Van Nuys, California 91406; Lois Hash, 3328 Williamson Road, Roanoke, Virginia 24012; David Altizer, 301 Memorial Boulevard, Narrows, Virginia 24124; Hilda Isaacs, 4601 Mayflower Road, Apartment 4K, Norfolk, Virginia 23508; Louise Gwaltney, 100 Tricia Lane, Apartment 1A, Newport News, Virginia 23601; W. Charles Cox, 4612 Sanders Drive, Roanoke, Virginia 24019-5836; Janelle K. Hamric, 5034 Sugar Grove Highway, Sugar Grove, Virginia 24375-3160; Mr. and Mrs. James C. Eure, 1916 Redgate Drive, Portsmouth, Virginia 23702; Horace and Arline McClellan, 480 Wassona Drive, Marion, Virginia 24354; Elizabeth D. Prater, 4885 Sugar Grove Highway, Sugar Grove, Virginia 24375-3166; Perry A. Rivkind, 11164 Park Place, Smithfield, Virginia 23430; Ann M. Hills, Worthington Hanon, Ltd., 469 S. Five Fork Road, Monroe, Virginia 24575-2753; David F. Johnston, Sr., President, Antique Properties, Inc., P.O. Box 1265, Bowling Green, Virginia 22427; Carol L. Baynes, 1105-D North Hamilton Street, Richmond, Virginia 23221; Elizabeth R. Price, 13060 Northridge Road, Abingdon, Virginia 24210; the Commission's Office of General Counsel and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

20 VAC 5-400-151. Disconnection of local exchange telephone service.

A. A Local Exchange Company ("LEC") may terminate local exchange service only for a customer's failure to pay for services billed on behalf of the LEC when the services are in tariffs on file with the Virginia State Corporation Commission and there is no bona fide dispute concerning such services. After intraLATA dialing parity has been implemented, a LEC may not terminate local exchange service for a customer's failure to pay for the LEC's intraLATA toll services.

B. LECs shall indicate on customers' monthly bills those items for which service may not be terminated for failure to pay and shall include an explanation, by footnote or otherwise, that local telephone service may not be terminated for failure to pay for those services. The form of this notification must receive prior approval from the commission's Division of Communications.

C. LEC White Pages telephone directories published after the date of the order adopting this section shall include an

explanation of the services for which local exchange service may be terminated for failure to pay.

D. [~~LECs may not block a customer's access to all Inter Exchange Carriers (IXCs) for that customer's failure to pay toll charges of an IXC. A LEC billing on behalf of an interexchange carrier may, together with the interexchange carrier, block a customer's access to the interexchange carrier when the toll charges of the interexchanges carrier have not been paid by that customer; but the LEC may not block that customer's access to other interexchange carriers for such nonpayment.]~~

E. Customer payments that are less than the total bill balance shall be credited first to basic local exchange access and usage, with any remainder credited next to any other LEC noncompetitive tariffed services, and finally to any other charges on the bill.

VA.R. Doc. No. R98-306; Filed March 3, 1999, 10:41 a.m.

EMERGENCY REGULATIONS

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: 13 VAC 5-51-10 et seq. Virginia Statewide Fire Prevention Code (amending 13 VAC 5-51-20 and 13 VAC 5-51-130; adding 13 VAC 5-51-135 and 13 VAC 5-51-136).

Statutory Authority: § 27-97 of the Code of Virginia.

Effective Dates: March 10, 1999, through March 9, 2000.

Preface:

This emergency change is a result of research by the Attorney General's office concerning the authority of the Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education; and Juvenile Justice to promulgate any fire prevention regulations. The Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education; and Juvenile Justice have promulgated fire prevention regulations which they have been instructed cannot be enforced.

Currently, the Virginia Statewide Fire Prevention Code does not have provisions to deal with retrofitting of residential buildings with smoke detectors and fire extinguishers and requiring unannounced fire exit drills as required by the Virginia Department of Social Services; Mental Health, Mental Retardation and Substance Abuse services; Education; and Juvenile Justice regulations.

Because of the above, a potentially unsafe situation may have been created with regard to newly licensed child care programs in existing residences not equipped with smoke detectors and in any newly licensed child care programs in any residential building with regard to fire extinguishers and fire exit drills.

This emergency amendment to the Virginia Statewide Fire Prevention Code, through § 13 VAC 5-51-20 D, will require each existing building when defined as a "State Regulated Care Facility" top have installed and maintained (in accordance with the USBC) at least one portable fire extinguisher on each floor and alt least one smoke detector (i) in each bedroom hallway, (ii) at the top of each interior stairway, (iii) in each area designate for smoking and (iv) in or immediately adjacent to each room with a furnace or other heat source. Smoke detectors shall be tested each month and a record of the tests shall be maintained for two years.

And § 13 VAC 5-51-136 will require a "State Regulated Care Facility" to conduct fire exit drills not less than 12 times per year with not less than six of the drills required to be unannounced.

Agency Contact: George Rickman, Agency Regulatory Coordinator, Department of Housing and Community Development, Jackson Center, 501 N. 2nd Street, 4th floor, Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

13 VAC 5-51-20. BNFP Section F-101.0 General.

A. Change subsection F-101.1 to read:

F-101.1. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code, hereinafter referred to as "this code." This code contains provisions of the BNFP as published by BOCA International, Inc., and provisions developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development which change provisions of the BNFP. Where conflicts occur between unchanged and changed provisions of the BNFP, the changed provisions shall govern.

Note: The Virginia Statewide Fire Prevention Code as on file with the Virginia Code Commission sets out the changed sections of the BNFP using Virginia Administrative Code (VAC) section numbering and correlates those changes to conform to the BNFP section numbering. Replacement pages for the BNFP containing the changed sections marked in the margin with a double line may be obtained from DHCD.

B. Change subsection F-101.2 to read:

F-101.2. Scope: These regulations provide for statewide standards to be complied with to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, wherever located. This code also prescribes regulations for the handling, storage and use of explosives and blasting agents.

The SFPC shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision. When any provision of this code is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid. Wherever the words "building code" appear they shall mean the applicable USBC.

C. Change subsection F-101.3 to read:

F-101.3. Relationship to USBC: The USBC shall not supersede provisions of this code to be complied with in existing structures, provided such provisions of this code shall not impose requirements that are more restrictive than those of the USBC under which the structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such structures shall be subject to the USBC.

Emergency Regulations

Inspections of structures other than state-owned structures under construction and the review and approval of construction documents for these structures for enforcement of the USBC shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the code official in those localities which enforce this code or to the State Fire Marshal in those localities which do not enforce this code.

D. Add subsection F-101.3.1 to read:

F-101.3.1. Inspections for USBC requirements: The code official shall require that buildings subject to the requirements of the USBC subsections 3402.3, 3402.4, 3402.5, 3402.6, 3402.7, 3402.10, 3402.12, 3402.13 and 3402.14 and 3402.15 comply with the provisions of those subsections.

13 VAC 5-51-130. BNFPC Section F-202.0 General Definitions.

A. Add the following definitions:

Blaster, restricted: See Section F-3002.0.

Blaster, unrestricted: See Section F-3002.0.

DHCD: The Virginia Department of Housing and Community Development.

Local government: The governing body of any county, city, or town in this Commonwealth.

State Fire Marshal: The State Fire Marshal as provided for by § 36-139.2 of the Code of Virginia.

State Regulated Care Facility (SCRF). A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department Education or Virginia Department Juvenile Justice (Use groups R-2, R-3 and R-4 only).

TRB: The Virginia State Building Code Technical Review Board.

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

B. Change the following definition to read:

Code official: The officer or other designated authority charged with administration and enforcement of this code, or a duly authorized representative. For the purpose of this code, the term "code official" shall have the same meaning as used in § 27-98.1 of the Code of Virginia.

13 VAC 5-51-135. BNFPC Section F-701.0 General.

Add subsection F-701.1.1 to read:

F-701.1.1 State Regulated Care Facilities: SCRF shall comply with this section and the provisions of section F-704.0.

13 VAC 5-51-136. BNFPC Section F-704.0 Use Group I-1-Residential Care.

Add subsection F-704.3.1 to read:

F-704.3.1 State Regulated Care Facilities: Fire exit drills for SCRF shall be conducted not less than 12 times per year. Not less than six of the drills are required to be unannounced.

/s/ William C. Shelton, Director
Department of Housing and Community Development
Date: October 13, 1998

/s/ Joshua N. Lief
Deputy Secretary of Commerce and Trade
Date: February 5, 1999

/s/ James S. Gilmore, III
Governor
Date: February 18, 1999

VA.R. Doc. No. R99-128; Filed March 10, 1999, 11:33 a.m.

* * * * *

Title of Regulation: 13 VAC 5-61-10 et seq. Virginia Uniform Statewide Building Code (amending 13 VAC 5-61-200 and 13 VAC 5-61-440).

Statutory Authority: § 36-98 of the Code of Virginia.

Effective Dates: March 10, 1999, through March 9, 2000.

Preface:

This emergency change is a result of research by the Attorney General's office concerning the authority of the Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education; and Juvenile Justice to promulgate any fire prevention regulations. The Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education; and Juvenile Justice have promulgated fire prevention regulations which they have been instructed cannot be enforced.

Currently, the Virginia Uniform Statewide Building Code does not have provisions to deal with retrofitting of residential buildings with smoke detectors and fire extinguishers as required by the Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services, Education; and Juvenile Justice regulations.

Because of the above, a potentially unsafe situation may have been created with regard to newly licensed child care programs in existing residences not equipped with smoke detectors and in any newly licensed child care programs in any residential building with regard to fire extinguishers.

Therefore, the Board of Housing and Community Development adopted the fire safety provisions contained within the regulations of the Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education; and Juvenile Justice, regarding smoke detectors and fire extinguishers in state regulated care facilities as emergency amendments to the Uniform Statewide Building Code, and in doing so, kept in place the estimated existing level of fire safety for state regulated residential care facilities.

The emergency amendments to the Virginia Uniform Statewide Building Code, through § 3402.15, will require each existing building when defined as a "State Regulated Care Facility" to have installed and maintained at least one portable fire extinguisher on each floor and at least one smoke detector (i) in each bedroom hallway, (ii) at the top of each interior stairway, (iii) in each area designated for smoking; and (iv) in or immediately adjacent to each room with a furnace or other heat source. Smoke detectors will be required to be tested monthly and the records of such tests maintained for two years.

Agency Contact: George Rickman, Agency Regulatory Coordinator, Department of Housing and Community Development, Jackson Center, 501 N. 2nd Street, 4th floor, Richmond, VA 23219-1321, telephone (804) 371-7170 or FAX (804) 371-7092.

13 VAC 5-61-200. BNBC Section 202.0 General Definitions.

A. Change the following definitions to read:

Building: A combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property; however, farm buildings not used for residential purposes and frequented generally by the owner, members of his family and farm employees shall be exempt from this code, but such buildings lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. For application of this code, each portion of a building which is completely separated from other portions by fire walls complying with Section 707.0 shall be considered as a separate building.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or lessee in control of a building or structure.

Structure: An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks,

storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. Farm structures not used for residential purposes shall be exempt from the provisions of this code, but such structures lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

B. Add the following definitions to read:

Breezeway: See Section 1002.0.

Building regulations: Any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

Construction: The construction, reconstruction, alteration, repair, or conversion of buildings and structures.

Day-night average sound level (Ldn): See Section 1202.0.

DHCD: The Virginia Department of Housing and Community Development.

Equipment: Plumbing, heating, electrical, ventilating, air-conditioning and refrigeration equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

Farm structure: A structure located on a farm utilized for either the storage, handling or production of agricultural, horticultural or floricultural products or the sheltering, raising or processing of farm animals or farm animal products, which products or animals are normally intended for sale to domestic or foreign markets. The term shall include structures used for the maintenance, storage or use of farm equipment.

Industrialized building: A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes shall not be considered industrialized buildings for the purpose of this code.

Emergency Regulations

Local building department: The agency or agencies of any local governing body charged with the administration, supervision or enforcement of this code, approval of plans, inspection of buildings or issuance of permits, licenses, certificates, or similar documents. For application of this code the term "department of building inspection" shall mean the local building department.

Manufactured home: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

State Regulated Care Facility (SCRF). A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department Education or Virginia Department Juvenile Justice (Use groups R-2, R-3 and R-4 only).

Sound transmission class (STC) rating: See Section 1202.0.

TRB: The Virginia State Building Code Technical Review Board.

C. Delete the definition "Approved rules."

13 VAC 5-61-440. BNBC Section 3402.0 General requirements.

A. Change subsection 3402.2 to read:

3402.2. Replacement glass: Any replacement glass installed in buildings constructed prior to the initial effective date of this code shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation.

B. Change subsection 3402.3 to read:

3402.3. Smoke detectors in colleges and universities: College and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices installed therein in accordance with this code in effect on July 1, 1982. All public and private college and university dormitories shall have installed and use due diligence in maintaining in good working order such detectors regardless of when the building was constructed.

The chief administrative office of the college or university shall obtain a certificate of compliance with the provisions of this subsection from the building official of the locality in which the college or university is

located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

The provisions of this section shall not apply to any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

C. Change subsection 3402.4 to read:

3402.4. Smoke detectors in certain juvenile care facilities: Battery-powered or AC-powered smoke detectors shall be installed and maintained in all local and regional detention homes, group homes, and other residential care facilities for children and juveniles which are operated by or under the auspices of the Virginia Department of Juvenile Justice, regardless of when the building was constructed, by July 1, 1986, in accordance with the provisions of this code that were in effect on July 1, 1984. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices.

D. Change subsection 3402.5 to read:

3402.5. Smoke detectors for the deaf and hearing impaired: Smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual shall be provided, upon request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than 20 individuals;
2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All buildings arranged for use of one-family or two-family dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than 35 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing impaired. Visual detectors shall be provided for all meeting rooms for which an advance request has been made.

E. Change subsection 3402.6 to read:

3402.6. Smoke detectors in adult care residences, adult day care centers and nursing homes and facilities: Battery-powered or AC-powered smoke detector devices shall be installed in all adult care residences and adult day care centers licensed by the Virginia Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke

detectors shall be determined by the provisions of this code in effect on October 1, 1990.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the residence or center is located, or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

The licensee shall maintain the smoke detector devices in good working order.

Fire alarm or fire detector systems, or both, as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing homes and nursing facilities licensed by the Virginia Department of Health by August 1, 1994, and shall be maintained in good working order.

F. Change subsection 3402.7 to read:

3402.7. Fire suppression systems in nursing homes and facilities: Fire suppression systems as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing facilities licensed by the Virginia Department of Health by January 1, 1993, regardless of when such facilities or institutions were constructed, and shall be maintained in good working order. Units consisting of certified long-term care beds located on the ground floor of general hospitals shall be exempt from the requirements of this section.

G. Delete subsection 3402.9.

H. Add subsection 3402.10 to read:

3402.10. Fire suppression systems in hospitals: Fire suppression systems shall be installed in all hospitals licensed by the Virginia Department of Health as required by the edition of this code in effect on October 1, 1995, regardless of when such facilities were constructed, and shall be maintained in good working order.

I. Add subsection 3402.11 to read:

3402.11. Identification of handicapped parking spaces by above grade signs: All parking spaces reserved for the use of handicapped persons shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular space was reserved for the use of handicapped persons. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the handicapped within the meaning of this section.

All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of Chapter 11 of this code.

J. Add subsection 3402.12 to read:

3402.12. Smoke detectors in hotels and motels: Smoke detectors shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, by the dates indicated, regardless of when constructed, and shall be maintained in good working order.

K. Add subsection 3402.13 to read:

3402.13. Sprinkler systems in hotels and motels: By September 1, 1997, an automatic sprinkler system shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, regardless of when constructed, and shall be maintained in good working order.

L. Add subsection 3402.14 to read:

3402.14. Fire suppression systems in dormitories: An automatic fire suppression system shall be provided throughout all buildings having a Use Group R-2 fire area which are more than 75 feet (22,860 mm) or six stories above the lowest level of exit discharge and which are used, in whole or in part, as a dormitory to house students by any public or private institution of higher education, regardless of when such buildings were constructed, in accordance with the requirements of this code and Section 906.2.1. The automatic fire suppression system shall be installed by September 1, 1999. The chief administrative office of the college or university shall obtain a certificate of compliance from the code official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

Exceptions:

1. Buildings equipped with an automatic fire suppression system in accordance with Section 906.2.1 or the 1983 or later editions of NFPA 13.
2. Where the requirements of this section are modified by Section 3402.14.1.
3. Any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

3402.14.1. Modifications to requirements of Section 3402.14: The application of the requirements of Section 3402.14 shall be modified in accordance with this section.

1. Building systems, equipment or components other than the fire suppression system shall not be required to be added or upgraded except as necessary for the installation of the fire suppression system and shall only be required to be added or upgraded where the installation of the fire suppression system creates an unsafe condition.

2. Residential sprinklers shall be used in all sleeping rooms. Other sprinklers shall be quick response or

Emergency Regulations

residential unless deemed unsuitable for a space. Standard response sprinklers shall be used in elevator hoist ways and machine rooms.

3. Sprinklers shall not be required in wardrobes in sleeping rooms which are considered part of the building construction or in closets in sleeping rooms, when such wardrobes or closets (i) do not exceed 24 square feet (2.23 m²) in area, (ii) have the smallest dimension less than 36 inches (914 mm), and (iii) comply with the following:

a. A single station smoke detector monitored by the building fire alarm system is installed in the room containing the wardrobe or closet which will activate the general alarm for the building if the single station smoke detector is not cleared within five minutes after activation;

b. The minimum number of sprinklers required for calculating the hydraulic demand of the system for the room shall be increased by two and the two additional sprinklers shall be corridor sprinklers where the wardrobe or closet is used to divide the room. Rooms divided by a wardrobe or closet shall be considered one room for the purpose of this requirement; and

c. The ceiling of the wardrobe, closet or room shall have a fire resistance rating of not less than hour.

4. Not more than one sprinkler shall be required in bathrooms within sleeping rooms or suites having a floor area between 55 square feet (5.12 m²) and 120 square feet (11.16 m²) provided the sprinkler is located to protect the lavatory area and the plumbing fixtures are of a noncombustible material.

5. Existing standpipe residual pressure shall be permitted to be reduced when the standpipe serves as the water supply for the fire suppression system provided the water supply requirements of NFPA 13 listed in Chapter 35 are met.

6. Limited service controllers shall be permitted for fire pumps when used in accordance with their listing.

7. Where a standby power system is required, a source of power in accordance with Section 701-11 (d) or 701-11 (e) of NFPA 70 listed in Chapter 35 shall be permitted.

M. Add subsection 3402.15 to read:

3402.15 Fire Extinguishers and Smoke Detectors in State Regulated Care Facilities: On each floor there shall be installed and maintained at least one approved type ABC portable fire extinguisher having at least a 2A rating. The facility shall provide and maintain at least one approved properly installed smoke detector (i) in each bedroom hallway, (ii) at the top of each interior stairway, (iii) in each area designated for smoking and (iv) in or immediately adjacent to each room with a furnace or other heat source. Smoke detectors shall be

tested each month and a record of the tests shall be maintained for two years.

/s/ William C. Shelton, Director
Department of Housing and Community Development
Date: October 13, 1998

/s/ Joshua N. Lief
Deputy Secretary of Commerce and Trade
Date: February 5, 1999

/s/ James S. Gilmore, III
Governor
Date: February 18, 1999

VA.R. Doc. No. R99-122; Filed March 10, 1999, 11:34 a.m.

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FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been amended by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, or at the department's Charlottesville office (DMM forms) or Abingdon office (DGO form). Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3213.

Title of Regulation: 4 VAC 25-35-10 et seq. Certification Requirements for Mineral Miners.

Application for Certification Examination, DMM-BMME-1 (~~rev. 4/29/96~~) 2/99.

Verification of Work Experience Form, DMM-BMME-2 (~~rev. 4/29/96~~) 2/99.

Application for Renewal, DMM-BMME-3 (~~Revised 4/29/96~~), rev. 2/99.

Verification of Training Completed for General Mineral Miner (GMM) Certification, DMM-BMME-4 (~~Revised 4/29/96~~), rev. 2/99.

Board of Mineral Mining Examiners
Fontaine Research Park
900 Natural Resources Drive
P.O. Box 3727
Charlottesville, VA 22903-0723
(804) 961-5000



Application For Certification Examination

Applicants for certification must complete this form and submit a \$10 fee for each exam. Type or print the application in ink and pay the fee with a certified check, cashier's check, or money order made payable to the **Treasurer of Virginia**. Cash will be accepted if paid in person. Submit the application and fee to the **Board of Mineral Mining Examiners** at least **five working days** prior to the date of examination.

1. Full Name: _____ S.S. #: _____
2. Address: _____
Street or P.O. Box _____ City _____ State _____ Zip Code _____
3. Date of Birth: _____ Home Phone No.: (_____) _____
Month/Day/Year _____
4. Total years employed at a mineral mine: _____
Underground _____ Surface _____
5. List your current (or most recent) mining experience:
Company Name: _____
Address: _____

Job Title: _____ Street or P.O. Box _____ City _____ State _____ Zip Code _____
From: _____ Month/Day/Year _____ To: _____ Month/Day/Year _____

6. I have attached a copy of my valid first aid card or MSHA Form 5000-23, the degrees to be used for credit toward the experience requirements, and payment for the exam.

7. Examination Requested (Check One):
- Mine inspector (DMME employed) Mineral mining electrician Surface blaster
 Surface foreman Surface foreman - open pit Underground foreman
 Underground mining blaster
8. Exam requested at _____ on _____ (refer to exam schedule)
Location _____ Date _____

I hereby certify that the above answers are true to the best of my knowledge and belief.

Signed: _____ Date: _____

DMM-BMME-1 (Revised 2/99)

Board of Mineral Mining Examiners
 Fontaine Research Park
 900 Natural Resources Drive
 P.O. Box 3727
 Charlottesville, VA 22903-0723
 (804) 961-5000



Verification of Work Experience Form

Complete this form for each employer to certify the experience requirements have been met and have it signed by a company official knowledgeable of your work history. Type or print the information in ink and submit it to the Board of Mineral Mining Examiners.

1. Full Name: _____ S.S. #: _____

2. Address: _____
 Street or P.O. Box _____ City _____ State _____ Zip Code _____

3. Employer/Company Name: _____ Mine Name: _____

4. a. Job Title: _____ From: _____ Month/Day/Year _____ To: _____ Month/Day/Year _____

Detailed description of mining-related job duties which are applicable to certification requested:

4. b. Job Title: _____ From: _____ Month/Day/Year _____ To: _____ Month/Day/Year _____

Detailed description of mining-related job duties which are applicable to certification requested:

4. c. Job Title: _____ From: _____ Month/Day/Year _____ To: _____ Month/Day/Year _____

Detailed description of mining-related job duties which are applicable to certification requested:

5. I hereby certify that the information related to this applicant's experience as submitted on this form is correct.

Signature of Company Official _____ Print or Type Name _____ Title _____ Date _____

DMM-BMME-2 (Revised 2/99)

Board of Mineral Mining Examiners
 Fontaine Research Park
 900 Natural Resources Drive
 P.O. Box 3727
 Charlottesville, VA 22903-0723
 (804) 961-5000



Application For Renewal

Type or print this form in ink and complete the **Verification of Work Experience form (DMM-BMME-2)**, listing work experience acquired since initial certification or renewal. Submit the \$10 fee in the form of a check, cashier's check, or money order made payable to the **Treasurer of Virginia**. Cash will be accepted if paid in person at a Division of Mineral Mining office. Submit to the **Board of Mineral Mining Examiners** so that it is received at least **five working days** prior to the date of examination or class.

1. Full Name: _____ S.S. #: _____

Address: _____
 Street or P.O. Box _____ City _____ State _____ Zip Code _____

2. Certificate No.: _____ Certificate Expiration Date: _____

3. Requesting renewal as an:
 Mine inspector (DMME employed) Mineral mining electrician Surface blaster
 Surface foreman Surface foreman - open pit Underground foreman
 Underground mining blaster

4. Check the statement that applies to you:
 a. I have worked a cumulative minimum of 24 months in the last five years in the area for which I am currently certified and am requesting the examination or refresher class covering changes in regulations and laws.
 b. I have not worked in the area for which I am certified for a total of 24 months in the last five years, so I am requesting the full examination (see 4 VAC 25-35-20 of certification requirements).
 c. I have uncorrected violations (described in 6 below), so I am requesting the full examination (see 4 VAC 25-35-20 of certification requirements).

5. If you checked a (above), mark your choice for renewal: _____ examination _____ refresher course

6. Specific location _____ and date _____ (see enclosed schedule)

7. If you checked c (above), describe any uncorrected violations issued to you by DMME since you were certified.

8. Attach a copy of your valid first aid certificate or card or MSHA Form 5000-23, first aid instructor certification, or journeyman card, as applicable to your certification, and the \$10 fee.

I hereby certify that the above answers are true to the best of my knowledge and belief.

Signed: _____ Date: _____

DMM-BMME-3 (Revised 2/99)

Board of Mineral Mining Examiners
 Fontaine Research Park
 900 Natural Resources Drive
 P.O. Box 3727
 Charlottesville, VA 22903-0723
 (804) 961-5000



Verification of Training Completed for General Mineral Miner (GMM) Certification

Type or print this form in ink and submit it to the Board of Mineral Mining Examiners with a roster and \$10 processing fee in the form of a check or money order made payable to the Treasurer of Virginia. Cash will be accepted if paid in person at a Division of Mineral Mining Office.

1. Full Name: _____ S.S. #: _____
2. Date of Birth: _____
3. Address: _____
 Street or P.O. Box _____ City _____ State _____ Zip Code _____
 Home Phone No.: () _____ Date of Employment: _____
 VA Mine Permit Number: _____ Mine Phone No.: () _____
6. Employer Company Name: _____ Mine Name: _____
 Address: _____ City _____ State _____ Zip Code _____
 Street or P.O. Box _____ City _____ State _____ Zip Code _____
7. Job title/description of job duties: _____
8. I received training in first aid, or I have attached a copy of my valid first aid card, and received training in Virginia's mineral mining law and regulations on _____ Date or Dates _____

I hereby certify that the above answers are true to the best of my knowledge and belief.
 Signed: _____ Date: _____
 Signature of applicant for certification

I hereby certify to the BMME that the training I provided to the applicant set forth above meets the requirements of Virginia Code § 45.1-161.292;28 B, 4 VAC 25-35-120 and the applicant has satisfactorily demonstrated to me the required knowledge of first aid practices, Mineral Mine Safety and Health Regulations, and the Mineral Mine Safety Laws of Virginia.

Name printed and signed: _____
 #: _____ Cert. #: _____
Certified foreman, certified MSHA instructor, or instructor approved by BMME to provide training

Commonwealth Of Virginia Division Of Mineral Mining	
Name Of Miner	Date Of Certification
Social Security #	Classification
General Mineral Miner	Name Of Certified Instructor/Certified Foreman
	Certification #

Form DMM-BMME-4 (Revised 2/99)

Title of Regulation: 4 VAC 25-150-10 et seq. Virginia Gas and Oil Regulation.

Notice of Right to Object, DGO-GO-21, (4096) rev. 2/99.

Commonwealth of Virginia
 Department of Mines, Minerals and Energy
 Division of Gas and Oil
 P.O. Box 1416, Abingdon, VA 24212
 Telephone: (540) 676-5423



NOTICE OF RIGHT TO OBJECT

On _____ day of _____ month of _____ year, _____ (Name of Company) applied for a permit from the Virginia Department of Mines, Minerals and Energy, Division of Gas and Oil, to conduct gas and oil operations for well/pipeline number _____ The activities proposed to be permitted are described in the enclosed Notice of Application for a permit. We are required to give you notice of this application, and you have certain rights. You have 15 days from the day you receive this notice to do one of the following:

1. You may sign and return the attached waiver form if you wish to waive the time and any right you may have in objecting to the permit application. The Virginia Gas and Oil Act gives you the option to waive these rights in writing. (Commonwealth of Virginia, Department of Mines, Minerals and Energy, Post Office Box 1416, Abingdon, VA 24212, Telephone: (540) 676-5423, Fax: (540) 676-5453.)
 2. You may file an objection to the issuance of this permit. The types of objections which may be raised are listed in Section 45.1-361.35 of the Virginia Gas and Oil Act. A copy of this code section is attached hereto for your review.
- If you wish to object to this permit application, then you must file your objections, including your reasons why, within 15 days of receipt of this letter. You must file any objections with the Director of the Division of Gas and Oil at the address given above. If statutorily allowed objections in accordance with the Virginia Gas and Oil Act, Section 45.1-361.35, are submitted to the Division of Gas and Oil, then the Division will hold an informal fact-finding hearing concerning them. You will be notified if a hearing is scheduled.

3. You may take no action. This will cause you to waive any rights you may have to object to the permit application.

I affirm that this notice and waiver form is being sent to you on behalf of _____ (Company) on this _____ day of _____, 19 _____

Signature of Permit Applicant

WAIVER
 TO: (Commonwealth of Virginia, Department of Mines, Minerals & Energy, Division of Gas and Oil) (230 Charwood Drive, P.O. Box 1416, Abingdon, VA 24212)

I acknowledge receipt of the notice that to the Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Gas and Oil, for a permit to conduct gas and/or oil operations for well/pipeline number _____ I hereby waive my fifteen day right, if any, to object to the permit application.

I understand that the Division of Gas and Oil may rely on this waiver in reaching a decision on the permit application.

Signed: _____ Date: _____
 Print Name: _____

DGO-GO-21
 Rev. 2/99

**SECTION 45.1-361.35 - OBJECTIONS TO PERMITS; HEARINGS
TO BE ATTACHED TO WAIVER FORM**

A. Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections.

B. **The only objections to permits or permit modifications which may be raised by surface owners are:**

1. The operations plan for soil erosion and sediment control is not adequate or effective;
2. Measures in addition to the requirement for a well's water-protection string are necessary to protect fresh water-bearing strata; and
3. The permitted work will constitute a hazard to the safety of any person.
4. Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided however, that a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

C. **The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:**

1. Directly impinges upon the royalty owner's gas and oil interests; or
2. Threatens to violate the objecting royalty owner's property or statutory rights aside from his contractual rights; and
3. Would not adequately prevent the escape of the Commonwealth's gas and oil resources or provide for the accurate measurement of gas and oil production and delivery to the first point of sale.

D. **Objections to permits or permit modifications may be raised by coal owners or operators pursuant to the provisions of Sections 45.1-361.11 and 45.1-361.12.**

E. **The only objections to permits or permit modifications which may be raised by mineral owners are** those which could be raised by a coal owner under Section 45.1-361.11 provided the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question.

F. **The only objections to permits or permit modifications which may be raised by gas storage field operators are** those in which the gas storage operator affirmatively proves that the proposed well work will adversely affect the operation of his State Corporation Commission certificated gas storage field; however, nothing in this subsection shall be construed to preclude the owner of nonstorage strata from the drilling of wells for the purpose of producing oil or gas from any stratum above or below the storage stratum.

G. The Director shall have no jurisdiction to hear objections with respect to any matter subject to the jurisdiction of the Board as set out in Article 2 (45.1-361.13 et seq.) of this chapter. Such objections shall be referred to the Board in a manner prescribed by the Director.

H. The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after the objection is filed. The Director shall prepare a notice of the hearing, stating all objections and by whom made, and send a copy of such notice by certified mail, return receipt requested, at least ten days prior to the hearing date, to the permit applicant and to every person with standing to object as prescribed by Section 45.1-361.30.

I. At the hearing, should the parties fail to come to an agreement, the Director shall proceed to decide the objection pursuant to those provisions of the Administrative Process Act (Section 9-6.14.1 et seq.) relating to informal fact finding hearings.

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◆ ————— ◆
TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

NOTICE: The forms used in administering 19 VAC 30-20-10 et seq., Motor Carrier Safety Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Title of Regulation: **19 VAC 30-20-10 et seq. Motor Carrier Safety Regulations.**

Virginia State Police Motor Carrier Safety Inspection, SP-233, rev. 1/94.

Virginia State Police Motor Carrier Safety Inspection (Continuation Sheet), SP-233-A, rev. 1/90.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Task Force Report Interim Rules for Retail Access Pilot Programs Case No. PUE980812

The State Corporation Commission has established a proceeding to adopt interim rules to govern issues common to natural gas and electricity restructuring retail access pilot programs. Case No. PUE980812, Ex Parte: In the matter of establishing interim rules for retail access pilot programs. In its December 3, 1998, Order Establishing Procedural Schedule in this case, the commission directed these proposed interim rules to address certification, codes of conduct, and standards of conduct governing relationships among entities participating in such pilot programs. The commission ordered its staff to select and lead a task force, comprised of a broad cross-representation of interested market participants, to propose such interim rules and to issue a report and the recommended rules by March 9, 1999.

Copies of the Task Force Report, including the proposed interim rules, are available on the commission's website at <http://www.state.va.us/scc/index/html> or may be obtained from the commission's Division of Economics and Finance, P.O. Box 1197, Richmond, VA 23218-1197. Written comments on the proposed interim rules should be submitted both to the Task Force Coordinator at the commission's Division of Economics and Finance, whose address is listed above, and to the State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, VA 23219-2118. All written comments should include a conspicuous reference to Case No. PUE980812 and must be received by April 9, 1999.

A hearing on the proposed interim rules is scheduled for April 19, 1999, at 10 a.m., in the commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia. Any person desiring to make a statement at this public hearing need only appear in the commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself as a public witness to the commission's bailiff.

DEPARTMENT OF SOCIAL SERVICES

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (98), the Department of Social Services is currently reviewing the below listed regulation to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number Twenty-five (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and

intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

The regulation is:

22 VAC 40-740-10 et seq., Adult Protective Services

Contact: Joy Duke, Adult Protective Services Consultant, Division of Family Services, (804) 692-1260 telephone, (804) 692-2215 FAX, or e-mail jod2@dss.state.va.us.

Written comments may be submitted until April 18, 1999, in care of the above listed contact at 730 East Broad Street, Richmond, Virginia 23219-1849, by facsimile to the above listed number, or by e-mail to the above listed address.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Omega Protein, Inc.

The State Water Control Board proposes to issue a consent special order to Omega Protein, Inc., located at Reedville, Northumberland County. The proposed order addresses the unpermitted discharge of equipment washdown wastewater to state waters, Cockrell Creek; and the failure of the company to report the unpermitted discharge of equipment washdown wastewater to state waters. The order requires the payment of a \$7,500 civil charge for the unpermitted discharge to state waters and for the failure to report the unpermitted discharge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

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

DEPARTMENT OF TAXATION

Title of Regulation: 23 VAC 10-110-225 et seq. Individual Income Tax: Qualified Equity and Subordinated Debt Investments Tax Credit.

Publication: 15:12 VA.R. 1850-1853 March 1, 1999

Corrections to Emergency Regulation:

Page 1851, second paragraph of the Preamble, first column, lines 2 and 3, change "23 VAC 10-110-229" to "23 VAC 10-110-226"

Page 1853, in 23 VAC 10-110-228 E 1, first column, line 2, change "23 VAC 10-110-227 E" to "23 VAC 10-110-227 D"

CALENDAR OF EVENTS

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 

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **May 12, 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. 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, 1100 Bank St., Room 211, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3535 or FAX (804) 371-7679.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Horse Industry Board

April 12, 1999 - 9 a.m. -- Open Meeting
Virginia Cooperative Extension, 168 Spotnap Road, Lower
Level Meeting Room, Charlottesville, Virginia. 

A meeting to review grant proposals submitted for the 1999-2000 fiscal year. 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 special accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Virginia Horse Industry Board, Washington Bldg., 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842 or FAX (804) 371-7786.

Virginia Irish Potato Board

April 7, 1999 - 8 p.m. -- Open Meeting
Eastern Shore Agricultural Research and Extension Center,
Painter, Virginia. 

A meeting to (i) hear and approve minutes of the last meeting; (ii) receive the board's financial statement; (iii) discuss promotion, research and educational programs for the 1999 harvest season; and (iv) establish the board's annual budget. 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 J. William Mapp at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867 or FAX (757) 787-5973.

Pesticide Control Board

† **April 15, 1999 - 9 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, Board Room, Room 204, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least seven days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 401, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558 or toll-free 1-800-552-9963.

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

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.

ART AND ARCHITECTURAL REVIEW BOARD

April 9, 1999 - 10 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by state agencies for the acquisition of artworks and the design of buildings and structures.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Richmond, VA 23219, telephone (804) 643-1977 or FAX (804) 643-1981.

VIRGINIA BOARD FOR ASBESTOS AND LEAD

May 13, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting to conduct routine business. Public comment will be received 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) 367-2176, FAX (804) 367-2475 or (804) 367-9753/TTY 

AUCTIONEERS BOARD

April 13, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/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

Calendar of Events

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 ☎

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **April 16, 1999 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the board to hear administrative appeals concerning building and fire codes and other regulations of the department. The board issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Code Office, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TTY ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **April 12, 1999 - 10 a.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, Conference Room 3, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting to review local Chesapeake Bay Preservation Area programs and the FY 2000 Local Government Grant Awards and to hear the status of proposed regulatory amendments.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447 or toll-free (800) 243-7229/TTY ☎

CHILD DAY-CARE COUNCIL

† **April 7, 1999 - 9 a.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

New member orientation.

Contact: Rhonda Harrell, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

† **April 8, 1999 - 10 a.m.** -- Open Meeting
Brandermill Inn, 13550 Harbour Pointe Parkway, Chesterfield Room, Midlothian, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible change in meeting time.

Contact: Rhonda Harrell, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

COMPENSATION BOARD

† **April 15, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

† **April 16, 1999 - 10 a.m.** -- Open Meeting
Salem City Council Chambers, 114 North Broad Street, Salem, Virginia. ♿

FY 2000 budget hearings.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., P.O. Box 710, Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY ☎

† **April 22, 1999 - 11 a.m.** -- Open Meeting
Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, 202 N. 9th St., P.O. Box 710, Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY ☎

COMMONWEALTH COMPETITION COUNCIL

† **April 6, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Conference Room 6B, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to develop a strategic plan for the council.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, James Madison Bldg., 109 Governor St., P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

April 30, 1999 - 9 a.m. -- Open Meeting
† **May 21, 1999 - 9 a.m.** -- Open Meeting
† **June 25, 1999 - 9 a.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, 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.

State Management Team

† **April 1, 1999 - 9:15 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Board Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policies and procedures to the State Executive Council on the Comprehensive Services Act. Public comments will be heard from 9:45-10 a.m.

Contact: Elisabeth Hutton, Secretary, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

BOARD OF CONSERVATION AND RECREATION

April 26, 1999 - 1 p.m. -- Open Meeting
First Landing/Seashore State Park, 2500 Shore Drive, Visitor's Center, Virginia Beach, Virginia. 
(Interpreter for the deaf provided upon request)

A regular business meeting.

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 

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

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 

BOARD OF CORRECTIONS

† **April 13, 1999 - 9:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, 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.

† **April 14, 1999 - 8:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, 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.

† **April 14, 1999 - 10 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the full board. 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.

Calendar of Events

BOARD FOR COSMETOLOGY

April 19, 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, comments from informational proceedings, and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. Please call the board for possible changes. 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., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† April 12, 1999 - 9 a.m. -- Open Meeting
Library of Virginia, 800 East Broad Street, Meeting Room A, Richmond, Virginia.

A meeting of the Search Committee to discuss the Executive Director's position.

Contact: Jean Powers, Executive Secretary to the Secretary of Commerce and Trade, Virginia Economic Development Partnership, 202 N. 9th St., Suite 723, Richmond, VA 23219, telephone (804) 786-7831 or FAX (804) 371-0250.

STATE EMERGENCY MEDICAL SERVICES ADVISORY BOARD

May 7, 1999 - 1 p.m. -- Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia. 

A quarterly meeting.

Contact: Irene Hamilton, Executive Secretary Senior, Office of Emergency Medical Services, Department of Health, 1583 E. Parham Rd., Richmond, VA 23230, telephone (804) 371-3500, FAX (804) 371-3543 or toll-free 1-800-523-6019.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† April 5, 1999 - 7 p.m. -- Public Hearing
Amherst County Board of Supervisors' Meeting Room, 153 Washington Street, Amherst, Virginia.

A public hearing to receive comments on a draft permit amendment for the Amherst County Sanitary Landfill located on Route 613, approximately six miles northeast of Madison Heights, Virginia.

Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† April 6, 1999 - 7 p.m. -- Public Hearing
Henrico Eastern Government Center, 3820 Nine Mile Road, Community Room, Richmond, Virginia.

A public hearing to receive comments on the draft permit amendment number 553 for the BFI Old Dominion Sanitary Landfill and Resource Management Facility located on Charles City Road, approximately one-half mile south of U.S. Route 60 in Henrico County.

Contact: Donald Brunson, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4239.

† April 6, 1999 - 7 p.m. -- Public Hearing
Bedford County Board of Supervisors' Chambers, 122 East Main Street, Bedford, Virginia.

A public hearing to solicit comments on the technical merits of the draft permit amendment for implementation of landfill decomposition gas control measures and establishment of ground water protection standards at the closed Bedford County sanitary landfill located in Bedford County.

Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† April 12, 1999 - 7 p.m. -- Public Hearing
John Tyler Community College, Chester Campus, 13101 Jefferson Davis Highway, Bird Hall, Room B-124, Chester, Virginia.

A public hearing to receive comments on a draft permit for the Shoosmith Brothers Sanitary Landfill located on Lewis Road, approximately three miles northwest of the Town of Chester and State Route 10 in Chesterfield County.

Contact: Paul Farrell, Department of Environmental Quality, Office of Waste Permitting, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4214.

† April 13, 1999 - 7 p.m. -- Public Hearing

Pulaski County Courthouse, 45 3rd Street, N.W., Circuit Courtroom, Pulaski, Virginia.

A public hearing to receive comments on an air permit application from Volvo Trucks North America, Inc., to increase the production and painting of trucks to approximately 250 per day with an increase in air emission rates.

Contact: Steven Dietrich, Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6762.

VIRGINIA FIRE SERVICES BOARD

† **April 8, 1999 - 8:30 a.m.** -- Open Meeting
Holiday Inn Olde Towne, 8 Crawford Parkway, Portsmouth, Virginia.

Committees will meet as follows to discuss fire training and policies. The meetings are open to the public for input and comments.

Fire/EMS Education and Training Committee - 8:30 a.m.
Legislative Liaison Committee - 10 a.m.
Fire Prevention and Control Committee - 1 p.m.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

† **April 9, 1999 - 9 a.m.** -- Open Meeting
Holiday Inn Olde Towne, 8 Crawford Parkway, Portsmouth, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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.

† **April 6, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ♿

A meeting of the Resident Trainee Task Force Committee to discuss resident trainee program issues. There will be a 15 minute public comment period.

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.

† **April 14, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A general meeting of the board. Following the meeting the board will host a meeting with District II of the National Funeral Directors Association. There will be a 15-minute public comment period.

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.

BOARD OF GAME AND INLAND FISHERIES

† **May 6, 1999 - 9 a.m.** -- Open Meeting
† **May 7, 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 consider for final adoption wildlife regulations to be effective from July 1999 through June 2001. Under board procedures, regulatory actions occur over two sequential board meetings. At the May 6, 1999, meeting, the board will determine whether the amendments to regulations for game wildlife, hunting and trapping, including the length of seasons, bag limits and methods of take for game, which were proposed at its March 4, 1999, board meeting, will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on May 6, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the March 4, 1999, board meeting, as necessary for the proper management of wildlife resources.

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, was published in a separate announcement in the "General Notices" section of the February 15, 1999 Virginia Register.

General and administrative issues may be discussed by the board. The board may hold an executive session before the public session begins on May 6. If the board completes its agenda on May 6, it may not convene on

Calendar of Events

May 7, the second of the scheduled two days of the meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-2311.

STATE BOARD OF HEALTH

† **April 29, 1999 - 10 a.m.** -- Open Meeting
Carilion New River Valley Medical Center, 2900 Tyler Road, Christiansburg, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board.

Contact: Paul W. Matthias, Staff to the Board, Department of Health, 1500 E. Main St., Room 227, Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 786-4616.

† **April 30, 1999 - 9 a.m.** -- Open Meeting
Carilion New River Valley Medical Center, 2900 Tyler Road, Christiansburg, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting.

Contact: Paul W. Matthias, Staff to the Board, Department of Health, 1500 E. Main St., Room 227, Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 786-4616.

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 Practitioners' 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 

BOARD FOR HEARING AID SPECIALISTS

† **May 11, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary

cases. All meetings are subject to cancellation. Time of meeting is subject to change. Call the board's office at least 24 hours in advance. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

VIRGINIA HISTORIC PRESERVATION FOUNDATION

March 29, 1999 - 10 a.m. -- Open Meeting
Virginia Historical Society, 2801 Kensington Avenue, 2nd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the trustees of the foundation to discuss and review a draft trust agreement among the Virginia Historic Preservation Foundation trustees, the Association for the Preservation of Virginia Antiquities and the Department of Historic Resources.

Contact: Robert A. Carter, Director, Community Services, Department of Historic Resources, 10 Courthouse Ave., Petersburg, VA 23803, telephone (804) 863-1620, FAX (804) 863-1627 or (804) 367-2386/TTY 

HOPEWELL INDUSTRIAL SAFETY COUNCIL

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.

STATEWIDE INDEPENDENT LIVING COUNCIL

† **April 14, 1999 - 1 p.m.** -- Open Meeting
Richmond Hyatt House, 6624 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marriott Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112 or e-mail jarothrock@aol.com.

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

March 30, 1999 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the State Song Subcommittee to reduce the list of semifinalists to a group of approximately 10 finalists and to address related issues such as how to make songs accessible to the public, what weight to give public comment, and future steps in the state song selection process.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, Pocahontas Bldg., 900 E. Main St., Suite 103, 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. 

A meeting of the advisory commission 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, Pocahontas Bldg., 900 E. Main St., Suite 103, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TTY 

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† April 20, 1999 - 10 a.m. -- Open Meeting
701 East Franklin Street, 10th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly business meeting. Topics related to workforce development will be discussed.

Contact: Gail P. Robinson, Senior Policy Analyst, Governor's Employment and Training Department, 701 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 786-2511, FAX (804) 786-2310 or (804) 786-2315/TTY 

STATE BOARD OF JUVENILE JUSTICE

April 14, 1999 - 9 a.m. -- Open Meeting
700 Centre, 700 East Franklin Street, Richmond, Virginia. 

The Secure Program Committee and the Nonsecure Program Committee will meet at 9 a.m. The full board will meet at 10 a.m. to act on matters relating to the certification of residential and nonresidential juvenile justice programs and to consider such other matters as may come before the board.

Contact: Donald R. Carignan, Policy Analyst Senior, Department of Juvenile Justice, 700 E. Franklin St., P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

MARINE RESOURCES COMMISSION

† April 27, 1999 - 9:30 a.m. -- Open Meeting
† May 25, 1999 - 9:30 a.m. -- Open Meeting
† June 22, 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; fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

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 30, 1999 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia.

A meeting of the Legislative/Public Affairs Committee to discuss legislation from the 1999 Session of the General Assembly that impacts the Department of Medical Assistance Services.

Contact: Leah D. Hamaker, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626 or FAX (804) 371-4981.

† May 11, 1999 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Calendar of Events

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) 786-4626 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/TTY 

† April 9, 1999 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A panel of the board will convene to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7332, FAX (804) 662-9943 or (804) 662-7197/TTY 

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/TTY 

Informal Conference Committee

March 30, 1999 - 8:30 a.m. -- Open Meeting
April 28, 1999 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

April 30, 1999 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

April 8, 1999 - 9 a.m. -- Open Meeting
Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.

† April 15, 1999 - 10 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, 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 

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

May 14, 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 Mental Health, Mental Retardation and Substance Abuse Services Board intends to adopt regulations entitled: **12 VAC 35-171-10 et seq. Certification of Providers of Mental Health/Mental Retardation Case Management Services.** The proposed regulation defines the qualifications that mental health and mental retardation case managers must have for Medicaid reimbursement.

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

Public comments may be submitted until 5 p.m. on Friday, May 14, 1999, to Cathy Rowe, Office of Mental Retardation Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218.

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

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **April 14, 1999 - 1 p.m.** -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, U.S. Route 23 South, Big Stone Gap, Virginia. 
(Interpreter for the deaf provided upon request)

A quarterly meeting of the Abandoned Mine Land Advisory Committee.

Contact: Danny R. Brown, Division Director, Division of Mined Land Reclamation, Department of Mines, Minerals and Energy, U.S. Route 23 South, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8152, FAX (804) 523-8163 or toll-free 1-800-828-1120/TTY 

DEPARTMENT OF MOTOR VEHICLES

† **April 8, 1999 - 1 p.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 

A regular meeting of the Medical Advisory Board.

Contact: Phyllis A. Dardenne, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2581.

VIRGINIA MUSEUM OF FINE ARTS

April 6, 1999 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

The Executive Committee will hold a monthly briefing/work session with the staff.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† **April 14, 1999 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A joint meeting of the Planning and Executive Committees to update the museum's strategic plan.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

VIRGINIA MUSEUM OF NATURAL HISTORY

† **April 24, 1999 - 9 a.m.** -- Open Meeting
Sheraton Inn Fredericksburg, 2801 Plank Road, Fredericksburg, Virginia. 

A meeting of the Board of Trustees to receive reports from the development, executive, finance, legislative,

marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following approval of the minutes of the January meeting.

Contact: Rhonda J. Knighton, Executive Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8600 or (540) 666-8616, or (540) 666-8638/TTY 

BOARD OF NURSING

† **April 8, 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) 662-9943 or (804) 662-7197/TTY 

BOARD OF NURSING HOME ADMINISTRATORS

† **April 7, 1999 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A board meeting to discuss general business. Public comments will be received for 15 minutes beginning at 9:30 a.m.

Contact: Senita Booker, Administrative 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 

VIRGINIA OUTDOORS FOUNDATION

† **April 7, 1999 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Board of Trustees to discuss foundation business and accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 317, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

BOARD OF PHARMACY

† **April 13, 1999 - 9 a.m.** -- Open Meeting

Calendar of Events

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A Special Conference Committee will hear informal conferences. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TTY 

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

May 4, 1999 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia. 

A public hearing to receive comments on proposed changes to the Public Participation Guidelines for the Polygraph Examiners Advisory Board which will incorporate the Virginia boxing and wrestling events regulatory program into the guidelines. At 10:30, public comment will be heard regarding the regulatory program of Virginia boxing and wrestling events.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TTY 

† **May 4, 1999 - 10:30 a.m.** -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4, Richmond, Virginia.

May 28, 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 Professional and Occupational Regulation intends to adopt regulations entitled: **18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations.** The purpose of the proposed regulations is to regulate professional boxing and wrestling in Virginia. The proposed regulations replace the emergency regulations that became effective on August 11, 1998. Aside from a few editorial changes, the language of the proposed regulations is unchanged from the emergency regulations.

Statutory Authority: §§ 54.1-201 and 54.1-831 of the Code of Virginia.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY 

VIRGINIA RACING COMMISSION

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 30, 1999 - 9 a.m.** -- Open Meeting
† **March 31, 1999 - 9 a.m.** -- Open Meeting
† **April 15, 1999 - 9 a.m.** -- Open Meeting
† **April 16, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact finding conferences pursuant to § 9-6.14:11 of the Administrative Process Act. 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: Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-2179 or (804) 367-9753/TTY 

DEPARTMENT OF REHABILITATIVE SERVICES AND STATE REHABILITATION ADVISORY COUNCIL

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.

RICHMOND HOSPITAL AUTHORITY

† **April 23, 1999 - 11 a.m.** -- Open Meeting

† **May 28, 1999 - 11 a.m.** -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor Classroom, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, 700 E. Main St., Suite 904, P.O. Box 548, Richmond, VA 23218-0548, telephone (804) 782-1938 or FAX (804) 782-9771.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† **April 8, 1999 - 5 p.m.** -- Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.  (Interpreter for the deaf provided)

† **April 21, 1999 - 5 p.m.** -- Public Hearing
Northside High School Auditorium, 6758 Northside High School Road, Roanoke, Virginia.  (Interpreter for the deaf provided)

A public hearing to receive comments on departmental priorities for fiscal year 2000. Sign language interpretation and a room loop for hard-of-hearing individuals will be provided.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians With Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2042, FAX (804) 225-3221 or toll-free 1-800-552-3962.

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.

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., Richmond, VA 23219, telephone (804) 692-1773, FAX (804) 692-2370, or e-mail dtj7@dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

† **May 8, 1999 - 10 a.m.** -- Public Hearing
J. Sargeant Reynolds Community College, 1651 East Parham Road, Building A, Room 132, Richmond, Virginia.

A public hearing in accordance with federal regulations for the Child Care and Development Fund Plan (CCDF). Every two years the Department of Social Services, lead agency for CCDF, is required to prepare a plan for administration and implementation of the Child Care and Development Fund Program. This includes (i) the

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process used in developing the plan; (ii) a description of child care services offered, including payment rates and eligibility criteria; (iii) processes with parents to inform them of the availability of child care services and the application process; (iv) activities and services to improve the quality of child care; and (v) health and safety requirements for providers. Prior to May 1, 1999, each local department of social services will receive a copy of the plan. Written comments may be submitted from May 1 through May 30, 1999.

Contact: Wenda Singer, Human Services Resource Consultant, Child Day Care Unit, Department of Social Services, Child Day Care Unit, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-2201, FAX (804) 692-2209 or toll-free 1-800-552-7096/TTY ☎

BOARD OF SOCIAL WORK

April 1, 1999 - 9 a.m. -- Open Meeting

April 2, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ♿

An informal administrative hearing will be held pursuant to § 9-6.14:11 of the Code of Virginia. Public comments will not be received.

Contact: Evelyn Brown, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914 or FAX (804) 662-9943.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

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

† **April 14, 1999 - 3 p.m.** -- Open Meeting

480 King Carter Drive, Irvington, 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.

† **April 15, 1999 - 10 a.m.** -- Open Meeting

480 King Carter Drive, Irvington, 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.

TREASURY BOARD

April 21, 1999 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD FOR THE VISUALLY HANDICAPPED

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

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.

VIRGINIA WAR MEMORIAL FOUNDATION

April 6, 1999 - Noon -- Open Meeting
Virginia War Memorial Foundation, 621 South Belvidere
Street, Richmond, Virginia. ♿ (Interpreter for the deaf
provided upon request)

A regular business meeting of the Board of Trustees.
Public comments will be received.

Contact: Jon C. Hatfield, Executive Director, Virginia War
Memorial Foundation, 621 S. Belvidere St., Richmond, VA
23220, telephone (804) 786-2060, FAX (804) 786-6652 or
(804) 786-6152/TTY ☎

VIRGINIA WASTE MANAGEMENT BOARD

† **April 19, 1999 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. ♿ (Interpreter
for the deaf provided upon request)

A meeting of the Technical Advisory Committee to
discuss the development of the proposed Regulation for
Transportation of Solid and Medical Wastes on State
Waters, 9 VAC 20-170-10 et seq.

Contact: Lily Choi, Environmental Engineer Senior,
Department of Environmental Quality, P.O. Box 10009,
Richmond, VA 23240, telephone (804) 698-4054 or FAX
(804) 698-4032.

† **April 29, 1999 - 10 a.m.** -- Public Hearing

Department of Environmental Quality, 629 East Main Street,
Training Room, Richmond, Virginia.

A public hearing to receive comments on the Virginia
Waste Management Board's Notice of Intended
Regulatory Action for Amendment 15 to the Virginia
Hazardous Waste Management Regulations, 9 VAC 20-
60-12 et seq. Amendment 15 will update the
Commonwealth's regulations to coordinate with recent
changes to federal regulations, replace existing text with
incorporation of federal regulations, correct errors, and
improve clarity.

Contact: Robert G. Wickline, Department of Environmental
Quality, P.O. Box 10009, Richmond, VA 23240, telephone
(804) 698-4213 or FAX (804) 698-4327.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

May 20, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5 West,
Richmond, Virginia. ♿

A meeting to conduct routine board business. A public
comment period will be held at the beginning of the
meeting.

Contact: David E. Dick, Assistant Director, Department of
Professional and Occupational Regulation, 3600 W. Broad
St., Richmond, VA 23230-4917, telephone (804) 367-8595,
FAX (804) 367-2475 or (804) 367-9753/TTY ☎

STATE WATER CONTROL BOARD

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.

† **April 7, 1999 - 7 p.m.** -- Public Hearing
North Fork Middle School, south of Mt. Jackson near
Quicksburg, Virginia.

Two public hearings. The first hearing will be to receive
comments on the proposed reissuance of a VPDES
permit for New Market Poultry Products, Inc., which
discharges to Smith Creek. The second hearing will be
held immediately following the first to receive comments
on the proposed continuation of a variance to the Water
Quality Standards for temperature for Stony Creek.

Calendar of Events

Contact: Janardan R. Pandey, Department of Environmental Quality, Valley Regional Office, P.O. Box 1129, Harrisonburg, VA 22801, telephone (540) 574-7800.

* * * * *

† **May 5, 1999 - 3 p.m.** – Public Hearing
Alleghany County Administration Building, 110 Rosedale Avenue, Covington, Virginia.

May 28, 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The purpose of the proposed amendments is to correct the downstream limits of a stocked trout stream classification for the Jackson River in Covington, Virginia. If adopted as proposed, the amendment would change 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meeting will be held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or 1-800-592-5482 or TDD (804) 698-4261. Persons needing interpreter services for the deaf must notify Ms. Daub no later than April 28, 1999.

The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, or obtained from Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or toll free at 1-800-592-5482 or TDD (804) 698-4261.

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

Contact: Eleanore Daub, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4111, FAX (804) 698-4522 or toll-free 1-800-592-5482.

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 

COLLEGE OF WILLIAM AND MARY

April 29, 1999 - Noon -- Open Meeting

April 30, 1999 - 8 a.m. -- Open Meeting
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the Board of Visitors to approve the budgets and fees of the College of William and Mary and Richard Bland College, to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of the College of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: William T. Walker, Jr., Director, Office of University Relations, College of William and Mary, 312 Jamestown Rd., P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (757) 221-2624.

LEGISLATIVE

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **April 12, 1999 - 10 a.m.** – Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

A staff briefing on the 1999 workplan.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 29

Historic Preservation Foundation, Virginia

March 30

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Funeral Directors and Embalmers, Board of
- Legislative Committee
Intergovernmental Relations, Virginia Advisory
Commission on
- State Song Subcommittee
† Medical Assistance Services, Board of
- Legislative/Public Affairs Committee
Medicine, Board of
- Informal Conference Committee
† Real Estate Board

March 31

† Real Estate Board

April 1

† Comprehensive Services for At-Risk Youth and Their
Families
- State Management Team
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Emergency Planning Committee, Local - Chesterfield
County
Social Work, Board of

April 2

Social Work, Board of

April 6

† Competition Council, Commonwealth
† Funeral Directors, Board of
- Resident Trainee Task Force Committee
Hopewell Industrial Safety Council
Museum of Fine Arts, Virginia
- Executive Committee
Soil and Water Conservation Board, Virginia
- Technical Advisory Committee on Dam Safety
War Memorial Foundation, Virginia

April 7

Agriculture and Consumer Services, Department of
- Virginia Irish Potato Board
† Child Day-Care Council
† Nursing Home Administrators, Board of
† Outdoors Foundation, Virginia

April 8

† Child Day-Care Council
† Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative Liaison Committee
Medicine, Board of
- Informal Conference Committee
† Motor Vehicles, Division of
- Medical Advisory Board
† Nursing, Board of
- Special Conference Committee

April 9

Art and Architectural Review Board

† Fire Services Board, Virginia
Health Professions, Department of
- Intervention Program Committee
† Medicine, Board of
- Credentials Committee
- Executive Committee

April 12

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Barbers, Board for
† Chesapeake Bay Local Assistance Board

April 13

Auctioneers Board
† Corrections, Board of
- Correctional Services Committee
† Pharmacy, Board of
Visually Handicapped, Board for the

April 14

† Corrections, Board of
- Administration Committee
† Funeral Directors and Embalmers, Board of
† Independent Living Council, Statewide
Juvenile Justice, State Board of
† Mines, Minerals and Energy, Department of
- Abandoned Mine Land Advisory Committee
† Museum of Fine Arts, Virginia
- Planning and Executive Committees
† Transportation Board, Commonwealth

April 15

† Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Compensation Board
† Medicine, Board of
- Informal Conference Committee
† Real Estate Board
† Transportation Board, Commonwealth
Waterworks and Wastewater Works Operators, Board
for

April 16

† Building Code Technical Review Board, State
† Compensation Board
† Real Estate Board

April 19

Cosmetology, Board for
† Waste Management Board, Virginia
- Technical Advisory Committee

April 20

† Job Training Coordinating Council, Governor's
Real Estate Appraiser Board

April 21

Intergovernmental Relations, Virginia Advisory
Commission on
Racing Commission, Virginia
Treasury Board

Calendar of Events

April 22

† Compensation Board

April 23

† Richmond Hospital Authority
- Board of Commissioners

April 24

† Museum of Natural History, Virginia
- Board of Trustees

April 26

Accountancy, Board for
Conservation and Recreation, Board of

April 27

† Marine Resources Commission

April 28

Medicine, Board of
- Informal Conference Committee

April 29

† Health, State Board of
William and Mary, College of
- Board of Visitors

April 30

Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council
† Health, State Board of
Medicine, Board of
- Informal Conference Committee
William and Mary, College of
- Board of Visitors

May 6

† Game and Inland Fisheries, Board of

May 7

Emergency Medical Services Advisory Board, State
† Game and Inland Fisheries, Board of

May 11

Air Pollution Control Board, State
† Hearing Aid Specialists, Board for
† Medical Assistance Services, Board of

May 12

† Agriculture and Consumer Services, Board of

May 13

Asbestos and Lead, Virginia Board for

May 20

Waste Management Facility Operators, Board for

May 21

Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council

May 25

† Marine Resources Commission

May 28

† Richmond Hospital Authority
- Board of Commissioners

June 22

† Marine Resources Commission

June 25

† Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council

PUBLIC HEARINGS

March 30

Rehabilitative Services, Department of and State
Rehabilitation Advisory Council

March 31

Water Control Board, State

April 5

† Environmental Quality, Department of

April 6

† Environmental Quality, Department of

April 7

Rehabilitative Services, Department of and State
Rehabilitation Advisory Council
† Water Control Board, State

April 8

Rehabilitative Services, Department of and State
Rehabilitation Advisory Council
† Rights of Virginians with Disabilities, Department for

April 12

† Environmental Quality, Department of

April 13

† Environmental Quality, Department of

April 17

Visually Handicapped, Department for the
- Vocational Rehabilitation Services

April 21

† Rights of Virginians with Disabilities, Department for

April 27

Visually Handicapped, Department for the
- Vocational Rehabilitation Services

April 29

† Waste Management Board, Virginia

May 4

Professional and Occupational Regulation, Department
of

May 8

† Social Services, Department of