
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>).

August 2000 through June 2001

| <u>Volume:Issue</u> | <u>Material Submitted By Noon*</u> | <u>Will Be Published On</u> |
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| 16:24 | July 26, 2000 | August 14, 2000 |
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| 16:26 | August 23, 2000 | September 11, 2000 |
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| 17:6 | November 14, 2000 (Tuesday) | December 4, 2000 |
| 17:7 | November 29, 2000 | December 18, 2000 |
| INDEX 1 - Volume 17 | | January 2001 |
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| 17:19 | May 16, 2001 | June 4, 2001 |
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| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|------------------|-----------------|
| Title 2. Agriculture | | | |
| 2 VAC 5-600-10 | Amended | 16:20 VA.R. 2458 | 5/31/00 |
| Title 4. Conservation and Natural Resources | | | |
| 4 VAC 20-252-120 | Amended | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-270-40 emer | Amended | 16:14 VA.R. 1885 | 3/1/00-3/30/00 |
| 4 VAC 20-270-40 | Amended | 16:16 VA.R. 2041 | 3/30/00 |
| 4 VAC 20-310-30 | Amended | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-35 | Added | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-40 | Amended | 16:19 VA.R. 2378 | 5/15/00 |
| 4 VAC 20-310-50 | Amended | 16:19 VA.R. 2379 | 5/15/00 |
| 4 VAC 20-430-55 | Added | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-430-70 | Amended | 16:14 VA.R. 1860 | 3/1/00 |
| 4 VAC 20-500-55 | Added | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-561-10 through 4 VAC 20-561-30 emer | Added | 16:12 VA.R. 1710 | 2/2/00-2/22/00 |
| 4 VAC 20-620-10 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-20 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-20 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-30 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-30 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-40 | Amended | 16:20 VA.R. 2463 | 5/25/00 |
| 4 VAC 20-620-40 emer | Amended | 16:18 VA.R. 2292 | 4/26/00-5/25/00 |
| 4 VAC 20-620-50 | Amended | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-620-50 | Amended | 16:20 VA.R. 2464 | 5/25/00 |
| 4 VAC 20-620-50 emer | Amended | 16:18 VA.R. 2293 | 4/26/00-5/25/00 |
| 4 VAC 20-620-70 | Amended | 16:14 VA.R. 1861 | 3/1/00 |
| 4 VAC 20-620-70 | Amended | 16:20 VA.R. 2465 | 5/25/00 |
| 4 VAC 20-620-70 emer | Amended | 16:18 VA.R. 2294 | 4/26/00-5/25/00 |
| 4 VAC 20-700-20 | Amended | 16:16 VA.R. 2041 | 4/1/00 |
| 4 VAC 20-700-20 | Amended | 16:23 VA.R. 2890 | 7/1/00 |
| 4 VAC 20-720-20 | Amended | 16:12 VA.R. 1671 | 2/4/00 |
| 4 VAC 20-720-40 | Amended | 16:12 VA.R. 1671 | 2/4/00 |
| 4 VAC 20-720-50 | Amended | 16:12 VA.R. 1672 | 2/4/00 |
| 4 VAC 20-720-60 | Amended | 16:12 VA.R. 1672 | 2/4/00 |
| 4 VAC 20-720-70 | Amended | 16:12 VA.R. 1673 | 2/4/00 |
| 4 VAC 20-720-80 | Amended | 16:12 VA.R. 1673 | 2/4/00 |
| 4 VAC 20-752-20 | Amended | 16:23 VA.R. 2890 | 7/1/00 |
| 4 VAC 20-752-30 | Amended | 16:23 VA.R. 2891 | 7/1/00 |
| 4 VAC 20-890-25 | Amended | 16:12 VA.R. 1674 | 2/2/00 |
| 4 VAC 20-910-45 | Amended | 16:14 VA.R. 1862 | 3/1/00 |
| 4 VAC 20-910-45 | Amended | 16:23 VA.R. 2891 | 7/1/00 |
| 4 VAC 20-950-45 | Amended | 16:14 VA.R. 1862 | 3/1/00 |
| 4 VAC 20-1040-10 | Amended | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 20-1040-20 | Amended | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 20-1040-30 | Repealed | 16:20 VA.R. 2465 | 5/26/00 |
| 4 VAC 25-30 (Forms) | Amended | 16:23 VA.R. 2967 | -- |

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| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|----------|-----------------------|----------------|
| 4 VAC 25-130-700.5 | Amended | 16:15 VA.R. 1956 | 5/10/00 |
| 4 VAC 25-130-795.1 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.6 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.7 | Amended | 16:15 VA.R. 1968 | 5/10/00 |
| 4 VAC 25-130-795.8 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.9 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.10 | Amended | 16:15 VA.R. 1969 | 5/10/00 |
| 4 VAC 25-130-795.11 | Amended | 16:15 VA.R. 1970 | 5/10/00 |
| 4 VAC 25-130-795.12 | Amended | 16:15 VA.R. 1970 | 5/10/00 |
| Title 6. Criminal Justice and Corrections | | | |
| 6 VAC 20-171-420 | Erratum | 16:14 VA.R. 1911 | -- |
| Title 9. Environment | | | |
| 9 VAC 5-10-20* | Amended | 16:17 VA.R. 2135 | * |
| 9 VAC 5-20-21 | Amended | 16:17 VA.R. 2161 | 7/1/00 |
| 9 VAC 5-20-180* | Amended | 16:17 VA.R. 2142 | * |
| 9 VAC 5-20-202 | Amended | 16:17 VA.R. 2163 | 7/1/00 |
| 9 VAC 5-40-10* | Amended | 16:17 VA.R. 2144 | * |
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| 9 VAC 5-40-30* | Amended | 16:17 VA.R. 2149 | * |
| 9 VAC 5-40-40* | Amended | 16:17 VA.R. 2150 | * |
| 9 VAC 5-40-50* | Amended | 16:17 VA.R. 2151 | * |
| 9 VAC 5-40-6000 through 9 VAC 5-40-6230 | Added | 16:17 VA.R. 2164-2178 | 7/1/00 |
| 9 VAC 5-40-6180 | Erratum | 16:19 VA.R. 2399 | -- |
| 9 VAC 5-50-10* | Amended | 16:17 VA.R. 2152 | * |
| 9 VAC 5-50-20* | Amended | 16:17 VA.R. 2152 | * |
| 9 VAC 5-50-30* | Amended | 16:17 VA.R. 2155 | * |
| 9 VAC 5-50-40* | Amended | 16:17 VA.R. 2156 | * |
| 9 VAC 5-50-50* | Amended | 16:17 VA.R. 2157 | * |
| 9 VAC 5-50-400 | Amended | 16:14 VA.R. 1863 | 5/1/00 |
| 9 VAC 5-60-10* | Amended | 16:17 VA.R. 2158 | * |
| 9 VAC 5-60-20* | Amended | 16:17 VA.R. 2158 | * |
| 9 VAC 5-60-30* | Amended | 16:17 VA.R. 2159 | * |
| 9 VAC 5-60-60 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 5-60-90 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 5-60-100 | Amended | 16:14 VA.R. 1864 | 5/1/00 |
| 9 VAC 25-210 (Forms) | Amended | 16:12 VA.R. 1711-1714 | -- |
| 9 VAC 25-220-60 | Amended | 16:15 VA.R. 1971 | 5/10/00 |
| 9 VAC 25-220-70 | Amended | 16:15 VA.R. 1971 | 5/10/00 |
| 9 VAC 25-260-350 | Amended | 16:17 VA.R. 2178 | 6/7/00 |
| 9 VAC 25-260-400 | Amended | 16:17 VA.R. 2179 | 6/7/00 |
| Title 11. Gaming | | | |
| 11 VAC 10-60-10 | Amended | 16:21 VA.R. 2623 | 8/4/00 |
| 11 VAC 10-60-15 | Added | 16:21 VA.R. 2627 | 8/4/00 |
| 11 VAC 10-60-20 | Amended | 16:21 VA.R. 2628 | 8/4/00 |
| 11 VAC 10-60-30 | Repealed | 16:21 VA.R. 2628 | 8/4/00 |
| 11 VAC 10-60-40 | Amended | 16:21 VA.R. 2629 | 8/4/00 |
| 11 VAC 10-60-60 | Repealed | 16:21 VA.R. 2631 | 8/4/00 |
| 11 VAC 10-60-70 | Amended | 16:21 VA.R. 2631 | 8/4/00 |
| 11 VAC 10-60-120 | Amended | 16:21 VA.R. 2633 | 8/4/00 |
| 11 VAC 10-60-130 | Amended | 16:21 VA.R. 2636 | 8/4/00 |
| 11 VAC 10-60-140 | Amended | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-150 | Amended | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-290 | Added | 16:21 VA.R. 2637 | 8/4/00 |

* Effective date suspended.

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| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|---|----------|-----------------------|----------------|
| 11 VAC 10-60-300 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-310 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-60-320 | Added | 16:21 VA.R. 2637 | 8/4/00 |
| 11 VAC 10-180-10 through 11 VAC 10-180-80 | Amended | 16:23 VA.R. 2892-2898 | 7/10/00 |
| Title 12. Health | | | |
| 12 VAC 5-80-10 | Amended | 16:16 VA.R. 2042 | 7/1/00 |
| 12 VAC 5-80-20 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-30 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-40 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-50 | Repealed | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-80 | Amended | 16:16 VA.R. 2043 | 7/1/00 |
| 12 VAC 5-80-90 | Amended | 16:16 VA.R. 2045 | 7/1/00 |
| 12 VAC 5-80-95 | Added | 16:16 VA.R. 2045 | 7/1/00 |
| 12 VAC 5-80-100 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-80-110 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-80-120 | Repealed | 16:16 VA.R. 2046 | 7/1/00 |
| 12 VAC 5-165-10 through 12 VAC 5-165-310 | Added | 16:16 VA.R. 2048-2051 | 5/24/00 |
| 12 VAC 5-165-100 | Erratum | 16:19 VA.R. 2399 | -- |
| 12 VAC 5-590-370 | Amended | 16:21 VA.R. 2647 | 8/3/00 |
| 12 VAC 5-590-545 | Added | 16:21 VA.R. 2662 | 8/3/00 |
| 12 VAC 5-590 Appendix O | Added | 16:21 VA.R. 2667 | 8/3/00 |
| 12 VAC 5-610-10 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-20 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-30 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-40 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-50 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-70 | Amended | 16:16 VA.R. 2052 | 7/1/00 |
| 12 VAC 5-610-75 | Added | 16:16 VA.R. 2053 | 7/1/00 |
| 12 VAC 5-610-80 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-90 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-100 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-110 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-120 | Amended | 16:16 VA.R. 2053 | 7/1/00 |
| 12 VAC 5-610-130 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-140 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-150 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-170 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-180 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-190 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-200 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-230 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-250 | Amended | 16:16 VA.R. 2055 | 7/1/00 |
| 12 VAC 5-610-255 | Added | 16:16 VA.R. 2057 | 7/1/00 |
| 12 VAC 5-610-260 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-270 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-280 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-290 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-300 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-330 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-340 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-360 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-370 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-380 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-390 | Amended | 16:16 VA.R. 2058 | 7/1/00 |
| 12 VAC 5-610-420 | Amended | 16:16 VA.R. 2058 | 7/1/00 |
| 12 VAC 5-610-430 | Amended | 16:16 VA.R. 2051 | 7/1/00 |

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|--|----------|-----------------------|----------------|
| 12 VAC 5-610-440 | Amended | 16:16 VA.R. 2058 | 7/1/00 |
| 12 VAC 5-610-441 through 12 VAC 5-610-448 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-450 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-470 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-480 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-490 | Amended | 16:16 VA.R. 2061 | 7/1/00 |
| 12 VAC 5-610-500 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-510 through 12 VAC 5-610-550 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-560 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-570 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-580 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-591 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-592 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-593 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-594 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-596 | Added | 16:16 VA.R. 2063 | 7/1/00 |
| 12 VAC 5-610-597 | Added | 16:16 VA.R. 2064 | 7/1/00 |
| 12 VAC 5-610-598 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-599 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-599.1 through 12 VAC 5-610-599.3 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-620 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-650 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-670 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-690 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-700 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-740 | Amended | 16:16 VA.R. 2068 | 7/1/00 |
| 12 VAC 5-610-800 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-810 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-815 | Added | 16:16 VA.R. 2068 | 7/1/00 |
| 12 VAC 5-610-817 | Added | 16:16 VA.R. 2069 | 7/1/00 |
| 12 VAC 5-610-820 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-830 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-840 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-880 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-890 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-930 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-940 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-950 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-960 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-965 | Added | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-980 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1080 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1140 | Amended | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 5-610-1150 | Repealed | 16:16 VA.R. 2051 | 7/1/00 |
| 12 VAC 30-10-140 | Amended | 16:18 VA.R. 2239 | 7/1/00 |
| 12 VAC 30-10-1000 emer | Added | 16:23 VA.R. 2912 | 7/1/00-6/30/01 |
| 12 VAC 30-20-500 through 12 VAC 30-20-599 emer | Added | 16:23 VA.R. 2912-2914 | 7/1/00-6/30/01 |
| 12 VAC 30-40-345 | Added | 16:15 VA.R. 1973 | 5/10/00 |
| 12 VAC 30-50-10 | Amended | 16:18 VA.R. 2240 | 7/1/00 |
| 12 VAC 30-50-100 | Amended | 16:18 VA.R. 2244 | 7/1/00 |
| 12 VAC 30-50-105 | Amended | 16:18 VA.R. 2246 | 7/1/00 |
| 12 VAC 30-50-140 | Amended | 16:18 VA.R. 2247 | 7/1/00 |
| 12 VAC 30-50-180 | Amended | 16:19 VA.R. 2380 | 7/5/00 |
| 12 VAC 30-50-220 | Amended | 16:18 VA.R. 2248 | 7/1/00 |
| 12 VAC 30-50-320 | Added | 16:18 VA.R. 2240 | 7/1/00 |
| 12 VAC 30-50-490 emer | Added | 16:23 VA.R. 2920 | 7/1/00-6/30/01 |

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| 12 VAC 30-50-560 | Amended | 16:18 VA.R. 2249 | 7/1/00 |
| 12 VAC 30-50-570 | Amended | 16:18 VA.R. 2250 | 7/1/00 |
| 12 VAC 30-50-580 | Added | 16:18 VA.R. 2251 | 7/1/00 |
| 12 VAC 30-70-140 through 12 VAC 30-70-143 emer | Repealed | 16:23 VA.R. 2914-2916 | 7/1/00-6/30/01 |
| 12 VAC 30-70-200 | Repealed | 16:18 VA.R. 2253 | 7/1/00 |
| 12 VAC 30-70-201 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-210 | Repealed | 16:18 VA.R. 2253 | 7/1/00 |
| 12 VAC 30-70-211 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-220 | Repealed | 16:18 VA.R. 2256 | 7/1/00 |
| 12 VAC 30-70-221 | Added | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-230 | Repealed | 16:18 VA.R. 2256 | 7/1/00 |
| 12 VAC 30-70-231 | Added | 16:18 VA.R. 2263 | 7/1/00 |
| 12 VAC 30-70-240 | Repealed | 16:18 VA.R. 2257 | 7/1/00 |
| 12 VAC 30-70-241 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-250 | Repealed | 16:18 VA.R. 2257 | 7/1/00 |
| 12 VAC 30-70-251 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-260 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-261 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-270 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-271 | Added | 16:18 VA.R. 2264 | 7/1/00 |
| 12 VAC 30-70-280 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-281 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-290 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-291 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-300 | Repealed | 16:18 VA.R. 2258 | 7/1/00 |
| 12 VAC 30-70-301 | Added | 16:18 VA.R. 2265 | 7/1/00 |
| 12 VAC 30-70-310 | Repealed | 16:18 VA.R. 2259 | 7/1/00 |
| 12 VAC 30-70-311 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-320 | Repealed | 16:18 VA.R. 2259 | 7/1/00 |
| 12 VAC 30-70-321 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-330 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-331 | Added | 16:18 VA.R. 2266 | 7/1/00 |
| 12 VAC 30-70-340 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-341 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-350 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-351 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-360 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-361 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-370 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-371 | Added | 16:18 VA.R. 2267 | 7/1/00 |
| 12 VAC 30-70-380 | Repealed | 16:18 VA.R. 2260 | 7/1/00 |
| 12 VAC 30-70-381 | Added | 16:18 VA.R. 2268 | 7/1/00 |
| 12 VAC 30-70-390 | Repealed | 16:18 VA.R. 2261 | 7/1/00 |
| 12 VAC 30-70-391 | Added | 16:18 VA.R. 2268 | 7/1/00 |
| 12 VAC 30-70-400 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-410 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-420 | Amended | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-435 | Added | 16:18 VA.R. 2269 | 7/1/00 |
| 12 VAC 30-70-450 | Amended | 16:18 VA.R. 2270 | 7/1/00 |
| 12 VAC 30-70-460 | Amended | 16:18 VA.R. 2270 | 7/1/00 |
| 12 VAC 30-80-160 | Repealed | 16:19 VA.R. 2380 | 7/5/00 |
| 12 VAC 30-90-20 emer | Amended | 16:23 VA.R. 2948 | 7/1/00-6/30/01 |
| 12 VAC 30-90-30 through 12 VAC 30-90-33 emer | Repealed | 16:23 VA.R. 2948-2951 | 7/1/00-6/30/01 |
| 12 VAC 30-90-34 emer | Amended | 16:23 VA.R. 2951 | 7/1/00-6/30/01 |
| 12 VAC 30-90-35 through 12 VAC 30-90-37 emer | Added | 16:23 VA.R. 2953-2956 | 7/1/00-6/30/01 |
| 12 VAC 30-90-40 emer | Amended | 16:23 VA.R. 2956 | 7/1/00-6/30/01 |

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| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
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| 12 VAC 30-90-41 emer | Amended | 16:23 VA.R. 2956 | 7/1/00-6/30/01 |
| 12 VAC 30-90-42 emer | Repealed | 16:23 VA.R. 2958 | 7/1/00-6/30/01 |
| 12 VAC 30-90-43 emer | Repealed | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-50 emer | Amended | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-51 emer | Amended | 16:23 VA.R. 2959 | 7/1/00-6/30/01 |
| 12 VAC 30-90-53 emer | Repealed | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-54 emer | Repealed | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-60 emer | Amended | 16:23 VA.R. 2960 | 7/1/00-6/30/01 |
| 12 VAC 30-90-65 emer | Amended | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-130 through 12 VAC 30-90-133 emer | Repealed | 16:23 VA.R. 2916-2917 | 7/1/00-6/30/01 |
| 12 VAC 30-90-136 emer | Added | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-160 emer | Amended | 16:23 VA.R. 2961 | 7/1/00-6/30/01 |
| 12 VAC 30-90-220 through 12 VAC 30-90-222 emer | Repealed | 16:23 VA.R. 2961-2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-260 emer | Repealed | 16:23 VA.R. 2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-264 emer | Amended | 16:23 VA.R. 2962 | 7/1/00-6/30/01 |
| 12 VAC 30-90-280 emer | Repealed | 16:23 VA.R. 2965 | 7/1/00-6/30/01 |
| 12 VAC 30-100-260 | Amended | 16:18 VA.R. 2252 | 7/1/00 |
| 12 VAC 30-120-61 through 12 VAC 30-120-68 | Added | 16:18 VA.R. 2240-2243 | 7/1/00 |
| 12 VAC 30-120-700 through 12 VAC 30-120-800 emer | Added | 16:23 VA.R. 2922-2946 | 7/1/00-6/30/01 |
| Title 13. Housing | | | |
| 13 VAC 5-21-10 | Amended | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-20 | Amended | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-30 | Repealed | 16:20 VA.R. 2468 | 9/15/00 |
| 13 VAC 5-21-31 | Added | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-40 | Repealed | 16:20 VA.R. 2469 | 9/15/00 |
| 13 VAC 5-21-41 | Added | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-50 | Repealed | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-51 | Added | 16:20 VA.R. 2471 | 9/15/00 |
| 13 VAC 5-21-60 | Repealed | 16:20 VA.R. 2470 | 9/15/00 |
| 13 VAC 5-21-61 | Added | 16:20 VA.R. 2471 | 9/15/00 |
| 13 VAC 5-21-71 | Added | 16:20 VA.R. 2472 | 9/15/00 |
| 13 VAC 5-51-10 through 13 VAC 5-51-120 | Repealed | 16:20 VA.R. 2473-2476 | 9/15/00 |
| 13 VAC 5-51-11 through 13 VAC 5-51-121 | Added | 16:20 VA.R. 2477-2484 | 9/15/00 |
| 13 VAC 5-51-130 | Amended | 16:23 VA.R. 2902 | 9/15/00 |
| 13 VAC 5-51-131 | Added | 16:20 VA.R. 2484 | 9/15/00 |
| 13 VAC 5-51-133 | Added | 16:20 VA.R. 2484 | 9/15/00 |
| 13 VAC 5-51-135 | Added | 16:23 VA.R. 2903 | 9/15/00 |
| 13 VAC 5-51-136 | Added | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-150 | Amended | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-170 | Amended | 16:20 VA.R. 2485 | 9/15/00 |
| 13 VAC 5-51-181 | Added | 16:20 VA.R. 2486 | 9/15/00 |
| 13 VAC 5-51-182 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-51-190 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-51-200 | Added | 16:20 VA.R. 2487 | 9/15/00 |
| 13 VAC 5-61-10 through 13 VAC 5-61-190 | Repealed | 16:20 VA.R. 2488-2495 | 9/15/00 |
| 13 VAC 5-61-11 | Added | 16:20 VA.R. 2495 | 9/15/00 |
| 13 VAC 5-61-15 | Added | 16:20 VA.R. 2496 | 9/15/00 |
| 13 VAC 5-61-21 | Added | 16:20 VA.R. 2496 | 9/15/00 |
| 13 VAC 5-61-25 | Added | 16:20 VA.R. 2497 | 9/15/00 |
| 13 VAC 5-61-31 | Added | 16:20 VA.R. 2497 | 9/15/00 |
| 13 VAC 5-61-35 | Added | 16:20 VA.R. 2498 | 9/15/00 |
| 13 VAC 5-61-41 | Added | 16:20 VA.R. 2498 | 9/15/00 |
| 13 VAC 5-61-45 | Added | 16:20 VA.R. 2499 | 9/15/00 |
| 13 VAC 5-61-51 | Added | 16:20 VA.R. 2499 | 9/15/00 |
| 13 VAC 5-61-55 | Added | 16:20 VA.R. 2501 | 9/15/00 |
| 13 VAC 5-61-61 | Added | 16:20 VA.R. 2502 | 9/15/00 |

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| 13 VAC 5-61-65 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-71 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-75 | Added | 16:20 VA.R. 2503 | 9/15/00 |
| 13 VAC 5-61-81 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-85 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-91 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-95 | Added | 16:20 VA.R. 2504 | 9/15/00 |
| 13 VAC 5-61-101 | Added | 16:20 VA.R. 2505 | 9/15/00 |
| 13 VAC 5-61-105 | Added | 16:20 VA.R. 2505 | 9/15/00 |
| 13 VAC 5-61-111 | Added | 16:20 VA.R. 2506 | 9/15/00 |
| 13 VAC 5-61-115 | Added | 16:20 VA.R. 2507 | 9/15/00 |
| 13 VAC 5-61-121 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-125 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-131 | Added | 16:20 VA.R. 2508 | 9/15/00 |
| 13 VAC 5-61-135 | Added | 16:20 VA.R. 2509 | 9/15/00 |
| 13 VAC 5-61-141 | Added | 16:20 VA.R. 2509 | 9/15/00 |
| 13 VAC 5-61-145 | Added | 16:20 VA.R. 2510 | 9/15/00 |
| 13 VAC 5-61-151 | Added | 16:20 VA.R. 2510 | 9/15/00 |
| 13 VAC 5-61-155 | Added | 16:20 VA.R. 2511 | 9/15/00 |
| 13 VAC 5-61-165 | Added | 16:20 VA.R. 2511 | 9/15/00 |
| 13 VAC 5-61-171 | Added | 16:20 VA.R. 2512 | 9/15/00 |
| 13 VAC 5-61-200 | Amended | 16:23 VA.R. 2903 | 9/15/00 |
| 13 VAC 5-61-220 | Amended | 16:23 VA.R. 2905 | 9/15/00 |
| 13 VAC 5-61-225 | Added | 16:20 VA.R. 2515 | 9/15/00 |
| 13 VAC 5-61-230 | Added | 16:23 VA.R. 2906 | 9/15/00 |
| 13 VAC 5-61-245 | Added | 16:20 VA.R. 2515 | 9/15/00 |
| 13 VAC 5-61-290 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-310 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-315 | Added | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-317 | Added | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-340 | Amended | 16:20 VA.R. 2516 | 9/15/00 |
| 13 VAC 5-61-345 | Added | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-360 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-390 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-395 | Added | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-400 | Amended | 16:20 VA.R. 2517 | 9/15/00 |
| 13 VAC 5-61-410 | Amended | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-415 | Added | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-430 | Amended | 16:20 VA.R. 2518 | 9/15/00 |
| 13 VAC 5-61-440 | Amended | 16:20 VA.R. 2520 | 9/15/00 |
| 13 VAC 5-61-447 | Added | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-61-450 | Amended | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-61-460 | Added | 16:20 VA.R. 2522 | 9/15/00 |
| 13 VAC 5-100-10 through 13 VAC 5-100-20 | Added | 16:20 VA.R. 2523 | 5/31/00 |
| 13 VAC 5-111-10 | Amended | 16:17 VA.R. 2189 | 6/8/00 |
| 13 VAC 5-111-100 | Amended | 16:17 VA.R. 2193 | 6/8/00 |
| 13 VAC 5-111-120 | Amended | 16:17 VA.R. 2193 | 6/8/00 |
| 13 VAC 5-111-130 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-160 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-165 | Added | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-170 | Amended | 16:17 VA.R. 2194 | 6/8/00 |
| 13 VAC 5-111-180 | Amended | 16:17 VA.R. 2195 | 6/8/00 |
| 13 VAC 5-111-190 | Amended | 16:17 VA.R. 2195 | 6/8/00 |
| 13 VAC 5-111-240 | Amended | 16:17 VA.R. 2196 | 6/8/00 |
| 13 VAC 5-111-280 | Amended | 16:17 VA.R. 2196 | 6/8/00 |
| 13 VAC 5-111-300 | Amended | 16:17 VA.R. 2196 | 6/8/00 |

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| 13 VAC 5-111-310 | Amended | 16:17 VA.R. 2197 | 6/8/00 |
| 13 VAC 5-111-390 | Amended | 16:17 VA.R. 2197 | 6/8/00 |
| 13 VAC 10-40-20 | Amended | 16:19 VA.R. 2384 | 5/17/00 |
| 13 VAC 10-40-120 | Amended | 16:19 VA.R. 2386 | 5/17/00 |
| 13 VAC 10-40-160 | Amended | 16:19 VA.R. 2386 | 5/17/00 |
| 13 VAC 10-40-170 | Amended | 16:19 VA.R. 2387 | 5/17/00 |
| 13 VAC 10-40-230 | Amended | 16:19 VA.R. 2387 | 5/17/00 |
| Title 14. Insurance | | | |
| 14 VAC 5-215-20 | Erratum | 16:14 VA.R. 1912 | -- |
| 14 VAC 5-215-30 | Erratum | 16:14 VA.R. 1912 | -- |
| 14 VAC 5-215-30 through 14 VAC 5-215-70 | Amended | 16:21 VA.R. 2675-2677 | 7/1/00 |
| 14 VAC 5-215-110 | Amended | 16:21 VA.R. 2678 | 7/1/00 |
| Title 15. Judicial | | | |
| 15 VAC 5-80-10 through 15 VAC 5-80-50 | Added | 16:20 VA.R. 2524-2526 | 5/24/00 |
| 15 VAC 10-10-10 | Amended | 16:16 VA.R. 2069 | 3/24/00 |
| Title 16. Labor and Employment | | | |
| 16 VAC 15-40-10 | Amended | 16:18 VA.R. 2272 | 6/22/00 |
| 16 VAC 15-40-50 | Amended | 16:18 VA.R. 2272 | 6/22/00 |
| Title 18. Professional and Occupational Licensing | | | |
| 18 VAC 30-20-10 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-80 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-170 | Amended | 16:18 VA.R. 2273 | 6/21/00 |
| 18 VAC 30-20-180 | Amended | 16:18 VA.R. 2274 | 6/21/00 |
| 18 VAC 30-20-230 | Amended | 16:18 VA.R. 2274 | 6/21/00 |
| 18 VAC 47-10-10 through 18 VAC 47-10-90 | Added | 16:12 VA.R. 1675-1676 | 3/29/00 |
| 18 VAC 47-20-10 through 18 VAC 47-20-240 | Added | 16:13 VA.R. 1776-1782 | 4/12/00 |
| 18 VAC 60-20-30 | Amended | 16:18 VA.R. 2278 | 6/21/00 |
| 18 VAC 60-20-110 | Amended | 16:18 VA.R. 2281 | 6/21/00 |
| 18 VAC 60-20-120 | Amended | 16:18 VA.R. 2281 | 6/21/00 |
| 18 VAC 76-10-65 | Added | 16:17 VA.R. 2198 | 4/19/00 |
| 18 VAC 85-20-22 | Amended | 16:13 VA.R. 1766 | 4/12/00 |
| 18 VAC 85-20-22 | Amended | 16:21 VA.R. 2679 | 8/2/00 |
| 18 VAC 85-20-131 | Amended | 16:21 VA.R. 2680 | 8/2/00 |
| 18 VAC 85-20-240 | Amended | 16:13 VA.R. 1767 | 4/12/00 |
| 18 VAC 85-20-280 | Amended | 16:21 VA.R. 2680 | 8/2/00 |
| 18 VAC 85-31-10 | Amended | 16:13 VA.R. 1772 | 4/13/00 |
| 18 VAC 85-31-25 | Added | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-40 | Amended | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-50 | Amended | 16:13 VA.R. 1773 | 4/13/00 |
| 18 VAC 85-31-60 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-65 | Added | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-80 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-90 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-100 | Amended | 16:13 VA.R. 1774 | 4/13/00 |
| 18 VAC 85-31-120 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-130 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-135 | Added | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-140 | Amended | 16:13 VA.R. 1775 | 4/13/00 |
| 18 VAC 85-31-160 | Amended | 16:13 VA.R. 1768 | 4/12/00 |
| 18 VAC 85-40-80 | Amended | 16:13 VA.R. 1769 | 4/12/00 |
| 18 VAC 85-50-115 | Amended | 16:21 VA.R. 2682 | 8/2/00 |
| 18 VAC 85-50-170 | Amended | 16:13 VA.R. 1770 | 4/12/00 |
| 18 VAC 85-80-120 | Amended | 16:13 VA.R. 1770 | 4/12/00 |
| 18 VAC 85-101-160 | Amended | 16:13 VA.R. 1771 | 4/12/00 |
| 18 VAC 85-110-10 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 85-110-30 | Amended | 16:21 VA.R. 2683 | 8/2/00 |

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| 18 VAC 85-110-35 | Amended | 16:13 VA.R. 1771 | 4/12/00 |
| 18 VAC 85-110-90 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 85-110-100 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 90-20-30 | Amended | 16:13 VA.R. 1782 | 4/12/00 |
| 18 VAC 90-20-190 | Amended | 16:13 VA.R. 1782 | 4/12/00 |
| 18 VAC 90-20-230 | Amended | 16:13 VA.R. 1783 | 4/12/00 |
| 18 VAC 90-20-350 | Amended | 16:13 VA.R. 1783 | 4/12/00 |
| 18 VAC 90-40-10 | Amended | 16:21 VA.R. 2683 | 8/2/00 |
| 18 VAC 90-40-80 | Repealed | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 90-40-90 | Amended | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 90-40-120 | Amended | 16:21 VA.R. 2684 | 8/2/00 |
| 18 VAC 105-30-70 | Amended | 16:20 VA.R. 2534 | 7/19/00 |
| 18 VAC 110-20-10 | Amended | 16:21 VA.R. 2685 | 8/2/00 |
| 18 VAC 110-20-220 | Amended | 16:21 VA.R. 2687 | 8/2/00 |
| 18 VAC 115-20-10 | Amended | 16:13 VA.R. 1786 | 4/12/00 |
| 18 VAC 115-20-20 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-30 | Repealed | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-35 | Added | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-40 | Amended | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-40 | Erratum | 16:16 VA.R. 2081 | -- |
| 18 VAC 115-20-45 | Added | 16:13 VA.R. 1787 | 4/12/00 |
| 18 VAC 115-20-49 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-49 | Erratum | 16:16 VA.R. 2081 | -- |
| 18 VAC 115-20-50 | Amended | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-51 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-52 | Added | 16:13 VA.R. 1788 | 4/12/00 |
| 18 VAC 115-20-60 | Repealed | 16:13 VA.R. 1790 | 4/12/00 |
| 18 VAC 115-20-70 | Amended | 16:13 VA.R. 1790 | 4/12/00 |
| 18 VAC 115-20-80 | Repealed | 16:13 VA.R. 1791 | 4/12/00 |
| 18 VAC 115-20-100 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-110 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-20-130 | Amended | 16:13 VA.R. 1791 | 4/12/00 |
| 18 VAC 115-20-140 | Amended | 16:13 VA.R. 1792 | 4/12/00 |
| 18 VAC 115-20-150 | Amended | 16:13 VA.R. 1785 | 4/12/00 |
| 18 VAC 115-30-30 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-40 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-110 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-120 | Amended | 16:13 VA.R. 1793 | 4/12/00 |
| 18 VAC 115-30-160 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-20 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-35 | Amended | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-40-61 | Added | 16:13 VA.R. 1794 | 4/12/00 |
| 18 VAC 115-50-20 | Amended | 16:13 VA.R. 1795 | 4/12/00 |
| 18 VAC 115-50-30 | Amended | 16:13 VA.R. 1795 | 4/12/00 |
| 18 VAC 115-50-40 | Amended | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 115-50-90 | Amended | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 115-50-100 | Amended | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 115-50-130 | Added | 16:13 VA.R. 1796 | 4/12/00 |
| 18 VAC 120-10-10 through 18 VAC 120-10-90 | Repealed | 16:14 VA.R. 1867-1868 | 5/1/00 |
| 18 VAC 120-10-170 | Amended | 16:14 VA.R. 1868 | 5/1/00 |
| 18 VAC 125-20-30 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 125-20-130 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 125-20-170 | Amended | 16:13 VA.R. 1797 | 4/12/00 |
| 18 VAC 155-20-10 through 18 VAC 155-20-50 | Amended | 16:14 VA.R. 1869-1871 | 5/1/00 |
| 18 VAC 155-20-60 through 18 VAC 155-20-90 | Repealed | 16:14 VA.R. 1871-1872 | 5/1/00 |
| 18 VAC 155-20-100 through 18 VAC 155-20-160 | Amended | 16:14 VA.R. 1872-1874 | 5/1/00 |

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| 18 VAC 155-20-170 | Repealed | 16:14 VA.R. 1874 | 5/1/00 |
| 18 VAC 155-20-175 | Added | 16:14 VA.R. 1874 | 5/1/00 |
| 18 VAC 155-20-180 through 18 VAC 155-20-230 | Amended | 16:14 VA.R. 1875-1877 | 5/1/00 |
| 18 VAC 155-20-240 through 18 VAC 155-20-270 | Repealed | 16:14 VA.R. 1879-1880 | 5/1/00 |
| 18 VAC 155-20-280 | Amended | 16:14 VA.R. 1880 | 5/1/00 |
| 18 VAC 155-20-290 | Repealed | 16:14 VA.R. 1880 | 5/1/00 |
| Title 20. Public Utilities and Telecommunications | | | |
| 20 VAC 5-203-10 through 20 VAC 5-203-50 | Added | 16:23 VA.R. 2908-2910 | 7/1/00 |
| 20 VAC 5-311-10 through 20 VAC 5-311-60 | Added | 16:20 VA.R. 2541-2553 | 5/26/00 |
| 20 VAC 5-315-10 through 20 VAC 5-315-90 | Added | 16:20 VA.R. 2555-2558 | 5/25/00 |
| Title 22. Social Services | | | |
| 22 VAC 15-30-10 | Amended | 16:18 VA.R. 2282 | 6/21/00 |
| 22 VAC 40-30-10 et seq. | Repealed | 16:18 VA.R. 2284 | 6/21/00 |
| 22 VAC 40-60-10 through 22 VAC 40-60-60 | Amended | 16:12 VA.R. 1676-1679 | 7/1/00 |
| 22 VAC 40-60-70 | Repealed | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-80 | Amended | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-90 | Amended | 16:12 VA.R. 1679 | 7/1/00 |
| 22 VAC 40-60-100 | Repealed | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-110 through 22 VAC 40-60-150 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-180 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-190 | Amended | 16:12 VA.R. 1680 | 7/1/00 |
| 22 VAC 40-60-200 | Amended | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-210 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-220 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-230 | Repealed | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-235 | Added | 16:12 VA.R. 1681 | 7/1/00 |
| 22 VAC 40-60-240 | Repealed | 16:12 VA.R. 1682 | 7/1/00 |
| 22 VAC 40-60-250 | Repealed | 16:12 VA.R. 1682 | 7/1/00 |
| 22 VAC 40-60-260 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-270 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-280 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-290 | Repealed | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-300 | Amended | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-310 | Repealed | 16:12 VA.R. 1683 | 7/1/00 |
| 22 VAC 40-60-320 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-330 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-340 | Amended | 16:12 VA.R. 1684 | 7/1/00 |
| 22 VAC 40-60-350 | Repealed | 16:12 VA.R. 1685 | 7/1/00 |
| 22 VAC 40-60-360 | Repealed | 16:12 VA.R. 1685 | 7/1/00 |
| 22 VAC 40-60-370 through 22 VAC 40-60-420 | Amended | 16:12 VA.R. 1685 | 7/1/00 |
| 22 VAC 40-60-425 | Added | 16:12 VA.R. 1686 | 7/1/00 |
| 22 VAC 40-60-430 through 22 VAC 40-60-470 | Amended | 16:12 VA.R. 1686-1687 | 7/1/00 |
| 22 VAC 40-60-480 | Repealed | 16:12 VA.R. 1687 | 7/1/00 |
| 22 VAC 40-60-490 | Amended | 16:12 VA.R. 1687 | 7/1/00 |
| 22 VAC 40-60-510 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-520 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-530 | Repealed | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-540 | Repealed | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-550 | Amended | 16:12 VA.R. 1688 | 7/1/00 |
| 22 VAC 40-60-554 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-556 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-560 | Amended | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-564 | Added | 16:12 VA.R. 1689 | 7/1/00 |
| 22 VAC 40-60-570 through 22 VAC 40-60-610 | Amended | 16:12 VA.R. 1689-1691 | 7/1/00 |
| 22 VAC 40-60-620 through 22 VAC 40-60-650 | Repealed | 16:12 VA.R. 1691-1692 | 7/1/00 |
| 22 VAC 40-60-670 | Repealed | 16:12 VA.R. 1692 | 7/1/00 |

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| 22 VAC 40-60-680 | Amended | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-690 | Amended | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-691 | Added | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-692 | Added | 16:12 VA.R. 1692 | 7/1/00 |
| 22 VAC 40-60-694 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-695 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-697 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-698 | Added | 16:12 VA.R. 1693 | 7/1/00 |
| 22 VAC 40-60-699 | Added | 16:12 VA.R. 1695 | 7/1/00 |
| 22 VAC 40-60-700 | Amended | 16:12 VA.R. 1696 | 7/1/00 |
| 22 VAC 40-60-705 | Added | 16:12 VA.R. 1696 | 7/1/00 |
| 22 VAC 40-60-710 through 22 VAC 40-60-760 | Repealed | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-770 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-780 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-790 | Repealed | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-800 | Amended | 16:12 VA.R. 1697 | 7/1/00 |
| 22 VAC 40-60-810 through 22 VAC 40-60-840 | Repealed | 16:12 VA.R. 1697-1698 | 7/1/00 |
| 22 VAC 40-60-850 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-860 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-870 | Repealed | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-880 | Amended | 16:12 VA.R. 1698 | 7/1/00 |
| 22 VAC 40-60-885 | Added | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-890 through 22 VAC 40-60-950 | Repealed | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-960 | Amended | 16:12 VA.R. 1699 | 7/1/00 |
| 22 VAC 40-60-970 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-980 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-990 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1000 | Repealed | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1010 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1020 | Amended | 16:12 VA.R. 1700 | 7/1/00 |
| 22 VAC 40-60-1030 through 22 VAC 40-60-1060 | Repealed | 16:12 VA.R. 1701-1702 | 7/1/00 |
| 22 VAC 40-130-10 | Amended | 16:22 VA.R. 2745 | 11/1/00 |
| 22 VAC 40-130-25 | Added | 16:22 VA.R. 2748 | 11/1/00 |
| 22 VAC 40-130-30 through 22 VAC 40-130-140 | Amended | 16:22 VA.R. 2749-2751 | 11/1/00 |
| 22 VAC 40-130-155 | Added | 16:22 VA.R. 2751 | 11/1/00 |
| 22 VAC 40-130-160 | Repealed | 16:22 VA.R. 2751 | 11/1/00 |
| 22 VAC 40-130-170 through 22 VAC 40-130-190 | Amended | 16:22 VA.R. 2751-2752 | 11/1/00 |
| 22 VAC 40-130-195 | Added | 16:22 VA.R. 2753 | 11/1/00 |
| 22 VAC 40-130-198 | Added | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-200 | Amended | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-202 | Added | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-210 | Amended | 16:22 VA.R. 2754 | 11/1/00 |
| 22 VAC 40-130-211 | Added | 16:22 VA.R. 2756 | 11/1/00 |
| 22 VAC 40-130-212 | Added | 16:22 VA.R. 2757 | 11/1/00 |
| 22 VAC 40-130-213 | Added | 16:22 VA.R. 2758 | 11/1/00 |
| 22 VAC 40-130-220 | Amended | 16:22 VA.R. 2758 | 11/1/00 |
| 22 VAC 40-130-221 | Added | 16:22 VA.R. 2759 | 11/1/00 |
| 22 VAC 40-130-223 | Added | 16:22 VA.R. 2759 | 11/1/00 |
| 22 VAC 40-130-230 through 22 VAC 40-130-250 | Amended | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-251 | Added | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-260 | Amended | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-261 | Added | 16:22 VA.R. 2760 | 11/1/00 |
| 22 VAC 40-130-270 | Amended | 16:22 VA.R. 2761 | 11/1/00 |
| 22 VAC 40-130-271 | Added | 16:22 VA.R. 2765 | 11/1/00 |
| 22 VAC 40-130-272 | Added | 16:22 VA.R. 2765 | 11/1/00 |
| 22 VAC 40-130-280 | Amended | 16:22 VA.R. 2766 | 11/1/00 |

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

| SECTION NUMBER | ACTION | CITE | EFFECTIVE DATE |
|--|---------|-----------------------|----------------|
| 22 VAC 40-130-289 | Added | 16:22 VA.R. 2767 | 11/1/00 |
| 22 VAC 40-130-290 | Amended | 16:22 VA.R. 2767 | 11/1/00 |
| 22 VAC 40-130-300 | Amended | 16:22 VA.R. 2768 | 11/1/00 |
| 22 VAC 40-130-301 | Added | 16:22 VA.R. 2768 | 11/1/00 |
| 22 VAC 40-130-310 | Amended | 16:22 VA.R. 2769 | 11/1/00 |
| 22 VAC 40-130-312 | Added | 16:22 VA.R. 2770 | 11/1/00 |
| 22 VAC 40-130-314 | Added | 16:22 VA.R. 2771 | 11/1/00 |
| 22 VAC 40-130-320 through 22 VAC 40-130-360 | Amended | 16:22 VA.R. 2771-2772 | 11/1/00 |
| 22 VAC 40-130-365 | Added | 16:22 VA.R. 2773 | 11/1/00 |
| 22 VAC 40-130-370 through 22 VAC 40-130-400 | Amended | 16:22 VA.R. 2773-2776 | 11/1/00 |
| 22 VAC 40-130-401 | Added | 16:22 VA.R. 2776 | 11/1/00 |
| 22 VAC 40-130-402 | Added | 16:22 VA.R. 2777 | 11/1/00 |
| 22 VAC 40-130-403 | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-404 | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-406 | Added | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-410 | Amended | 16:22 VA.R. 2778 | 11/1/00 |
| 22 VAC 40-130-420 | Amended | 16:22 VA.R. 2779 | 11/1/00 |
| 22 VAC 40-130-424 | Added | 16:22 VA.R. 2779 | 11/1/00 |
| 22 VAC 40-130-430 through 22 VAC 40-130-450 | Amended | 16:22 VA.R. 2779-2780 | 11/1/00 |
| 22 VAC 40-130-452 through 22 VAC 40-130-459 | Added | 16:22 VA.R. 2780-2784 | 11/1/00 |
| 22 VAC 40-130-470 through 22 VAC 40-130-550 | Amended | 16:22 VA.R. 2784-2785 | 11/1/00 |
| 22 VAC 40-130-600 through 22 VAC 40-130-820 | Added | 16:22 VA.R. 2785-2796 | 11/1/00 |
| 22 VAC 40-325-10 | Added | 16:22 VA.R. 2797 | 8/16/00 |
| 22 VAC 40-325-20 | Added | 16:22 VA.R. 2797 | 8/16/00 |
| 22 VAC 40-705-10 | Amended | 16:12 VA.R. 1705 | 3/29/00 |
| 22 VAC 40-705-40 | Amended | 16:12 VA.R. 1707 | 3/29/00 |
| Title 24. Transportation and Motor Vehicles | | | |
| 24 VAC 30-40-30 | Amended | 16:18 VA.R. 2285 | 7/1/00 |
| 24 VAC 30-40-580 | Amended | 16:18 VA.R. 2287 | 7/1/00 |
| 24 VAC 30-40-600 through 24 VAC 30-40-640 | Amended | 16:18 VA.R. 2288-2290 | 7/1/00 |

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-20-10 et seq. General Provisions.** The regulation amendments are being proposed to incorporate the latest edition of referenced technical documents into the Regulations for the Control and Abatement of Air Pollution.

Section 110, paragraph 2 of Title I of the Clean Air Act Amendments of 1990 (42 USC § 7471) requires that the state implementation plan shall "provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to . . . monitor, compile, and analyze data on ambient air quality . . ." This law is implemented by EPA through 40 CFR 51.212, which states that the plan must provide for "enforceable test methods for each emission limit specified in the plan."

To meet this requirement, the department has, where appropriate, incorporated by reference a series of mostly industry-generated test methods that reflect the most current technical information available and that will enable the state to meet this Act requirement.

Need: The amendments are needed because the regulations must be current and timely, which means that the technical documents incorporated must be the most recent edition. EPA has indicated that it will not approve state plans if the technical documents referenced are not up to date and accurate. In addition to meeting federal requirements for the provision of enforceable test methods that are acceptable to EPA, incorporation of these documents has many additional advantages to the public and to the state.

The amendments concern documents that are technical in nature and pertain to areas in which the agency has limited expertise or resources to conduct extensive research. For example, the "Flammable and Combustible Liquids Code," which is published by the National Fire Protection Association as an American National Standard, contains important information that would not otherwise be readily determined by the state with its own devices.

In addition, the agency must ensure that its references to technical standards--for example, test methods--must be consistent with standards developed and accepted by the scientific and industrial communities. By keeping state requirements consistent with these standards, the state and the regulated community avoid conflict and confusion, and ensure technical accuracy.

Use of these standards is advantageous to industry. Most of the standards have been developed by industrial professional societies. Like the state, many industries do not have the wherewithal to do their own research and develop their own standards. Use of these standards assures convenience and consistency for their users, as well as a strong degree of confidence in their accuracy.

Relying on existing standards also saves the state time and financial resources by eliminating duplication of research. Finally, the regulations must reflect the most up-to-date technical information available to ensure that public health and welfare are protected.

Potential Issues:

1. To amend 9 VAC 5-20-21 of 9 VAC 5 Chapter 20 to update information related to technical documents incorporated by reference.
2. To amend 9 VAC 5-20-21 of 9 VAC 5 Chapter 20 as may be necessary to maintain consistency with Title 40 of the Code of Federal Regulations.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action: to ensure that technical documents incorporated by reference into the Commonwealth's regulations are complete and accurate.
2. Take no action to amend the regulations and continue using outdated references. This option is not being considered because it would result in the use of outdated and inaccurate information.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held by the department to receive comments on and to discuss the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the Virginia Register. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Notices of Intended Regulatory Action

The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted using the same procedures as those used for submitting written comments pursuant to this notice.

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

Public comments may be submitted until September 8, 2000.

Contact: Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426 or FAX (804) 698-4510.

VA.R. Doc. No. R00-223; Filed July 12, 2000, 7:29 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 amending regulations entitled: **9 VAC 25-210-10 et seq. Virginia Water Protection Permit Regulation.** The purpose of the proposed action is to amend the regulation to incorporate changes to §§ 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:5 and 62.1-44.29 of the Code of Virginia relating to wetlands as mandated by the 2000 General Assembly in Senate Bill 648 and House Bill 1170 and other changes that the department or the public deems necessary and are warranted. These changes are designed to clarify and streamline the permitting process and to establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources, using a regulatory approach to achieve no net loss of wetlands and a voluntary approach to achieve a net resource gain.

The board is seeking comments on the intended regulatory action, including ideas to assist in the revisions to the regulation. An informational public meeting will be held and notice of the meeting will be posted in the Calendar of Events section of the Virginia Register of Regulations. In addition, a Technical Advisory Committee has been formed to assist in the development of the regulation; notice of the meeting dates will be posted in the Calendar of Events section of the Virginia Register of Regulations. The board is using the participatory approach to assist the agency in the revisions to the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15:5 of the Code of Virginia.

Public comments may be submitted until August 16, 2000.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, Department of Environmental Quality,

P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375 or FAX (804) 698-4032.

VA.R. Doc. No. R00-201; Filed May 31, 2000, 11:41 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled:

- 1. 9 VAC 25-660-10 et seq. General Virginia Water Protection Permit for Wetland Impacts Less than One-Half Acre;**
- 2. 9 VAC 25-670-10 et seq. General Virginia Water Permit for Wetland Impacts Related to Facilities and Activities of Utility and Public Service Companies Regulated by FERC and SCC;**
- 3. 9 VAC 25-680-10 et seq. General Virginia Water Permit for Wetland Impacts from Linear Transportation Projects;**
- 4. 9 VAC 25-690-10 et seq. General Virginia Water Permit for Wetland Impacts from Development Activities;**
- 5. 9 VAC 25-700-10 et seq. General Virginia Water Permit for Wetland Impacts from Mining Activities; and**
- 6. 9 VAC 25-710-10 et seq. General Virginia Water Permit for Wetland Restoration and Creation Activities.**

The purpose of the proposed action is to develop general permits for activities in wetlands as specified in changes to § 62.1-44.15:5 of the Code of Virginia relating to wetlands as mandated by the General Assembly in Senate Bill 648 and House Bill 1170. The new regulations are needed to expedite and streamline the wetland permitting process in Virginia.

Need: Pursuant to the actions of the 2000 General Assembly, Virginia Water Protection Permit General Permits are to be developed in accordance with changes to § 62.1-44.15:5 of the Code of Virginia relating to wetlands. General permits are to be developed for such activities in wetlands as the board deems appropriate, and are to include such terms and conditions as the board deems necessary to protect state resources and fish and wildlife resources from significant impairment. The adoption of general permits for wetland impacts is essential to protect the health, safety and welfare of citizens because they will streamline the permitting process, allowing agencies and applicants to save time and money.

Substance: The proposed regulatory action is to develop a series of Virginia Water Protection Permit General Permits in response to the requirements of new legislation. These general permits are for classes of similar activities with minimal environmental consequence. The board shall develop general permits for:

1. Activities causing wetland impacts of less than one-half of an acre;

Notices of Intended Regulatory Action

2. Facilities and activities of utilities and public service companies regulated by the Federal Energy Regulatory Commission or State Corporation Commission;

3. Coal, natural gas, and coal bed methane gas mining activities authorized by the Department of Mines, Minerals and Energy, and for sand mining activities;

4. Virginia Department of Transportation or other linear transportation projects; and

5. Activities governed by nationwide or regional permits approved by the board and issued by the U.S. Army Corps of Engineers. Conditions contained in the general permits shall include, but not be limited to, filing with the board copies of any preconstruction notification, postconstruction report and certificate of compliance required by the U.S. Army Corps of Engineers. The permits will contain specific thresholds for use and mitigation ratios for compensation for unavoidable wetland impacts.

Alternatives: The alternative of not developing these general permits is not feasible as the proposed changes are mandated by action of the General Assembly. The alternative of developing these permits will clarify and streamline the permitting process and help alleviate duplicative requirements of state and federal programs.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the development of general permits. An informational public meeting will be held and notice of the meeting posted in the Calendar of Events section of the Virginia Register of Regulations. In addition, a Technical Advisory Committee has been formed to assist in the development of the general permits; notice of the meeting dates will be posted in the Calendar of Events section of the Virginia Register of Regulations.

The board is using the participatory approach in the development of these regulations.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15:5 of the Code of Virginia.

Public comments may be submitted until August 16, 2000.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375 or FAX (804) 698-4032.

VA.R. Doc. Nos. R00-195 through R00-200; Filed May 31, 2000, 11:41 a.m.



TITLE 11. GAMING

STATE LOTTERY 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 Lottery Board intends to consider amending regulations entitled: **11 VAC 5-10-10 et seq. Guidelines for Public Participation in Regulation Development and Promulgation.** The purpose of the proposed action is to delete nonessential language, simplify the regulation, and add a section regarding the periodic review of the regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-241; Filed July 26, 2000, 10:44 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider amending regulations entitled: **11 VAC 5-20-10 et seq. Administration Regulations.** The purpose of the proposed action is to simplify and clarify the regulations and eliminate redundant and unnecessary language. Amendments under consideration include, but are not limited to (i) clarifying definitions; (ii) repealing certain detailed procurement procedures, with the exception of reference to standards of ethics and competitive principles, and including these specific procedures in department manuals which will be incorporated by reference; (iii) eliminating the specific percentage allocation of lottery revenue among prizes, the State Lottery Fund and retailer compensation; (iv) eliminating the Lottery Prize Special Reserve Fund; (v) eliminating the specific frequency of external audits and of board meetings; and (vi) clarifying procedures for informal and formal licensing conferences and hearings. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-242; Filed July 26, 2000, 10:44 a.m.

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider repealing regulations entitled: **11 VAC 5-30-10 et seq. Instant Game Regulations.** The purpose of the proposed action is to reorganize current lottery regulations by combining the instant licensing and game provisions with those for on-line games and incorporating them into two new regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-243; Filed July 26, 2000, 10:44 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider promulgating regulations entitled: **11 VAC 5-31-10 et seq. Licensing Regulations.** The purpose of the proposed action is to create a new regulation containing lottery retailer licensing requirements, including eligibility, application procedure, bonding and bank account requirements, licensing terms and fees, retailer compensation, standards of conduct, license denial or revocation, and audit of records. The licensing regulations under consideration are essentially those that are contained currently in the Lottery's Instant and On-Line Game Regulations. Because of duplication of provisions in each of these chapters, all lottery retailer licensing requirements will be combined and restated under a single chapter. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-244; Filed July 26, 2000, 10:44 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider repealing regulations entitled: **11 VAC 5-40-10 et seq. On-Line Game Regulations.** The purpose of the proposed action is to reorganize current lottery regulations by combining on-line licensing and game provisions with those for instant games and incorporating them into two new

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

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-245; Filed July 26, 2000, 10:44 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to consider promulgating regulations entitled: **11 VAC 5-41-10 et seq. Lottery Game Regulations.** The purpose of the proposed action is to create a new regulation containing procedures specifically related to all types of lottery games, including operational parameters for the conduct of games, validation requirements and payment of prizes. The lottery game regulations under consideration are essentially those that are contained currently in the Lottery's Instant Game and On-Line Game Regulations with certain revisions. The new regulations are more generic to all lottery games and include provisions for the instant ticket full redemption program and cash prize redemption option for jackpot prizes. Numerous other revisions are being considered to simplify the language regarding ticket validation and prize payment. Because of duplication of provisions in the Instant Game and On-Line Game Regulations, all lottery game provisions and requirements will be combined and restated under this single chapter. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

VA.R. Doc. No. R00-246; Filed July 26, 2000, 10:44 a.m.

VIRGINIA RACING COMMISSION

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Racing Commission has **WITHDRAWN** the Notice of Intended Regulatory Action for **11 VAC 10-150-10 et seq. Regulations Pertaining to Horse Racing with Pari-Mutual Wagering: Standardbred Racing**, which was published in 16:9 VA.R. 1034 January 17, 2000.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, Virginia 23124, telephone (804) 966-7400, FAX (804) 966-7418.

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-65-10 et seq. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program.** The purpose of the proposed action is to amend existing emergency medical services regulations governing do not resuscitate orders in accordance with legislation of the 1999 Session of the General Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-111.1, 54.1-2987.1 and 54.1-2991 of the Code of Virginia.

Public comments may be submitted until August 17, 2000.

Contact: Dave Cullen, Regulatory and Compliance Manager, Department of Health, 158 East Parham Road, Richmond, Virginia 23228, telephone (804) 371-3500, FAX (804) 371-3543.

VA.R. Doc. No. R00-213; Filed June 22, 2000, 3:48 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-371-10 et seq. Regulations for the Licensure of Nursing Facilities.** The purpose of the proposed action is to make permanent emergency amendments to the nursing facility regulations made necessary by 1999 legislation. The amendment to 12 VAC 5-371-40 will implement authority for the Health Commissioner to condition license renewal on whether facilities have provided previously agreed levels of charity care. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Center for Quality Care Services, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157 or FAX (804) 367-2149.

VA.R. Doc. No. R00-226; Filed July 17, 2000, 2:33 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-410-10 et seq. Rules and Regulations for the Licensure of Hospitals.** The purpose of the proposed action is to make permanent emergency amendments to the hospital regulations made necessary by 1999 legislation. The amendment to 12 VAC 5-410-70 will implement authority for the Health Commissioner to condition license renewal on whether facilities have provided previously agreed levels of charity care. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Center for Quality Care Services, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157 or FAX (804) 367-2149.

VA.R. Doc. No. R00-224; Filed July 17, 2000, 2:33 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-615-10 et seq. Regulations for Authorized Onsite Soil Evaluators.** The purpose of the proposed action is to make permanent certain emergency regulations made necessary by 1999 legislation. The regulations will implement a program that will allow private sector soil evaluators a role in approving private septic systems. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12, 32.1-163.5 and 32.1-164 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Contact: Donald J. Alexander, Director, Division of Onsite Sewage and Water Services, Department of Health, P.O. Box 2448, Room 117, Richmond, Virginia 23218, telephone (804) 786-1620, FAX (804) 225-4003.

VA.R. Doc. No. R00-225; Filed July 11, 2000, 12:03 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services** and **12 VAC 30-120-10 et seq. Waivered Services.** The purpose of the proposed action is to promulgate a regulation for individual and family

Notices of Intended Regulatory Action

developmental disability support services waivers consistent with the federally-approved waiver. This action also adds case management services to the Title XIX State Plan for this targeted population. 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 September 13, 2000, to Karen Lawson, Analyst, Division of Long-Term Care, Department of Medical Assistance Services, 600 E. Broad St., 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 or (804) 371-4981.

VA.R. Doc. No. R00-231; Filed July 21, 2000, 12:06 p.m.

purpose of the proposed action is to provide necessary regulation for implementation of the Child Care Development Fund Services Plan, which covers expenditures of more than \$100 million in federal, state and local dollars to subsidize, increase and improve child care. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until September 13, 2000.

Contact: Vincent J. Jordan, Program Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849.

VA.R. Doc. No. R00-234; Filed July 25, 2000, 11:52 a.m.

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Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120-10 et seq. Waivered Services.** The purpose of the proposed action is to provide family planning services (only) up to 24 months post delivery for women who were Medicaid eligible for their prenatal care and deliveries. Presently, DMAS is permitted by federal law to extend Medicaid eligibility for all covered services for only 60 days to these women. The 1999 Session of the General Assembly directed DMAS to seek a § 1115 (a) waiver from the Health Care Financing Administration. 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 August 30, 2000, to Anita Cordill, Analyst, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., 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 or (804) 371-4981.

VA.R. Doc. No. R00-218; Filed June 30, 2000, 4:21 p.m.

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TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-660-10 et seq. Child Day Care Services Policy.** The

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

September 18, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia.

October 13, 2000 - 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 25-640-10 et seq. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements.** The proposed regulation provides the criteria by which operators of aboveground storage tank and pipeline facilities can demonstrate that they have adequate financial resources to perform their responsibility to contain and clean up any oil discharges that may occur at their facilities.

Statutory Authority: § 62.1-44.34:16 of the Code of Virginia.

Contact: Leslie Beckwith, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4123 or FAX (804) 698-4021.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

October 13, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services.** This regulatory action proposes to cover Medicaid transportation as an administrative expense as permitted by federal regulations instead of as a medical expense.

This would apply to nonemergency transportation services only. This change will permit the coordination of trips and a reduction in expenditures by broker contractors.

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

Public comments may be submitted until October 13, 2000, to Jeff Nelson, Analyst, Policy 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) 371-8854 or FAX (804) 371-4981.

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

October 13, 2000 - 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 Library Board intends to amend regulations entitled: **17 VAC 15-20-10 et seq. Standards for Microfilming Public Records.** The purpose of the proposed amendments is to establish criteria necessary to ensure that microfilm copies of vital and historical records meet archival requirements for permanent retention. Reference standards are updated and a section on resolution requirements for procedural microfilm recording is added.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY ☎

Public Comment Periods - Proposed Regulations

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October 13, 2000 - 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 Library Board intends to repeal regulations entitled: **17 VAC 15-30-10 et seq. Archival Standards for Recording Deeds and Other Writings by a Procedural Micrographic Process.** This regulation is being incorporated into 17 VAC 5-20-10 et seq.

Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY ☎

* * * * *

October 13, 2000 - 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 Library Board intends to repeal regulations entitled: **17 VAC 15-40-10 et seq. Standards for Microfilming of Ended Law Chancery and Criminal Cases of the Clerks of the Circuit Courts Prior to Disposition.** This regulations is being incorporated into 17 VAC 5-20-10 et seq.

Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY ☎

* * * * *

October 13, 2000 - 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 Library Board intends to amend regulations entitled: **17 VAC 15-50-10 et seq. Standards for Computer Output Microfilm (COM) for Public Records.** The purpose of the proposed amendments is to ensure that public records on computer are transferred to microfilm that meets archival requirements, and includes revisions that are minor and technical in nature.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/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 5. CORPORATIONS

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.

Title of Regulation: **5 VAC 5-10-10 et seq. State Corporation Commission Rules of Practice and Procedure (REPEALING).**

Title of Regulation: **5 VAC 5-20-10 et seq. State Corporation Commission Rules of Practice and Procedure.**

Statutory Authority: §§ 12.1-13 and 12.1-25 of the Code of Virginia.

Summary:

The proposed rules provide for the repeal of the existing State Corporation Commission Rules of Practice and Procedure (5 VAC 5-10-10 et seq.) in their entirety and for the promulgation of revised State Corporation Commission Rules of Practice and Procedure (5 VAC 5-20-10 et seq.). The revised rules include general provisions relating to applicability and good faith pleading and practice, provisions related to the commencement of formal proceedings, procedures in formal proceedings, and discovery and hearing preparation procedures.

Agency Contact: Interested persons with questions should contact William H. Chambliss, General Counsel, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9671. Comments should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and reference Case No. CLK000311.

AT RICHMOND, JULY 18, 2000

COMMONWEALTH OF VIRGINIA ex rel:

STATE CORPORATION COMMISSION

CASE NO. CLK000311

Ex Parte: In the matter concerning revised State Corporation Commission Rules of Practice and Procedure

ORDER FOR NOTICE AND COMMENT OR REQUESTS FOR HEARING

The Commission's Rules of Practice and Procedure, now codified at 5 VAC 5-10-10 et seq. ("Rules"), were issued in 1974 and last revised in our Administrative Order, dated June 12, 1986, in Case No. CLK860572.¹ Since 1974, many changes have occurred in the industries and businesses subject to the regulatory authority of the Commission, including the introduction of competitive forces in the establishment of rates and provision of services formerly established by economic regulation, or the increased interest in reliance on these market forces.

The Commission has concluded that, in light of the passage of time and the changes occurring in these industries, it is appropriate to revisit our Rules. Accordingly, the Commission Staff has prepared a proposed revision of the Rules of Practice and Procedure ("Proposed Rules"). Interested parties are invited to comment upon and suggest modifications or supplements to, or request hearing on, the Proposed Rules. The Commission's Division of Information Resources is directed to cause the Proposed Rules to be published in the *Virginia Register of Regulations* and to make the Proposed Rules available for inspection on the Commission's Internet website.

Accordingly, IT IS ORDERED THAT:

(1) This matter shall be docketed and assigned Case No. CLK000311.

(2) On or before August 14, 2000, the Commission's Division of Information Resources shall cause the Proposed Rules to be published in the *Virginia Register of Regulations*.

(3) On or before July 31, 2000, the Commission's Division of Information Resources shall make a downloadable version of the Proposed Rules available for access by the public at the Commission's website, <http://www.state.va.us/scc>. The Clerk of the Commission shall make a copy of the Proposed Rules available for public inspection in his office and provide a copy of the Proposed Rules, free of charge, in response to any written request for one.

(4) Interested persons wishing to comment, propose modifications or supplements to, or request hearing on the Proposed Rules shall file an original and fifteen (15) copies of such comments, proposals, or request with the Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, on or before September 22, 2000, making reference to Case No. CLK000311.

(5) This matter is continued for further orders of the Commission.

¹ Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the Matter of revising the Rules of Practice and Procedure of the State Corporation Commission.

Proposed Regulations

AN ATTESTED COPY HEREOF shall be served by the Clerk of the Commission to all public utilities providing service within the Commonwealth of Virginia; Philip G. Sunderland, Esquire, Alexandria City Attorney's Office, City Hall, 301 King Street, Alexandria, Virginia 22314; Bruce E. Gibson, AMVEST Oil & Gas, Inc., First American Center, Sixth Floor, Suite 640, 415 Broad Street, Kingsport, Tennessee 37660-4207; Judith Williams Jagdmann, Deputy Attorney General, John F. Dudley, Senior Assistant Attorney General, and Martha Brissette, Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; David Boies, Esquire, and Kerri Boyer, Esquire, 5301 Wisconsin Avenue, N.W., Washington, D.C. 20015; Browder and Russell, P.C., 901 East Cary Street, Suite 1100, Richmond, Virginia 23219; John H. Bucy, Esquire, 701 Brazos, Suite 1500, Austin, Texas 78701; Michael Sarahan, Esquire, Richmond City Attorney's Office, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Clark & Stant, 900 Sovran Bank Building, 1 Columbus Center, Virginia Beach, Virginia 23462; Christopher W. Savage, Esquire, Cole Raywid & Braverman, L.L.P., 1919 Pennsylvania Avenue, N.W., 2nd Floor, Washington, D.C. 20006-3458; Consolidated Natural Gas Co., Inc., 1819 L Street, N.W., Suite 900, Washington, D.C. 20036; Cullen & Dykman, 1225 Nineteenth Street, N.W., Suite 320, Washington, D.C. 20036; Robert L. Daileader, Jr., 1 Thomas Circle, Suite 700, Washington, D.C. 20005-5802; Peter F. Clark, Esquire, and Randall V. Griffin, Esquire, Delmarva Power & Light Company, 800 King Street, P.O. Box 231, Wilmington, Delaware 19899; Tina Pidgeon, Esquire, and Phil Mause, Esquire, Drinker, Biddle & Reath, 901 15th Street, N.W., Suite 900, Washington, D.C. 20005; Ronald M. Hardt, Ecopower, Inc., P.O. Box 654, Midlothian, Virginia 23113; William T. Fitzhugh, Esquire, 100 West Franklin Street, Suite 300, Richmond, Virginia 23220; Florance, Gordon & Brown, P.C., 1200 Mutual Building, 909 East Main Street, Suite 800, Richmond, Virginia 23219; Charles R. Foster, III, Esquire, 6093 Miles Lane, Warrenton, Virginia 22186; Calvin F. Major, Esquire, Goddin, Major, Schubert & Hyman, 1313 East Main Street, Suite 339, Richmond, Virginia 23220; C. Thomas Green, III, Esquire, 7501 Boulders View Drive, Boulders 4, Suite 640, Richmond, Virginia 23225; Hazel & Thomas, Riverfront Plaza, West Tower, 901 East Byrd Street, Suite 1700, Richmond, Virginia 23219; Scott Hempling, Esquire, 417 St. Lawrence Drive, Silver Spring, Maryland 20901; Hirschler, Fleischer, Weinberg, Cox & Allen, P.O. Box 500, Richmond, Virginia 23204-0500; Richard D. Gary, Esquire, and Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Lawrence E. Lindeman, Esquire, 218 North Lee Street, Suite 311, Alexandria, Virginia 22314; James C. Roberts, Esquire, and Donald G. Owens, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-1122; Timothy M. Kaine, Esquire, McCandlish Kaine & Grant, P.O. Box 796, Richmond, Virginia 23218; James C. Dimitri, Esquire, Edward L. Flippen, Esquire, Kodwo Ghartey-Tagoe, Esquire, Stephen H. Watts, II, Esquire, and Mark J. LaFratta, Esquire, McGuire, Woods, Battle & Boothe, LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219; Lynwood Evans, Esquire, MediaOne Group, Inc., 7800 Belfort, Suite 270, Jacksonville, Florida 32256; George H. Scott, Regional Operations Manager, NOCUTS,

Inc., 401 East Louther Street, Suite 302, Carlisle, Pennsylvania 17013; Mary Hamm, Northern Virginia Electric Cooperative, 10323 Lomond Drive, Manassas, Virginia 20109; Parker, Pollard & Brown, P.O. Box 28236, Richmond, Virginia 23228; Patterson, Belk, Webb & Tyler, Floors 20-26, 1133 Avenue of the Americas, New York, New York 10036-6710; Robert W. Sullivan, Esquire, 3865 Plaza Drive, Fairfax, Virginia 22030; Russell Blau, Esquire, and Robin F. Cohn, Esquire, Swidler, Berlin, Shereff & Friedman, L.L.P., 3000 K Street, N.W., Washington, D.C. 20007-3841; Glenn J. Berger, Esquire, Union Camp Corporation, 1440 New York Avenue, N.W., Washington, D.C. 20005-2111; Elinor Pyles, Administrator, Virginia Birth-Related Neurological Injury Compensation Program, 700 East Main Street, Suite 1635, Richmond, Virginia 23219; Kathryn C. Falk, Virginia Cable Telecommunications Association, 1001 East Broad Street, Suite 210, Richmond, Virginia 23219; Van Ness Feldman & Curtis, 1050 Thomas Jefferson Street, N.W., 7th Floor, Washington, D.C. 20007; Michael J. O'Connor, VAPMACS, 6716 Patterson Avenue, Suite 100, Richmond, Virginia 23236; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; White, Blackburn & Conte, P.C., 300 West Main Street, Richmond, Virginia 23220; William C. Waecheter, Jr., Esquire, Thomas B. Nicholson, Esquire, Ralph L. Axselle, Esquire, and Channing J. Martin, Esquire, Williams, Mullen, Clark & Dobbins, Two James Center, 16th Floor, 1021 East Cary Street, Richmond, Virginia 23219; M. Brooks Savage, Jr., Esquire 1101 17th Street, N.W., Suite 405, Washington, D.C. 20036; Steven E. Adkins, Adduci, Mastriani & Schaumberg, L.L.P., 1200 17th Street, N.W., Fifth Floor, Washington, D.C. 20036; Robert McCausland, Allegiance Telecom of VA, Inc., 1950 Stemmons Freeway, Suite 3026, Dallas, Texas 75207-3118; James R. Bacha, and Barry Thomas, American Electric Power Service Corporation, One Riverside Plaza, Columbus, Ohio 43215; Frann G. Francis, Esquire, Apartment & Office Building Association, 1050 17th Street, N.W., Suite 300, Washington, D.C. 20036; Wilma R. McCarey, Esquire, AT&T Communications of Virginia, Inc., 3033 Chain Bridge Road, Room 3-D, Oakton, Virginia 22185-0001; Warner F. Brundage, Jr., Esquire, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219; John G. Berry, Esquire, Berry and Early, P.O. Box 620, Madison, Virginia 22727; Paul C. Besozzi, Besozzi, Gavin & Craven, 1901 One Street, N.W., Washington, D.C. 20036; John M. Boswell, Boswell & Williamson, P.O. Box 45, Crewe, Virginia 23930; Randall S. Rich, Esquire, Bracewell & Patterson, 2000 K Street, N.W., Suite 500, Washington, D.C. 20006-1872; Frederick H. Ritts, Esquire, and Julie B. Greenisen, Esquire, Brickfield, Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, N.W., Eighth Floor, West Tower, Washington, D.C. 20007; Stephen T. Perkins, Cavalier Telephone LLC, 2134 West Laburnum Avenue, Richmond, Virginia 23227; Louis R. Monacell, Esquire, Robert M. Gillespie, Esquire, and Edward L. Petrini, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Mark C. Darrell, Esquire, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Peter R. Lalor, Esquire, Commonwealth Chesapeake Company, LLC, P.O. Box 249, Wachapreague, Virginia 23480; James D. Earl, Esquire, Covad Communications Company, 6849 Old Dominion Drive,

Suite 220, McLean, Virginia 22101; Jill N. Butler, Director of Regulatory Affairs, Cox Communications, 4585 Village Avenue, Norfolk, Virginia 23502; Sheryl Butler, Department of Defense, 901 North Stuart Street, Suite 713, Arlington, Virginia 22203-1837; Alan R. Staley, Esquire, Daimonstein, Becker & Staley, P.L.C., P.O. Box 12180, Newport News, Virginia 23612-2180; Catherine Schellhammer, Enron Corp., 400 Metro Place North, Dublin, Ohio 43017-3375; Dennis R. Bates, Esquire, Senior Assistant County Attorney, Fairfax County, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064; Stephen C. Spencer, Assistant Vice President-Regulatory and Governmental Affairs, GTE South Incorporated, Three James Center, Suite 1200, 1051 East Cary Street, Richmond, Virginia 23219; E. Warren Matthews, Esquire, Harris, Matthews & Warren, P.C., Highway 903, Bracey, Virginia 23919; William G. Thomas, Hazel & Thomas, 510 King Street, Suite 200, Alexandria, Virginia 22314; Cindy D. Jackson, Esquire, Hogan & Hartson, LLP, Columbia Square, 555 Thirteenth Street, N.W., Washington, D.C. 20004-1109; Christopher W. Savage, Esquire, Jones Telecommunications, 1919 Pennsylvania Avenue, N.W., Washington, D.C. 20006-3548; Arne M. Sorenson, Esquire, Latham & Watkins, 1001 Pennsylvania Avenue, N.W., Suite 1300, Washington, D.C. 20004-2505; John H. Partridge, Esquire, Law Offices of John H. Partridge, 761 Monroe Street, Herndon, Virginia 20170; Mark Perdue, Esquire, Law Office of St. Clair & Wilson, P.O. Box 37, 518 West Main Street, Clifton Forge, Virginia 24422; J. Christopher LaGow, Esquire, Law Office of J. Christopher LaGow, One Capitol Square, 830 East Main Street, Suite 1500, Richmond, Virginia 23219; James P. Guy, III, Esquire, and Eric M. Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Kenworth E. Lion, Jr., Esquire, Lion Law Offices, 8018 Atlee Road, Mechanicsville, Virginia 23111; John S. Barr, Esquire, Maloney, Yeatts & Barr, 600 Ross Building, 801 East Main Street, Richmond, Virginia 23219-2906; Kyle L. Dickson, Esquire, Maxwell, Baker & McFatrige, P.C., 2525 South Shore Boulevard, Suite 410, League City, Texas 77573; Vishwa B. Link, Esquire, MCI WorldCom, Inc., 1133 19th Street, N.W., Washington, D.C. 20036; Beverly L. Crump, McSweeney, Burtch & Crump, P.C., P.O. Box 1463, Richmond, Virginia 23219; Nathan H. Miller, Esquire, Miller & Earle, PLLC, 560 Neff Avenue, Suite 200, P.O. Box 511, Harrisonburg, Virginia 22801; Amy L. Sheridan, Miller Balis & O'Neil Law Firm, 2001 North Adams Street, Suite 512, Arlington, Virginia 22201; William H. Gammon, Esquire, Moore & Van Allen PLLC, P.O. Box 26507, Raleigh, North Carolina 27611; Charles H. Tenser, Esquire, National Council on Compensation Insurance, Inc., 750 Park of Commerce Drive, Boca Raton, Florida 33487; Kendrick R. Riggs, Esquire, Ogden, Newell & Welch, 500 West Jefferson Street, Louisville, Kentucky 40202; JoAnne L. Nolte, Esquire, Penn, Stuart & Eskridge, P.O. Box 617, Richmond, Virginia 23218-0617; Gregory D. Giss, Esquire, Po River Water & Sewer Company, 9073 Nemo Street, West Hollywood, California 90069; Philip J. Bray, Esquire, Allegheny Power Company, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; Archibald Wallace, III, Esquire, Sands Anderson Marks & Miller, P.O. Box 1998, Richmond, Virginia 23218-1998; Robert A. Dybing, Esquire, Shuford, Rubin & Gibney, P.C., P.O. Box 675, 700 East Main Street, Richmond, Virginia

23219; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Dwight W. Allen, President, James B. Wright, Senior Attorney, Christopher D. Moore, Esquire, Monica M. Barone, Esquire, Sprint Mid-Atlantic Operations, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; Frank A. Considine, Esquire, St. Laurent Paper Products Corp., P.O. Box 100, West Point, Virginia 23181; Michael A. McRae, TCG-Virginia, Inc., 2 Teleport Drive, Suite 300, Staten Island, New York 10311; Paul Tendler, Esquire, Tendler, Biggins & Feltzer, 1090 Vermont Avenue, Suite 800, Washington, D.C. 20005; James H. Gentry, Esquire, Tennessee Valley Authority, HR 1 2P, P.O. Box 292409, Nashville, Tennessee 37229-2409; Johnson Kanaday, Thompson & McMullan, P.C., 100 Shockoe Slip, Richmond, Virginia 23219; Timothy R. Dunne, Tractebel Power, Inc., 1177 West Loop South, Suite 900, Houston, Texas 77027; Kenneth G. Hurwitz, Esquire, Venable, Baetjer, Howard & Civiletti, LLP, 1201 New York Avenue, N.W., 11th Floor, Washington, D.C. 20005; Pamela Johnson, Esquire, and Karen Bell, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; Donald A. Fickenschler, Vice President, General Counsel and Corporate Secretary, Virginia Natural Gas, Inc., 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502-3488; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; John Carrara, Esquire, Westvaco Corporation, 299 Park Avenue, New York, New York 10171; Charles Hundley, Esquire, White, Blackburn & Conte, 300 West Main Street, Richmond, Virginia 23219; Irene K. Bass, Esquire, William M. Mercer, Inc., 1166 Avenue of the America's, New York, New York 10036-2708; Anthony Gambardella, Esquire, and Michael J. Quinan, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; and H. Allen Glover, Jr., Esquire, and George J.A. Clemo, Esquire, Woods, Rogers & Hazlegrove, P.L.C., P.O. Box 14125, Roanoke, Virginia 24038-4125.

CHAPTER 20.

STATE CORPORATION COMMISSION RULES OF PRACTICE AND PROCEDURE.

PART I.

GENERAL PROVISIONS.

5 VAC 5-20-10. Applicability.

The State Corporation Commission Rules of Practice and Procedure are promulgated pursuant to the authority of § 12.1-25 of the Code of Virginia and are applicable to the regulatory and adjudicatory proceedings of the State Corporation Commission except where superseded by more specific rules for particular types of cases or proceedings. The commission may grant upon motion or its own initiative a waiver or modification of any of the provisions of the rules, except 5 VAC 5-20-220, under terms and conditions and to the extent it deems appropriate. These rules have no application to the internal administration or organization of the commission in matters such as the procurement of goods and services, personnel actions, and similar issues, nor to matters finally determined by administrative action of a division or bureau of the commission.

Proposed Regulations

5 VAC 5-20-20. Good faith pleading and practice; sanctions.

Every pleading, written motion, or other paper presented for filing by a party represented by an attorney shall be signed by at least one attorney of record in his individual name, and the attorney's mailing address and telephone number, and where available, telefax number and email address, shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his mailing address and telephone number. In the case of a business entity, each signature shall be that of a qualified officer or agent. The pleadings need not be under oath unless so required by statute.

The signature of an attorney or party constitutes a certification by him that (i) he has read the pleading, motion, or other paper; (ii) to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. A pleading, written motion, or other paper will not be accepted for filing by the Clerk of the Commission if not signed.

An oral motion made by an attorney or party in a commission proceeding constitutes a representation by him that (i) it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

If a pleading, motion, or other paper is signed or made in violation of this rule, the commission may impose an appropriate sanction upon the person who signed the paper or made the motion, the party that the person represents, or both.

5 VAC 5-20-30. Counsel.

No person other than a properly licensed attorney at law shall represent the interests of a person or entity before the commission, other than in the presentation of facts, figures, or factual conclusions which are distinguished from legal conclusions. An officer or director of a corporation may make factual presentations on behalf of the corporation. An attorney admitted to practice in another jurisdiction, but not licensed in Virginia, may be permitted to appear in a particular proceeding pending before the commission in association with a member of the Virginia State Bar. The Virginia State Bar member will be counsel of record for every purpose related to the conduct and disposition of the proceeding.

5 VAC 5-20-40. Photographs and broadcasting of proceedings.

Electronic media and still photography coverage of commission hearings will be allowed at the discretion of the commission.

5 VAC 5-20-50. Consultation by parties with commissioners.

No party, or any person acting on behalf of any party, may communicate ex parte with any commissioner with respect to the merits of any proceeding pending before the commission.

5 VAC 5-20-60. Commission staff.

The commissioners shall be free at all times to confer with any member of the commission staff. However, no facts likely to influence a pending formal proceeding and not of record in that proceeding shall be furnished ex parte to any commissioner by any member of the commission staff.

5 VAC 5-20-70. Informal complaints.

All correspondence and informal complaints shall be referred to the appropriate division or bureau of the commission. The head of the division or bureau receiving this correspondence or complaint shall attempt to resolve the matter presented. Matters not resolved by the informal proceeding may be reviewed by the full commission upon the proper filing of a formal proceeding in accordance with the rules.

PART II.

COMMENCEMENT OF FORMAL PROCEEDINGS.

5 VAC 5-20-80. Regulatory proceedings.

A. Application. Except where otherwise provided by statute, a person or entity seeking to engage in an industry or business subject to the commission's regulatory control, or to make changes in any previously authorized service, rate, facility, or other aspect of such industry or business, shall file an application requesting authority to do so. The application shall contain (i) a specific statement of the action sought; (ii) a statement of the facts that the applicant is prepared to prove that would warrant the action sought; (iii) a statement of the legal basis for such action; and (iv) any other information required by law or regulation. Any person or entity filing an application shall be a party to that proceeding.

B. Participation as a respondent. A notice of participation as a respondent is the proper initial response to an application. A notice of participation shall be filed within the time prescribed by the commission and shall contain (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought; and (iii) the factual and legal basis for the action. Any person or entity filing a notice of participation as a respondent shall be a party to that proceeding. The Division of Consumer Counsel, Office of the Attorney General, may participate as a respondent in any proceeding.

C. Public witnesses. Any person or entity not participating in a matter pursuant to subsection A or B of this section may make known his or its position in any regulatory proceeding by filing written comments in advance of the hearing or by attending the hearing, noting an appearance in the manner prescribed by the commission, and giving oral testimony. Public witnesses may not otherwise participate in the proceeding, be included in the service list, or be considered a party to the proceeding. The commission may, at its

discretion, limit public witness testimony only if it appears that the testimonies of the witnesses will be substantially similar.

D. Commission staff. The commission staff may appear and participate fully in any proceeding to see that pertinent issues on behalf of the general public interest are clearly presented to the commission. The staff may, *inter alia*, conduct investigations and discovery, evaluate the issues raised, testify and offer exhibits, file briefs and make argument, and be subject to cross-examination when testifying. Neither the commission staff collectively nor any individual member of the commission staff shall be considered a party to the case for any purpose by virtue of participation in a proceeding.

5 VAC 5-20-90. Adjudicatory proceedings.

A. Initiation of proceedings. Investigative, disciplinary, penal, and other adjudicatory proceedings may be initiated by motion of the commission staff or upon the commission's own motion. These proceedings shall be commenced by the issuance of a rule to show cause giving notice to the defendant, stating the allegations against the defendant, and setting the matter for hearing. A rule to show cause shall be served in the manner provided by § 12.1-19.1 or § 12.1-29 of the Code of Virginia. The commission staff shall prove the case by clear and convincing evidence.

B. Answer. An answer is the proper initial responsive pleading to a rule to show cause. An answer shall be filed within 21 days of service of the rule to show cause, unless the commission shall order otherwise. The answer shall state, in narrative form, each defendant's responses to the allegations in the rule to show cause and any affirmative defenses asserted by the defendant. Failure to file a timely answer may result in the entry of judgment by default against the party failing to respond.

5 VAC 5-20-100. Other proceedings.

A. Promulgation of general orders, rules, or regulations. A person seeking initiation of a rulemaking procedure before the commission shall file an application meeting the requirements of 5 VAC 5-20-80 A. Before promulgating a general order, rule, or regulation, the commission shall, by order upon an application or upon its own motion, require reasonable notice of the contents of the proposed general order, rule, or regulation, including publication in the Virginia Register of Regulations, and afford interested persons an opportunity to comment, present evidence, and be heard. A copy of each general order, rule, and regulation adopted in final form by the commission shall be filed with the Registrar of Regulations for publication in the Virginia Register of Regulations.

B. Petitions in other matters. Persons having a cause before the commission, whether by statute, rule, regulation, or otherwise, against a defendant, including the commission, a commission bureau, or a commission division, shall proceed by filing a written petition containing (i) the identity of the parties; (ii) a statement of the action sought and the legal basis for the commission's jurisdiction to take the action sought; (iii) a statement of the facts, proof of which would warrant the action sought; (iv) a statement of the legal basis for the action; and (v) a certificate showing service upon the defendant.

Within 21 days of service of a petition under this rule, the defendant shall file an answer containing, in narrative form, (i) a response to each allegation of the petition and (ii) a statement of each affirmative defense asserted by the defendant. Failure to file a timely answer may result in entry of judgment by default against the defendant failing to respond. Upon order of the commission, the commission staff may participate in any proceeding under this rule in which it is not a defendant to the same extent as permitted by 5 VAC 5-20-80 D.

C. Declaratory judgments. Persons having no other adequate remedy may petition the commission for a declaratory judgment. The petition shall meet the requirements of subsection B of this section and, in addition, contain a statement of the basis for concluding that an actual controversy exists between the parties. In the proceeding, the commission shall by order provide for the necessary notice, responsive pleadings, and participation by persons against whom the declaratory judgment is sought.

PART III. PROCEDURES IN FORMAL PROCEEDINGS.

5 VAC 5-20-110. Motions.

Motions may be filed for the same purposes recognized by the courts of record in the Commonwealth. Unless otherwise ordered by the commission, a response to a motion must be filed within 10 days of the filing of the motion, and a reply by the moving party may be filed within seven days of the filing of the response.

5 VAC 5-20-120. Procedure before hearing examiners.

A. Assignment. The commission may, by order, assign a matter pending before it to a hearing examiner. Unless otherwise ordered, the hearing examiner shall conduct all further proceedings in the matter on behalf of the commission in accordance with the rules. In the discharge of his duties, the hearing examiner shall exercise all the adjudicatory powers possessed by the commission including, *inter alia*, the power to administer oaths; require the attendance of witnesses and parties; require the production of documents; schedule and conduct pre-hearing conferences; admit or exclude evidence; grant or deny continuances; and rule on motions, matters of law, and procedural questions. The hearing examiner shall issue a written final report and recommendation to the commission at the conclusion of the proceedings.

B. Objections. An objection to a ruling by the hearing examiner shall be stated with reasonable clarity at the time of the ruling, and the objection may be argued to the commission as part of a response to the hearing examiner's report. A ruling by the hearing examiner that denies further participation by a party in interest or the commission staff in a proceeding that has not been concluded may be immediately appealed to the commission by filing a written motion with the commission for review. The hearing examiner may certify any other issue to the commission for its consideration and resolution. Pending resolution by the commission of a ruling appealed or certified, the hearing examiner shall retain procedural control of the proceeding.

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C. Responses to hearing examiner reports. Unless otherwise ordered by the hearing examiner, responses supporting or objecting to the hearing examiner's final report must be filed within 15 days of the issuance of the report. A reply to a response to the hearing examiner's report may only be filed with leave of the commission. The commission may accept, modify, or reject the hearing examiner's recommendations in any manner consistent with law and the evidence, notwithstanding an absence of objections to the hearing examiner's report.

5 VAC 5-20-130. Amendment of pleadings.

Amendment of pleadings may be permitted by the commission where the ends of justice so require, upon written motion showing good cause. Responses to amended pleadings may be permitted as directed by the commission.

5 VAC 5-20-140. Filing and service.

A formal pleading or other related document shall be considered filed with the commission upon receipt of the original and required copies by the Clerk of the Commission no later than the time established for the closing of business of the clerk's office on the day the item is due. The original and copies shall be stamped by the Clerk of the Commission to show the time and date of receipt. The commission may by order make provision for electronic filing of documents.

Service of a formal pleading, brief, or other document filed with the commission required to be served on the parties to a proceeding or upon the commission staff, shall be effected by delivery of a true copy to the party or staff, or by deposit of a true copy into the United States mail properly addressed and stamped, on or before the date of filing. Service on a party may be made by service on the party's counsel. At the foot of a formal pleading, brief, or other document required to be served, the party making service shall append either acceptance of service or a certificate of counsel of record that copies were mailed or delivered as required. The commission may, by order, provide for electronic filing or service of documents. Notices, findings of fact, opinions, decisions, orders, or other paper to be served by the commission may be served by United States mail. However, all writs, processes, and orders of the commission, when acting in conformity with § 12.1-27 of the Code of Virginia, shall be attested and served in compliance with § 12.1-19.1 or § 12.1-29 of the Code of Virginia.

5 VAC 5-20-150. Copies and format.

Applications, petitions, responsive pleadings, briefs, and other documents must be filed in an original and 15 copies. One copy of each responsive pleading or brief must be served on each party and the commission staff counsel assigned to the matter, or, if no counsel has been assigned, on the general counsel. Each document must be filed on standard size white opaque paper, 8-1/2 by 11 inches in dimension, and must be capable of being reproduced in copies of archival quality. Pleadings shall be bound or attached on the left side and contain adequate margins. Each page following the first page must be numbered. If necessary, a document may be filed in consecutively numbered volumes, each of which may not exceed three inches in thickness. Pleadings containing more than one

exhibit should have dividers separating each exhibit and should contain an index. Exhibits such as maps, plats, and photographs not easily reduced to standard size may be filed in a different size, as necessary. All filed documents shall be fully collated and assembled into complete and proper sets ready for distribution and use, without the need for further assembly, sorting, or rearrangement. The Clerk of the Commission may reject the filing of any document not conforming to the requirements of this rule.

5 VAC 5-20-160. Memorandum of completeness.

With respect to the filing of a rate application or an application seeking action, that by statute or rule must be completed within a certain number of days, a memorandum shall be filed by an appropriate member of the commission staff within 10 working days of the filing of the application stating whether all necessary requirements for filing the application have been met and all required information has been filed. If the requirements have not been met, the memorandum shall state with specificity the remaining items to be filed. The Clerk of the Commission shall serve a copy of the memorandum on the filing party. The first day of the period within which action on the application must be concluded shall be set forth in the memorandum and shall be the initial date of filing of applications that are found to be complete upon filing. Applications found to require supplementation shall be complete upon the date of filing of the last item identified in the staff memorandum.

5 VAC 5-20-170. Confidential information.

A person who proposes in a formal proceeding that information be withheld from public disclosure on the ground that it contains trade secrets, privileged, or confidential commercial or financial information shall file this information under seal with the Clerk of the Commission, together with a motion requesting the withholding, accompanied by an affidavit that (i) identifies the information sought to be withheld and the person making the affidavit and (ii) contains a full statement of the reasons forming the basis for the claim that the information should be withheld from public disclosure. One copy of all such information also shall be submitted under seal to the commission staff counsel assigned to the matter, or, where no counsel has been assigned, to the general counsel who, until ordered otherwise by the commission, shall disclose the information only to the members of the commission staff directly assigned to the matter as necessary in the discharge of their duties. Staff counsel and all members of the commission staff, until otherwise ordered by the commission, shall maintain the information in strict confidence and shall not disclose its contents to members of the public, or to other staff members not assigned to the matter. The commission staff or any party may object to the proposed withholding of the information.

If the commission determines that the information should be withheld from public disclosure, it may nevertheless require the information to be disclosed to parties to a proceeding under appropriate protective order. This rule shall apply to material offered in support of or opposition to the application and to responses and objections to interrogatories and other discovery as practicable.

5 VAC 5-20-180. Official transcript of hearing.

The official transcript of a hearing before the commission or a hearing examiner shall be that prepared by the court reporters retained by the commission and certified by the court reporter as a true and correct transcript of the proceeding. Transcripts of proceedings shall not be prepared except in cases assigned to a hearing examiner, when directed by the commission, or when requested by a party desiring to purchase a copy. Parties desiring to purchase copies of the transcript shall make arrangement for purchase with the court reporter. When a transcript is prepared, a copy thereof shall be made available for public inspection in the Clerk of the Commission's office. Within 15 days of the filing of the transcript, the commission staff or a party who believes the transcript contains substantive errors may propose corrections, in writing, which shall be filed with the Clerk of the Commission, and copies of which shall be served on the court reporter, all parties, and commission staff counsel. If the court reporter receives no objection to the proposed corrections within 10 days of the filing of the proposed corrections, the reporter will revise the transcript accordingly, and the corrected version will become the official transcript. A party or the commission staff may object to a proposed correction by filing an objection within seven days of the filing of the proposed correction. If objections are filed, the matter will be resolved by the commission or hearing examiner, as the case may be.

5 VAC 5-20-190. Rules of evidence.

In proceedings under 5 VAC 5-20-90, and all other proceedings in which the commission shall be called upon to decide or render judgment only in its capacity as a court of record, the common law and statutory rules of evidence shall be as observed and administered by the courts of record of the Commonwealth. In other proceedings, evidentiary rules shall not be used to prevent the receipt of evidence having substantial probative effect.

5 VAC 5-20-200. Briefs.

Written briefs may be authorized at the discretion of the commission. The time for filing briefs and reply briefs, if authorized, shall be set at the time they are authorized. The commission may limit the length of a brief. The commission may by order provide for the electronic filing or service of briefs.

5 VAC 5-20-210. Oral argument.

The commission may authorize oral argument, limited as the commission may direct, on any pertinent matter at any time during the course of proceeding.

5 VAC 5-20-220. Petition for rehearing or reconsideration.

Final judgments, orders, and decrees of the commission, except judgments prescribed by § 12.1-36 of the Code of Virginia, and except as provided in §§ 13.1-614 and 13.1-813 of the Code of Virginia, shall remain under the control of the commission and subject to modification or vacation for 21 days after the date of entry. A petition for rehearing or reconsideration must be filed not later than 20 days after the date of entry of this judgment, order, or decree. The filing of a

petition will not suspend the execution of the judgment, order, or decree, nor extend the time for taking an appeal, unless the commission, within the 21-day period following entry of the final judgment, order or decree, shall provide for a suspension in an order or decree granting the petition. A petition for rehearing or reconsideration must be delivered to all parties and commission staff counsel on or before the day on which it is filed. The commission will not entertain responses to, or requests for oral argument on, a petition. An order granting a rehearing or reconsideration will be served on all parties and commission staff counsel by the Clerk of the Commission.

5 VAC 5-20-230. Extension of time.

The commission may, at its discretion, grant a continuance, postponement, or extension of time for the filing of a document or the taking of an action required or permitted by these rules, except for petitions for rehearing or reconsideration filed pursuant to 5 VAC 5-20-220. Motions for extensions shall be made in writing, served on all parties and commission staff counsel, and filed with the commission at least three days prior to the date to be extended, except for good cause shown.

PART IV.
DISCOVERY AND HEARING PREPARATION
PROCEDURES.

5 VAC 5-20-240. Prepared testimony and exhibits.

Following the filing of an application dependent upon complicated or technical proof, the commission may direct the applicant to prepare and file the testimony and exhibits by which the applicant expects to establish its case. Respondents, in all proceedings in which an applicant is required to file testimony, shall be permitted to file testimony and exhibits by which they expect to establish their case, as directed by the commission. The commission staff also shall file testimony and exhibits when directed to do so by the commission. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony and exhibits by the commission. With leave of the commission, the commission staff or a party may correct or supplement any prepared testimony and exhibits before or during the hearing. In all proceedings, all evidence must be verified by the witness before introduction into the record, and the admissibility of the evidence shall be subject to the same standards as if the testimony were offered orally at hearing. An original and 15 copies of prepared testimony and exhibits shall be filed unless otherwise specified in the commission's scheduling order and public notice. Documents of unusual bulk or weight and physical exhibits other than documents need not be filed in advance, but shall be described and made available for pretrial examination.

5 VAC 5-20-250. Process, witnesses, and production of documents and things.

A. Subpoenas. Commission staff and a party to a proceeding shall be entitled to process, to convene parties, to compel the attendance of witnesses, and to compel the production of books, papers, documents, or things provided in this rule.

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Commission staff counsel may petition the commission to issue and enforce subpoenas at the request of a regulatory agency of another jurisdiction if the activity for which the information is sought by the other agency, if occurring in the Commonwealth, would be a violation of the laws of the Commonwealth that are administered by the commission.

B. Documents. Whenever it appears to the commission by affidavit filed with the Clerk of the Commission by the commission staff or a party to a proceeding, that a book, writing, document, or thing sufficiently described in the affidavit, is in the possession, or under the control, of an identified person not a party to a proceeding nor a member of the commission's staff and is material and proper to be produced in the proceeding, the commission will order the Clerk of the Commission to issue a subpoena and to have the subpoena duly served, together with an attested copy of the commission's order compelling production at a reasonable place and time as described in the commission's order.

C. Witnesses. Subpoenas for witnesses shall be by order of the commission upon motion timely filed with the Clerk of the Commission. The motion, if granted, will be subject to such conditions and restrictions as the commission shall deem proper.

5 VAC 5-20-260. Interrogatories to parties or requests for production of documents and things.

The commission staff and a party in a formal proceeding before the commission, other than a proceeding under 5 VAC 5-20-80 A, may serve written interrogatories upon a party, to be answered by the party served, or if the party served is an entity, by an officer or agent of the entity, who shall furnish to the requesting party information as is known. Interrogatories that cannot be timely answered before the scheduled hearing date may be served only with leave of the commission for good cause shown and upon such conditions as the commission may prescribe. No interrogatories may be served upon a member of the commission staff.

The response to each interrogatory shall be signed by the person making the response. Objections, if any, to specified questions shall be stated with specificity, citing appropriate legal authority, and served with the list of responses. Responses and objections to interrogatories shall be served within 10 days of receipt, unless otherwise ordered by the commission. Upon motion promptly made and accompanied by a copy of the interrogatory and response or objection that is subject to the motion, the commission will rule upon the validity of the objection; the objection otherwise will be considered sustained.

Interrogatories may relate to any matter, not privileged, which is relevant to the subject matter involved, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons having knowledge of evidentiary value. It is not grounds for objection that the information sought will be inadmissible at the hearing if the information appears reasonably calculated to lead to the discovery of admissible evidence.

Where the response to an interrogatory may only be derived or ascertained from the business records of the party

questioned, from an examination, audit, or inspection of business records, or from a compilation, abstract, or summary of business records, and the burden of deriving or ascertaining the response is substantially the same for one entity as for the other, a response is sufficient if it (i) identifies by name and location all records from which the response may be derived or ascertained and (ii) tenders to the inquiring party reasonable opportunity to examine, audit, or inspect the records subject to objection as to their proprietary or confidential nature. The inquiring party bears the expense of making copies, compilations, abstracts, or summaries.

Discovery of original work product or material prepared in anticipation of litigation may not be obtained by a party, unless it is demonstrated that a substantial need exists for the material and that substantially equivalent material cannot be obtained by other means without undue hardship. In ordering such discovery, the commission will prevent disclosure of the mental impressions, conclusions, opinions, or legal theory of an attorney.

5 VAC 5-20-270. Hearing preparation.

In a formal proceeding, a party or the commission staff may serve on a party a request to examine the workpapers supporting the testimony or exhibits of a witness whose prepared testimony has been filed in accordance with 5 VAC 5-20-240. The movant may make abstracts or summaries of the workpapers, and may make copies of the workpapers upon payment of the reasonable cost of duplication or reproduction. Copies requested by the commission staff shall be furnished without payment of copying costs. In actions pursuant to 5 VAC 5-20-80 A the commission staff, upon the filing of its testimony, exhibits, or report, will compile and file with the Clerk of the Commission three copies of any workpapers that support the recommendations made in its testimony or report. The Clerk of the Commission shall make the workpapers available for public inspection during regular business hours.

5 VAC 5-20-280. Discovery in 5 VAC 5-20-90 proceedings.

The following applies only to proceedings in which a defendant is subject to monetary or injunctive penalties, or revocation, cancellation, or curtailment of a license, certificate of authority, registration, or similar authority previously issued by the commission to the defendant:

1. Discovery of material in possession of the commission staff. Upon written motion of the defendant, the commission shall permit the defendant to inspect and, at the defendant's expense, copy or photograph any relevant: (i) written or recorded statements, the existence of which is known by the commission staff counsel assigned to the matter to be within the custody, possession, or control of commission staff, made by the defendant, or representatives, or agents of the defendant if the defendant is other than an individual, to a commission staff member or law enforcement officer; and (ii) evidence that might reasonably be considered to be exculpatory of the defendant and which is known by commission staff counsel to be within the custody, possession, or control of the commission staff.

A motion by the defendant under this rule shall be filed and served at least 10 days before the hearing date. The motion shall include all relief sought. A subsequent motion may be made only upon a showing of cause as to why the motion would be in the interest of justice. An order granting relief under this section shall specify the time, place, and manner of making discovery and inspection permitted, and may prescribe such terms and conditions as the commission may determine.

Nothing in this rule shall require the disclosure of any information, the disclosure of which is prohibited by statute. The disclosure of the results of a commission staff investigation or work product of commission staff counsel shall not be required.

2. *Depositions.* After commencement of an action to which this rule applies, the commission staff or a party may take the testimony of a party or another person or entity, other than a member of the commission staff, by deposition on oral examination or by written questions. Depositions may be used for any purpose for which they may be used in the courts of record of the Commonwealth. Except where the commission or hearing examiner finds that an emergency exists, no deposition may be taken later than 10 days in advance of the formal hearing. The attendance of witnesses at depositions may be compelled by subpoena. Examination and cross-examination of the witness shall be as at hearing. Depositions may be taken in the City of Richmond or in the town, city, or county in which the deposed party resides, is employed, or does business. The parties and the commission staff, by agreement, may designate another place for the taking of the deposition. Reasonable notice of the intent to take a deposition must be given in writing to the commission staff counsel and to each party to the action, stating the time and place where the deposition is to be taken. A deposition may be taken before any person (the "officer") authorized to administer oaths by the laws of the jurisdiction in which the deposition is to be taken. The officer shall certify his authorization in writing, administer the oath to the deponent, record or cause to be recorded the testimony given, and note any objections raised. In lieu of participating in the oral examination, a party or the commission staff may deliver sealed written questions to the officer, who shall propound the questions to the witness. The officer may terminate the deposition if convinced that the examination is being conducted in bad faith or in an unreasonable manner. Costs of the deposition shall be borne by the party noticing the deposition, unless otherwise ordered by the commission.

3. *Requests for admissions.* The commission staff or a party to a proceeding may serve upon a party written requests for admission. Each matter on which an admission is requested shall be stated separately. A matter shall be deemed admitted unless within 21 days of the service of the request, or some other period the commission may designate, the party to whom the request is directed serves upon the requesting party a written answer addressing or objecting to the request. The response shall set forth in specific terms a denial of

the matter set forth or an explanation as to the reasons the responding party cannot truthfully admit or deny the matter set forth. Requests for admission shall be filed with the Clerk of the Commission and simultaneously served on commission staff counsel and on all parties to the matter.

VA.R. Doc. Nos. R00-235 and R00-236; Filed July 25, 2000, 4:16 p.m.

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TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-640-10 et seq. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements.**

Statutory Authority: §§ 62.1-44.15 and 62.1-44.34:16 of the Code of Virginia.

Public Hearing Date: September 18, 2000 - 1 p.m.

Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: The legal basis for the proposed regulation is the State Water Control Law (Title 62.1, Chapter 10 of the Code of Virginia). Specifically, § 62.1-44.34:16 D requires operators to demonstrate financial responsibility as a condition of operation and authorizes the board to promulgate regulations requiring operators of facilities to demonstrate financial responsibility sufficient to comply with the requirements of Article 11 of the State Water Control Law.

Section 62.1-44.34:16 D states that the financial responsibility for facilities shall not exceed five cents per gallon of aboveground storage capacity or \$5 million for a pipeline. Additionally, that section states that the financial test of self-insurance shall not require the operator to demonstrate more than one dollar of net worth for each dollar of required financial responsibility. Finally, the section states that no governmental agency shall be required to comply with the facility financial assurance regulations. Accordingly, the proposed regulation limits the demonstration amount to five cents per gallon of aboveground storage capacity and \$5 million for pipelines and does not require operators to demonstrate more than one dollar of net worth for each dollar of required financial responsibility. Additionally, the regulation does not apply to government agencies.

Section 62.1-44.34:16 D also requires that regulations governing the amount of financial responsibility take into consideration (i) the type, oil storage or handling capacity and location of a facility; (ii) the risk of discharge of oil at that type of facility; (iii) the potential damage or injury to state waters or the impairment of their beneficial use that may result from a discharge at this type of facility; (iv) the potential cost of containment and clean up at that type of facility; and (v) the nature and degree of injury or interference with general

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health, welfare and property that may result from a discharge at that type of facility.

The demonstration amount is set at five cents per gallon of aboveground storage capacity for aboveground storage tanks and \$5 million for pipelines, but caps the aboveground storage tank demonstration at \$1 million (the level which would correspond to 20 million gallons of storage capacity). Several AST operators have more than 20 million gallons of storage capacity, but DEQ's 15 years of experience in managing petroleum clean ups indicates that the \$1 million cap is reasonable. There has never been an AST discharge approaching 20 million gallons. The \$1 million cap is also consistent with the financial responsibility demonstration requirement imposed by state and federal law on underground storage tank owners and operators.

Through management of facility clean ups, DEQ has experience with (i) facilities throughout the state; (ii) the risk of discharge at facilities throughout the state; (iii) actual damage/injury incurred to state waters and their beneficial uses from discharges; (iv) actual containment/clean up costs for more than 250 facility discharges; and (v) the nature and degree of injury or interference with health and welfare caused by these discharges. Based on the department's experience, consideration of the factors included in § 62.1-44.34:16 D of the Code of Virginia supports the demonstration requirement recommended in the regulation. For all facilities, regardless of location, some risk of discharge exists. Moreover, because state waters include ground water, and because the threat of ground water impact exists for discharges from facilities regardless of location, any facility release presents the potential to damage state waters. Besides the obvious threat to drinking water supplies posed by contamination from facility discharges, other health and welfare damages have included vapor and fire hazards. Most importantly, the costs to contain and clean up facility discharges virtually always exceed the financial responsibility requirement of five cents per gallon of storage capacity. Thus, setting the requirement at that level will help to ensure that adequate funding for containment and clean up is available.

There is no federal requirement to promulgate regulations regarding financial assurance for aboveground storage tank or pipeline facilities.

Purpose: The purpose of the regulation is to protect the health, safety and welfare of the citizens of the Commonwealth by ensuring aboveground storage tank and pipeline facility operators maintain adequate financial resources to contain and clean up discharges of oil which may occur at their facilities.

Substance: The proposed regulation requires aboveground storage tank and pipeline facility operators to demonstrate that they have the financial ability to pay for containment and clean up of oil discharges that may occur at their facilities. Six methods of financial assurance are provided: (i) financial test of self-insurance; (ii) guarantee; (iii) insurance; (iv) surety bond; (v) letter of credit; and (vi) trust fund. The forms for each method are included as appendices to the regulation.

The amount of demonstration required for aboveground storage tank facility operators is five cents per gallon multiplied by the total aboveground storage tank capacity at the operator's Virginia facilities, up to \$1 million. The amount of demonstration required for pipeline facility operators is \$5 million.

The proposed regulation requires financial assurance mechanisms to be updated annually.

Issues: The primary advantages and disadvantages of implementation and compliance with this regulation by the public and the department are discussed below.

For the public, the primary advantage of implementation of this regulation is that it helps to ensure that operators will have adequate financial resources to perform containment and clean up of oil discharges that occur at their facilities. Prompt containment and clean up should help reduce or prevent impacts to humans and the environment.

The requirement for operators to demonstrate financial responsibility as a condition of operating a facility already exists pursuant to § 62.1-44.34:16 D of the Code of Virginia. Therefore, the proposed regulation does not add any additional disadvantage. Rather, the proposed regulation provides the regulatory basis for implementing the statutory requirement. Operators will incur some cost to comply with the financial responsibility requirements; however, for most operators, the cost should be negligible.

For the department the regulation will increase the department's workload in that it will result in the need to perform compliance reviews; however, the advantages of the regulation should outweigh the additional burden. The regulation will assist the department by helping to ensure that operators have funds available to perform containment and clean up. This should help to reduce the need for state lead clean ups (those conducted by the state) and associated cost recovery efforts.

Fiscal Impact: Because the statute requires financial responsibility demonstration as a condition of operation, facilities not able to demonstrate the required financial responsibility would not be able to operate. The regulation will apply to approximately 400 regulated aboveground storage tank facility operators and to three pipeline facility operators. Depending on the financial responsibility method elected, the costs to comply with this regulation could range from a negligible expense to approximately \$200,000 per year.

Operators whose financial statements are audited by an independent auditor or whose financial information is reported to the Securities Exchange Commission, Energy Information Administration, Rural Electrification Administration or Dun and Bradstreet may use the financial test of self-insurance to meet their financial responsibility demonstration requirements. This method entails negligible expense, requiring only a small amount of the operator's staff time to prepare a letter from the operator's financial officer.

Like the financial test of self-insurance, the guarantee also only requires staff time to prepare the guarantee and also results in negligible expense. Operators who have a

substantial business relationship with an entity that meets the financial test requirements may use a guarantee from that entity to demonstrate financial responsibility. The guarantee method requires that the entity (guarantor) provide a letter from its financial officer demonstrating that it has adequate funding to support the guarantee and that the guarantor establish an unfunded standby trust in the event the guarantor must pay on the guarantee. Because the department provides all forms, it should not be necessary to incur legal fees for document preparation. Additionally, because the standby trust is unfunded, no trust management fees would be incurred.

The department anticipates the majority of operators will use the financial test of self-insurance or a guarantee to meet the financial responsibility requirements.

The costs of the other methods vary. Insurance estimates the department has obtained indicate that the cost to purchase insurance for Virginia's largest aboveground storage tank facility would be approximately \$207,000. For the average facility, the cost to obtain insurance would be approximately \$7,500 annually.

The usual cost of letters of credit was reported to the department to be 2.0% of the amount of the letter of credit. Thus, for a pipeline, it could cost \$100,000 per year to meet its demonstration requirement using a letter of credit. For an operator with 20,000,000 gallons of statewide aboveground storage capacity, it could cost \$20,000 per year to meet its demonstration requirement with a letter of credit. Notably, major customers of banks are often able to obtain a reduced rate on letters of credit. Thus, the estimate provided here is likely to be significantly higher than the actual cost an operator would have to pay for a letter of credit.

For surety bonds, it is estimated that the cost for an operator with 20,000,000 gallons of statewide aboveground storage capacity would be approximately \$9,000. For a pipeline, the cost should not exceed \$37,000 annually.

Based on experience with the underground storage tank financial assurance requirements and with solid and hazardous waste facility financial assurance requirements, the department believes that most operators incur only a negligible annual expense to comply with this regulation because most operators are likely to self-insure or obtain a guarantee.

There are no localities that will bear any identified disproportionate material impact due to the proposed regulation.

It is not expected that the regulation will result in any cost to the department beyond that currently in the budget. Because the department is responsible for administering several financial assurance programs, including programs for underground storage tanks, solid waste facilities and hazardous waste facilities, staff with the ability to administer the proposed regulation are already in place. Because the financial assurance forms to be used are substantially the same as those used in the existing underground storage tank financial assurance program, no additional training will be required to implement the regulation. Finally, existing

databases are adequate to provide tracking for the financial assurance program contemplated by this regulation.

Family Impact Statement: The proposed regulation will not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; encourage or discourage economic self-sufficiency, self-pride and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; strengthen or erode the marital commitment; nor increase or decrease disposable family income. However, the proposed regulation will ensure that any environmental impacts on the family resulting from an oil discharge will be negligible because facility and pipeline operators will have the financial capability to contain and clean up any oil discharge.

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. State Water Control Law (§ 62.1-44.34:16 D) requires that operators of aboveground storage tank and pipeline facilities demonstrate financial responsibility as a condition of operation and authorizes the State Water Control Board to promulgate regulations requiring operators of aboveground storage tank (AST) and pipeline facilities to demonstrate financial responsibility. In accordance with the State Water Control Law, the proposed regulation is designed to provide the criteria by which operators can demonstrate that they have adequate financial resources to perform their responsibility to contain and clean up any oil discharges which may occur at their facilities.

Estimated economic impact. Currently, AST facility and pipeline operators are not required to demonstrate their financial wherewithal in order to operate in the Commonwealth. This proposed regulation would require AST operators with statewide storage capacity of greater than 20 million gallons to demonstrate financial responsibility in the amount of \$1 million. AST operators with statewide storage capacity between 25,000 and 20 million gallons would need to demonstrate financial responsibility in the amount of five cents per gallon of storage capacity. AST operators with statewide storage capacity of less than 25,000 gallons are exempt from this regulation. Pipeline operators are required to demonstrate \$5 million of financial responsibility, regardless of the pipeline's capacity.

Financial responsibility can be demonstrated by: (i) financial test of self-insurance; (ii) guarantee; (iii) insurance; (iv) surety bond; (v) letter of credit; or (vi) trust fund. Based on

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experience with the existing (since 1990) underground storage tank financial assurance requirements and with solid and hazardous waste facility financial assurance requirements, the Department of Environmental Quality anticipates that most operators will use the financial test of self-insurance or a guarantee to meet the financial responsibility requirements. Over 99.5% of underground storage tank operators have consistently used one of those two methods.¹ Under the self-insurance option, the operator provides a financial statement indicating a net worth at least equal to the amount required to demonstrate financial responsibility. The financial statement must either be audited by an independent auditor or have been reported to the Securities Exchange Commission, Energy Information Administration, Rural Electrification Administration or Dun and Bradstreet. The cost for the self-insurance method would be essentially a small amount of staff time in document preparation.

The guarantee method requires that a guarantor provide a letter from its financial officer demonstrating that it has adequate funding to meet the financial test requirements and that it establishes an unfunded standby trust in the event the guarantor must pay on the guarantee. The department provides all the necessary forms. Since the standby trust is unfunded, no trust management fees are incurred. The guarantor does incur costs in that it is accepting contingent liability. Presumably the operator will compensate the guarantor for its acceptance of that contingent liability.

According to the department, insurance would cost the average operator \$7,500 per year, while a surety bond for an AST operator with 20 million gallons of storage capacity (well above average) would be about \$9,000 annually and for a pipeline would be \$37,000 annually. It should not be ignored though, that the issuer of the insurance or surety bond assumes the risk of potential future clean up costs. So, the net cost (including the benefit of elimination of clean up cost risk) of the insurance or bond to the operator will be substantially less than the amount of the payments to the issuer.

The department presented this proposed regulation to representatives from the Virginia Petroleum Council, the Virginia Petroleum Jobbers Association, the Virginia Asphalt Association, the Virginia Aggregate Association, plus a number of small operators and environmental groups. All three pipeline operators in the Commonwealth were sent copies of the proposed regulation and asked for feedback. There were no objections to the language other than the frequency of paperwork submissions. The proposed regulation was altered to satisfy that objection. Proof of financial responsibility is required once a year. The lack of objection to the cost of the proposed regulation despite the widespread dissemination of its contents provides some evidence to support the department's expectation that most operators would be able to comply at low cost.

This proposed regulation may provide some benefit to the Commonwealth in that it would force some financially

unstable operators to cease operations and likely sell their operations to more financially secure entities. Operators that cannot demonstrate financial responsibility would be required to close their facilities. In such cases it seems likely that the operator would sell their facility in order to get some return from their property. If an operator is unable to pay for the costs of oil leaks and declares bankruptcy, the state conducts the clean up and public funds² are used to pay for it. Thus, by decreasing the number of operators that are incapable of paying their share of the costs of potential oil leaks, the proposed regulation decreases the likelihood that the state will be required to pay for the clean up costs of a bankrupt operator. This could reduce by a small margin the amount of state funds used to clean up oil leaks.

It is also possible that the proposed regulation would discourage financially weak operators from purchasing facilities. A firm or an individual may have just enough funds to purchase a facility, but not enough to demonstrate financial responsibility to pay for their share of potential clean up costs. Such an entity would likely be dissuaded from their purchase since they would not be permitted to operate and earn revenue. In this way the proposed regulation could limit the number of entrants into the industry that are not capable of paying for potential clean up costs. Again, this could reduce by a small margin the amount of state funds used to clean up oil leaks.

Reducing the number of operators that are incapable of paying their share of the costs of potential oil leaks would likely also reduce some delays in clean up. According to the department, situations where operators are unable to pay their share of clean up costs tend to delay the process of clean up. Thus, the proposed regulation has the potential to decrease the frequency and length of clean up delays, which would be beneficial for the environment as well as for third parties affected by the spill.

Additionally, it seems probable that financially troubled operators are less likely to incur the expense of proper maintenance and safety procedures than would more financially secure operators. Thus, reducing the number of operators that are incapable of paying their share of the costs of potential oil leaks may to small degree decrease the likelihood of leaks occurring.

In summary, the benefits of the proposed regulation include the potential for a small decrease in the occurrence of oil spills and the frequency and length of clean up delays. State expenditures on the clean up of oil spills and damage to the environment and third party property could potentially be reduced. Demonstrating financial responsibility would involve small net costs for most operators. Though it seems probable that the potential benefits of the proposed regulation outweigh the potential costs, there is insufficient data to determine that conclusively.

Businesses and entities affected. The proposed changes to the regulation will affect the 727 AST facility operators with

¹ Based on data provided by the Department of Environmental Quality.

² The Virginia Petroleum Storage Tank Fund is funded by a fee of \$0.006 on every gallon of gas, diesel, heating oil, and kerosene that is sold in Virginia (source: the Department of Environmental Quality).

25,000 gallons or more of storage capacity and the three pipeline operators in the Commonwealth.

Localities particularly affected. The proposed changes to the regulation affect localities throughout the Commonwealth.

Projected impact on employment. The proposed changes to this regulation are not expected to significantly affect net employment. A small number of financially weak operators may cease operations. But those facilities would most likely be purchased by more financially secure operators who would likely employ approximately the same number of workers.

Effects on the use and value of private property. The value of facilities owned by operators that are unable to demonstrate financial responsibility will decrease from their perspective.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department, on behalf of the State Water Control Board, has reviewed the economic impact analysis and has no comments.

Summary:

The proposed regulation provides the criteria by which operators of aboveground storage tank and pipeline facilities can demonstrate that they have adequate financial resources to perform their responsibility to contain and clean up any oil discharges which may occur at their facilities. The regulation provides six methods of financial responsibility demonstration: (i) financial test of self-insurance; (ii) guarantee; (iii) insurance; (iv) surety bond; (v) letter of credit; and (vi) trust fund. Forms for each method are included as appendices to the regulation. The proposed regulation sets the amount of financial responsibility required at (i) five cents per gallon multiplied by the operator's statewide aboveground storage tank facility capacity as the amount of the annual demonstration requirement for aboveground storage tank facility operators and (ii) \$5 million as the amount of the annual demonstration requirement for pipeline facility operators.

CHAPTER 640.

ABOVEGROUND STORAGE TANK AND PIPELINE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

9 VAC 25-640-10. Definitions.

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

"Aboveground storage tank" or "AST" means any one or combination of tanks, including pipes, used to contain an accumulation of oil at atmospheric pressure, and the volume of which, including the volume of the pipes, is more than 90% above the surface of the ground. This term does not include line pipe and breakout tanks of an interstate pipeline regulated under the federal Accountable Pipeline Safety and Partnership Act of 1996 (49 USC § 60101 et seq.).

"Accidental discharge" means any sudden or nonsudden discharge of oil from a facility that results in a need for containment and clean up which was neither expected nor intended by the operator.

"Annual aggregate" means the maximum financial responsibility requirement that an owner or operator is required to demonstrate annually.

"Board" means the State Water Control Board.

"Change in service" means change in operation, conditions of the stored product, specific gravity, corrosivity, temperature or pressure that has occurred from the original that may affect the tank's suitability for service.

"Containment and clean up" means abatement, containment, removal and disposal of oil and, to the extent possible, the restoration of the environment to its existing state prior to an oil discharge.

"Controlling interest" means direct ownership of at least 50% of the voting stock of another entity.

"Department" or "DEQ" means the Department of Environmental Quality.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"Facility" means any development or installation within the Commonwealth that deals in, stores or handles oil, and includes a pipeline.

"Financial reporting year" means the latest consecutive 12-month period for which any of the following reports used to support a financial test is prepared: (i) a 10-K report submitted to the U.S. Securities & Exchange Commission (SEC); (ii) an annual report of tangible net worth submitted to Dun and Bradstreet; (iii) annual reports submitted to the Energy Information Administration or the Rural Electrification Administration; or (iv) a year-end financial statement authorized under 9 VAC 25-640-70 B or C. "Financial reporting year" may thus comprise a fiscal or calendar year period.

"Legal defense cost" means any expense that an operator or provider of financial assurance incurs in defending against claims or actions brought (i) by the federal government or the board to require containment or clean up or to recover the costs of containment and clean up, or to collect civil penalties under federal or state law or to assert any claim on behalf of the Virginia Petroleum Storage Tank Fund; or (ii) by any person to enforce the terms of a financial assurance mechanism.

"Local government entity" means a municipality, county, town, commission, separately chartered and operated special district, school board, political subdivision of a state or other special purpose government which provides essential services.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a discharge from an AST. Note: This definition is intended to assist in the understanding of this chapter and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence."

"Oil" means oil of any kind and in any form, including, but not limited to, petroleum and petroleum byproducts, fuel oil,

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lubricating oils, sludge, oil refuse, oil mixed with other wastes, crude oil and all other liquid hydrocarbons regardless of specific gravity.

"Operator" means any person who owns, operates, charters by demise, rents or otherwise exercises control over or responsibility for a facility or a vehicle or a vessel.

"Person" means an individual; trust; firm; joint stock company; corporation, including a government corporation; partnership; association; any state or agency thereof; municipality; county; town; commission; political subdivision of a state; any interstate body; consortium; joint venture; commercial entity; the government of the United States or any unit or agency thereof.

"Pipeline" means all new and existing pipe, rights of way, and any equipment, facility, or building used in the transportation of oil, including, but not limited to, line pipe, valves and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

"Provider of financial assurance" means a person that provides financial assurance to an operator of an aboveground storage tank through one of the mechanisms listed in 9 VAC 25-640-70 through 9 VAC 25-640-120, including a guarantor, insurer, group self-insurance pool, surety, or issuer of a letter of credit.

"Storage capacity" means the total capacity of an AST or a container, whether filled in whole or in part with oil, a mixture of oil, or mixtures of oil with nonhazardous substances, or empty. An AST that has been permanently closed in accordance with the requirements of 9 VAC 25-91-10 et seq. has no storage capacity.

"Substantial business relationship" means the extent of a business relationship necessary under Virginia law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the operator.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Tank" means a device designed to contain an accumulation of oil and constructed of nonearthen materials, such as concrete, steel, or plastic, that provides structural support. This term does not include flow-through process tanks as defined in 40 CFR Part 280.

"Termination" under Appendix III and Appendix IV means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

"Underground storage tank" means any one or combination of tanks, including connecting pipes, used to contain an accumulation of regulated substances, and the volume of which, including the volume of underground connecting pipes, is 10% or more beneath the surface of the ground. This term does not include any:

1. Farm or residential tanks having a capacity of 1,100 gallons or less and used for storing motor fuel for noncommercial purposes;
2. Tanks used for storing heating oil for consumption on the premises where stored;
3. Septic tanks;
4. Pipeline facilities (including gathering lines) regulated under:
 - a. The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671 et seq.),
 - b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001 et seq.), or
 - c. Any intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subdivision 4 a or 4 b of this definition;
5. Surface impoundments, pits, ponds, or lagoons;
6. Storm water or wastewater collection systems;
7. Flow-through process tanks;
8. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or
9. Storage tanks situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" does not include any pipes connected to any tank which is described in subdivisions 1 through 9 of this definition.

"Vehicle" means any motor vehicle, rolling stock, or other artificial contrivance for transport whether self-propelled or otherwise, except vessels.

"Vessel" means every description of watercraft or other contrivance used as a means of transporting on water, whether self-propelled or otherwise, and shall include barges and tugs.

9 VAC 25-640-20. Applicability.

A. Unless otherwise exempted in this section or excluded in 9 VAC 25-640-30, operators of aboveground storage tank facilities having a maximum storage capacity of 25,000 gallons or greater of oil must demonstrate financial responsibility in accordance with the requirements of this chapter as a condition of operation.

B. Unless otherwise exempted in this section or excluded in 9 VAC 25-640-30, operators of pipelines must demonstrate

financial responsibility in accordance with the requirements of this chapter as a condition of operation.

C. State and federal government entities whose debts and liabilities are the debts and liabilities of the Commonwealth of Virginia or the United States have the requisite financial strength and stability to fulfill their financial assurance requirements and are relieved of the requirements to further demonstrate an ability to provide financial responsibility under this chapter.

D. Local government entities are not required to comply with the requirements of this chapter.

E. If there is more than one operator for a facility, only one operator is required to demonstrate financial responsibility; however, all operators are jointly responsible for ensuring compliance with financial responsibility requirements.

9 VAC 25-640-30. Exclusions.

The requirements of this chapter do not apply to:

1. Vessels;
2. Licensed motor vehicles, unless used solely for the storage of oil;
3. An AST with a storage capacity of 660 gallons or less of oil;
4. An AST containing petroleum, including crude oil or any fraction thereof, which is liquid at standard temperature and pressure (60°F at 14.7 pounds per square inch absolute) subject to and specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of § 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC § 9601 et seq.);
5. A wastewater treatment tank system that is part of a wastewater treatment facility regulated under § 402 or § 307(b) of the federal Clean Water Act (33 USC § 1251 et seq.);
6. An AST that is regulated by the Department of Mines, Minerals and Energy under Chapter 22.1 (§ 45.1-361.1 et seq. of the Code of Virginia);
7. An AST used for the storage of products that are regulated pursuant to the federal Food, Drug and Cosmetic Act (21 USC § 301 et seq.);
8. An AST that is used to store hazardous wastes listed or identified under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Solid Waste Disposal Act) (42 USC § 6901 et seq.);
9. An AST that is used to store propane gas, butane gas or other liquid petroleum gases;
10. An AST used to store nonpetroleum hydrocarbon-based animal and vegetable oils;
11. A liquid trap or associated gathering lines directly related to oil or gas production, or gathering operations;
12. A surface impoundment, pit, pond, or lagoon;
13. A storm water or wastewater collection system;
14. Equipment or machinery that contains oil for operational purposes, including but not limited to lubricating systems, hydraulic systems, and heat transfer systems;
15. An AST used to contain oil for less than 120 days when: (i) used in connection with activities related to the containment and clean up of oil; (ii) used by a federal, state or local entity in responding to an emergency; or (iii) used temporarily on site to replace permanent storage capacity;
16. Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers or capacitors;
17. A flow-through process tank;
18. Oily water separators;
19. An AST containing dredge spoils;
20. An AST located on a farm or residence used for storing motor fuel for noncommercial purposes with an aggregated storage capacity of 1,100 gallons or less;
21. Pipes or piping beyond the first valve from the AST that connects an AST with production process tanks or production process equipment;
22. An AST storing asphalt and asphalt compounds which are not liquid at standard conditions of temperature and pressure (60°F at 14.7 pounds per square inch absolute);
23. Underground storage tanks regulated under a state program;
24. An AST with a capacity of 5,000 gallons or less used for storing heating oil for consumptive use on the premises where stored.

9 VAC 25-640-40. Compliance dates.

Operators of existing facilities are required to comply with the requirements of this chapter within 60 days of the effective date of this chapter. Operators of new facilities shall comply with the requirements of this chapter by the date the facility begins operation.

9 VAC 25-640-50. Amount and scope of required financial responsibility.

A. Operators shall demonstrate per occurrence and annual aggregate financial responsibility for containment and clean up of discharges of oil in an amount equal to (i) five cents per gallon of the aggregate aboveground storage capacity for ASTs in all Virginia facilities up to a maximum of \$1 million, and (ii) \$5 million for pipelines.

B. If the operator uses separate mechanisms or combinations of mechanisms to demonstrate financial responsibility for the containment and clean up of oil, (i) the amount of assurance provided by the combination of mechanisms shall be in the full amount specified in subsection A of this section, and (ii) the operator shall demonstrate financial responsibility in the appropriate amount

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of annual aggregate assurance specified in subsection A of this section by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

C. The amounts of assurance required under this section exclude legal defense costs.

D. The required demonstration of financial responsibility does not in any way limit the liability of the operator under § 62.1-44.34:18 of the Code of Virginia.

E. Operators which demonstrate financial responsibility shall maintain copies of those records on which the determination is based. The following documents may be used by operators to support a financial responsibility requirement determination:

1. Copies of the registration form required under 9 VAC 25-91-10 et seq.
2. Any other form of documentation that the board may deem to be acceptable evidence to support the financial responsibility requirement determination.

9 VAC 25-640-60. Allowable mechanisms and combinations of mechanisms.

A. Subject to the limitations of subsection B of this section, an operator may use any one or combination of the mechanisms listed in 9 VAC 25-640-70 through 9 VAC 25-640-120 to demonstrate financial responsibility under this chapter for one or more aboveground storage tanks or pipelines.

B. An operator may use self-insurance in combination with a guarantee only if, for the purpose of meeting the requirements of the financial test under this regulation, the financial statements of the operator are not consolidated with the financial statements of the guarantor.

9 VAC 25-640-70. Financial test of self-insurance.

A. An operator and/or guarantor, may satisfy the requirements of 9 VAC 25-640-50 by passing a financial test as specified in this section. To pass the financial test of self-insurance, the operator and/or guarantor shall meet the requirements of subsection B or C and subsection D of this section based on year-end financial statements for the latest completed financial reporting year.

B. 1. The operator and/or guarantor shall have a tangible net worth at least equal to the total of the applicable amount required by 9 VAC 25-640-50 for which a financial test is used to demonstrate financial responsibility.

2. The operator and/or guarantor shall comply with either subdivision a or b below:

a. (1) The financial reporting year-end financial statements of the operator and/or guarantor shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination; and

(2) The financial reporting year-end financial statements of the operator and/or guarantor cannot

include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

b. (1) (a) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration; or

(b) Report annually the tangible net worth of the operator and/or guarantor to Dun and Bradstreet, and Dun and Bradstreet must have assigned a financial strength rating which at least equals the amount of financial responsibility required by the operator in 9 VAC 25-640-50.

(2) The financial reporting year-end financial statements of the operator and/or guarantor, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

3. The operator and/or guarantor, shall have a letter signed by the chief financial officer worded identically as specified in Appendix I/Alternative I.

C. 1. The operator and/or guarantor shall have a tangible net worth at least equal to the total of the applicable amount required by 9 VAC 25-640-50 for which a financial test is used to demonstrate financial responsibility.

2. The financial reporting year-end financial statements of the operator and/or guarantor shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

3. The financial reporting year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

4. If the financial statements of the operator and/or guarantor are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the operator and/or guarantor shall obtain a special report by an independent certified public accountant stating that:

a. The accountant has compared the data that the letter from the chief financial officer specified as having been derived from the latest financial reporting year-end financial statements of the operator and/or guarantor with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to the accountant's attention that caused him to believe that the specified data should be adjusted.

5. The operator and/or guarantor shall have a letter signed by the chief financial officer, worded identically as specified in Appendix I/Alternative II.

D. To meet the financial demonstration test under subsections B or C of this section, the chief financial officer of the operator and/or guarantor shall sign, within 120 days of

the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded identically as specified in Appendix I with the appropriate alternative, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

E. If an operator using the test to provide financial assurance finds that he no longer meets the requirements of the financial test based on the financial reporting year-end financial statements, the operator shall obtain alternative coverage and submit to the board the appropriate original forms listed in 9 VAC 25-640-170 B within 150 days of the end of the year for which financial statements have been prepared.

F. The board may require reports of financial condition at any time from the operator and/or guarantor. If the board finds, on the basis of such reports or other information, that the operator and/or guarantor no longer meets the financial test requirements of subsection B or C and D of this section, the operator shall obtain alternate coverage and submit to the board the appropriate original forms listed in 9 VAC 25-640-170 B within 30 days after notification of such finding.

G. If the operator fails to obtain alternate assurance within 150 days of finding that he no longer meets the requirements of the financial test based on the financial reporting year-end financial statements, or within 30 days of notification by the board that he no longer meets the requirements of the financial test, the operator shall notify the board of such failure within 10 days.

9 VAC 25-640-80. Guarantee.

A. An operator may satisfy the requirements of 9 VAC 25-640-50 by obtaining a guarantee that conforms to the requirements of this section. The guarantor shall be:

1. A firm that:
 - a. Possesses a controlling interest in the operator;
 - b. Possesses a controlling interest in a firm described under subdivision A 1 a of this section; or
 - c. Is controlled through stock ownership by a common parent firm that possesses a controlling interest in the operator; or
2. A firm engaged in a substantial business relationship with the operator and issuing the guarantee as an act incident to that business relationship.

B. Within 120 days of the close of each financial reporting year the guarantor shall demonstrate that it meets the financial test criteria of 9 VAC 25-640-70 B or C and D based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Appendix I and shall deliver the letter to the operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the operator. If the board notifies the guarantor that he no

longer meets the requirements of the financial test of 9 VAC 25-640-70 B or C and D, the guarantor shall notify the operator within 10 days of receiving such notification from the board. In both cases, the guarantee will terminate no less than 120 days after the date the operator receives the notification, as evidenced by the return receipt. The operator shall obtain alternate coverage as specified in 9 VAC 25-640-200.

C. The guarantee shall be worded identically as specified in Appendix II, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

D. An operator who uses a guarantee to satisfy the requirements of 9 VAC 25-640-50 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instructions from the board under 9 VAC 25-640-180. This standby trust fund shall meet the requirements specified in 9 VAC 25-640-130.

9 VAC 25-640-90. Insurance and group self-insurance pool coverage.

A. 1. An operator may satisfy the requirements of 9 VAC 25-640-50 by obtaining liability insurance that conforms to the requirements of this section from a qualified insurer or group self-insurance pool.

2. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

3. Group self-insurance pools shall comply with § 62.1-44.34:16 of the Code of Virginia and applicable State Corporation Commission Bureau of Insurance regulations.

B. Each insurance policy shall be amended by an endorsement worded in no respect less favorable than the coverage as specified in Appendix III, or evidenced by a certificate of insurance worded identically as specified in Appendix IV, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

C. Each insurance policy shall be issued by an insurer or a group self-insurance pool that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or approved surplus lines insurer in the Commonwealth of Virginia.

D. Each insurance policy shall provide first dollar coverage. The insurer or group self-insurance pool shall be liable for the payment of all amounts within any deductible applicable to the policy to the provider of containment and clean up as provided in this chapter, with a right of reimbursement by the insured for any such payment made by the insurer or group. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-640-70 through 9 VAC 25-640-120.

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9 VAC 25-640-100. Surety bond.

A. An operator may satisfy the requirements of 9 VAC 25-640-50 by obtaining a surety bond that conforms to the requirements of this section. The surety company issuing the bond shall be licensed to operate as a surety in the Commonwealth of Virginia and be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

B. The surety bond shall be worded identically as specified in Appendix V, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

C. Under the terms of the bond, the surety will become liable on the bond obligation when the operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.

D. The operator who uses a surety bond to satisfy the requirements of 9 VAC 25-640-50 shall establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the board under 9 VAC 25-640-180. This standby trust fund shall meet the requirements specified in 9 VAC 25-640-130.

9 VAC 25-640-110. Letter of credit.

A. An operator may satisfy the requirements of 9 VAC 25-640-50 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this section. The issuing institution shall be an entity that has the authority to issue letters of credit in the Commonwealth of Virginia and whose letter-of-credit operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The letter of credit shall be worded identically as specified in Appendix VI, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

C. An operator who uses a letter of credit to satisfy the requirements of 9 VAC 25-640-50 also shall establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the board will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the board under 9 VAC 25-640-180. This standby trust fund shall meet the requirements specified in 9 VAC 25-640-130.

D. The letter of credit shall be irrevocable with a term specified by the issuing institution. The letter of credit shall provide that credit will be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the operator receives the notice, as evidenced by the return receipt.

9 VAC 25-640-120. Trust fund.

A. An operator may satisfy the requirements of 9 VAC 25-640-50 by establishing an irrevocable trust fund that conforms to the requirements of this section. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The trust fund shall be irrevocable and shall continue until terminated at the written direction of the grantor and the trustee, or by the trustee and the State Water Control Board, if the grantor ceases to exist. Upon termination of the trust, all remaining trust property, less final trust administration expenses, shall be delivered to the operator. The wording of the trust agreement shall be identical to the wording specified in Appendix VII and shall be accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The irrevocable trust fund, when established, shall be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.

D. If the value of the trust fund is greater than the required amount of coverage, the operator may submit a written request to the board for release of the excess.

E. If other financial assurance as specified in this chapter is substituted for all or part of the trust fund, the operator may submit a written request to the board for release of the excess.

F. Within 60 days after receiving a request from the operator for release of funds as specified in subsection D or E of this section, the board will instruct the trustee to release to the operator such funds as the board specifies in writing.

9 VAC 25-640-130. Standby trust fund.

A. An operator using any one of the mechanisms authorized by 9 VAC 25-640-80, 9 VAC 25-640-100, and 9 VAC 25-640-110 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

B. The standby trust agreement or trust agreement shall be worded identically as specified in Appendix VII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted, and accompanied by a formal certification of acknowledgment as specified in Appendix VIII.

C. The board will instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the board determines that no additional containment and clean up costs will occur as a result of a discharge covered by the financial assurance mechanism for which the standby trust fund was established.

D. An operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this rule.

9 VAC 25-640-140. Substitution of financial assurance mechanisms by operator.

A. An operator may substitute any alternate financial assurance mechanisms as specified in this chapter, provided that at all times he maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of 9 VAC 25-640-50.

B. After obtaining alternate financial assurance as specified in this chapter, an operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

9 VAC 25-640-150. Cancellation or nonrenewal by a provider of financial assurance.

A. Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the operator.

Termination of a guarantee, a surety bond, or a letter of credit may not occur until 120 days after the date on which the operator receives the notice of termination, as evidenced by the return receipt.

Termination of insurance or group self-insurance pool coverage, except for nonpayment or misrepresentation by the insured, may not occur until 60 days after the date on which the operator receives the notice of termination, as evidenced by the return receipt. Termination for nonpayment of premium or misrepresentation by the insured may not occur until a minimum of 15 days after the date on which the operator receives the notice of termination, as evidenced by the return receipt.

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in 9 VAC 25-640-200, the operator shall obtain alternate coverage as specified in this section and shall submit to the board the appropriate original forms listed in 9 VAC 25-640-170 B documenting the alternate coverage within 60 days after receipt of the notice of termination. If the operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the operator shall immediately notify the board of such failure and submit:

1. The name and address of the provider of financial assurance;
2. The effective date of termination; and
3. A copy of the financial assurance mechanism subject to the termination maintained in accordance with 9 VAC 25-640-170.

9 VAC 25-640-160. Reporting by operator.

A. Except as specified in 9 VAC 25-640-170 B 7, an operator of a facility existing as of the effective date of this chapter shall submit the appropriate original forms listed in 9 VAC 25-640-170 B documenting current evidence of

financial responsibility to the board within 60 days after the effective date of this chapter and shall submit new original forms 30 days before the anniversary date for each year thereafter.

B. Except as specified in 9 VAC 25-640-170 B 7, an operator of a facility which does not exist as of the effective date of this chapter shall submit the appropriate original forms listed in 9 VAC 25-640-170 B documenting current evidence of financial responsibility to the board at least 30 days before the facility commences operation or 60 days after the effective date of this chapter, whichever is later, and shall submit new original forms 30 days before the anniversary date for each year thereafter.

C. An operator shall notify the board if the operator fails to obtain alternate coverage as required by this chapter within 30 days after the operator receives notice of:

1. Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor,
2. Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,
3. Failure of a guarantor to meet the requirements of the financial test,
4. Other incapacity of a provider of financial assurance.

D. An operator shall submit the appropriate original forms listed in 9 VAC 25-640-170 B documenting current evidence of financial responsibility to the board as required by 9 VAC 25-640-70 E and F and 9 VAC 25-640-150 B.

E. An operator shall submit to the board the appropriate original forms listed in 9 VAC 25-640-170 B documenting current evidence of financial responsibility upon substitution of its financial assurance mechanisms as provided by 9 VAC 25-640-140.

F. The board may require an operator to submit evidence of financial assurance as described in 9 VAC 25-640-170 B or other information relevant to compliance with this chapter at any time. The board may require submission of originals or copies at its sole discretion.

9 VAC 25-640-170. Recordkeeping.

A. Operators shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this chapter for an aboveground storage tank or pipeline, or both, until released from the requirements of this regulation under 9 VAC 25-640-190. An operator shall maintain such evidence by filing original evidence of financial responsibility with the department.

B. Operators shall maintain the following types of evidence of financial responsibility:

1. An operator using an assurance mechanism specified in 9 VAC 25-640-70 through 9 VAC 25-640-120 shall maintain the original instrument worded as specified.
2. An operator using a financial test or guarantee shall maintain (i) the chief financial officer's letter, and (ii) year-

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end financial statements for the most recent completed financial reporting year or the Dun and Bradstreet rating on which the chief financial officer's letter was based. Such evidence shall be on file no later than 120 days after the close of the financial reporting year.

3. An operator using a guarantee, surety bond, or letter of credit shall maintain the signed standby trust fund agreement and any amendments to the agreement.

4. An operator using an insurance policy or group self-insurance pool coverage shall maintain a copy of the signed insurance policy or group self-insurance pool coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.

a. An operator using an assurance mechanism specified in 9 VAC 25-640-70 through 9 VAC 25-640-120 shall maintain an original certification of financial responsibility worded identically as specified in Appendix IX, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

b. The operator shall submit a new original certification at or before the time specified in 9 VAC 25-640-160 or whenever the financial assurance mechanisms used to demonstrate financial responsibility changes.

6. An operator using a trust agreement or who is required to prepare a standby trust agreement pursuant to 9 VAC 25-640-130 shall maintain a certification of acknowledgment worded identically as specified in Appendix VIII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

7. For subsequent annual submissions required under 9 VAC 25-640-160:

a. The operator may submit an endorsement, a rider or a notice of extension from the provider of financial assurance evidencing continuation of coverage in lieu of a new original surety bond or letter of credit or insurance policy, provided the form of the endorsement, rider or notice of extension is approved by the board;

b. The operator need not submit a new original guarantee or trust fund, provided the same mechanism is to continue to act as the operator's demonstration mechanism for the subsequent year or years;

c. The operator need not submit a new standby trust agreement, provided the financial assurance mechanism remains the same;

d. The operator must submit a new original mechanism as specified in subdivision 2 of this subsection;

e. The operator need not submit a new original certification of acknowledgment, provided the associated trust agreement has not changed;

f. The operator must submit a new original certification of financial responsibility.

9 VAC 25-640-180. Drawing on financial assurance mechanisms.

A. The board shall require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the board, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

1. a. The operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit; and

b. The board determines or suspects that a discharge from an aboveground storage tank or pipeline covered by the mechanism has occurred and so notifies the operator, or the operator has notified the board pursuant to 9 VAC 25-91-10 et seq. of a discharge from an aboveground storage tank or pipeline covered by the mechanism; or

2. The conditions of subsection B of this section are satisfied.

B. The board may draw on a standby trust fund when the board makes a final determination that a discharge has occurred and immediate or long-term containment and/or clean up for the discharge is needed, and the operator, after appropriate notice and opportunity to comply, has not conducted containment and clean up as required under 9 VAC 25-91-10 et seq.

9 VAC 25-640-190. Release from the requirements.

An operator is no longer required to maintain financial responsibility under this chapter for an aboveground storage tank or pipeline after the tank or pipeline has been permanently closed pursuant to the requirements of 9 VAC 25-91-10 et seq., except when the board determines clean up of a discharge from the aboveground storage tank or pipeline is required.

9 VAC 25-640-200. Bankruptcy or other incapacity of operator provider of financial assurance.

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an operator as debtor, the operator shall notify the board by certified mail of such commencement.

B. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the operator by certified mail of such commencement as required under the terms of the guarantee specified in 9 VAC 25-640-80.

C. An operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a

guarantee, insurance policy, group self-insurance pool coverage policy, surety bond, or letter of credit. The operator shall obtain alternate financial assurance as specified in this chapter and submit to the board the appropriate original forms specified in 9 VAC 25-640-170 B within 30 days after receiving notice of such an event. If the operator does not obtain alternate coverage within 30 days after such notification, he shall immediately notify the board in writing.

9 VAC 25-640-210. Replenishment of guarantees, letters of credit or surety bonds.

A. If at any time after a standby trust is funded upon the instruction of the board with funds drawn from a guarantee, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

1. Replenish the value of financial assurance to equal the full amount of coverage required, or
2. Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

B. For purposes of this section, the full amount of coverage required is the amount of coverage to be provided by 9 VAC 25-640-50. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

9 VAC 25-640-220. Virginia Petroleum Storage Tank Fund.

The fund may be used for all uses authorized by § 62.1-44.34:11 of the Code of Virginia in accordance with the requirements specified in 9 VAC 25-590-210.

9 VAC 25-640-230. Notices to the State Water Control Board.

All requirements of this chapter for notification to the State Water Control Board shall be addressed as follows:

Director
Department of Environmental Quality
629 E. Main Street
P.O. Box 10009
Richmond, Virginia 23240-0009.

9 VAC 25-640-240. Delegation of authority.

The Director of the Department of Environmental Quality or a designee acting for him may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

9 VAC 25-640-250. Evaluation of chapter.

A. Within three years after the effective date of this chapter, the department shall perform an analysis on this chapter and provide the board with a report on the results. The analysis shall include (i) the purpose and need for the chapter; (ii) alternatives that would achieve the stated purpose of this chapter in a less burdensome and less intrusive manner; (iii) an assessment of the effectiveness of

this chapter; (iv) the results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements of this chapter which are more stringent than federal requirements; and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities.

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

APPENDIX I - LETTER FROM CHIEF FINANCIAL OFFICER

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

I am the chief financial officer of [insert: name and address of the operator or guarantor]. This letter is in support of the use of [insert: "the financial test of self-insurance," and/or "Guarantee"] to demonstrate financial responsibility for the containment and clean up of discharges of oil in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating [insert: "(an) aboveground storage tank(s)" and/or "(a) pipeline(s)"].

Aboveground storage tanks at the following facilities and/or pipelines are assured by this financial test by this [insert: "operator" and/or "guarantor"]:

[List for each facility: the name and address of the facility where tanks assured by this financial test are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this financial test. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test.

List for each pipeline: the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.]

This [insert: "operator " or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on the financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of 9 VAC 25-640-70 B are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of 9 VAC 25-640-70 C are being used to demonstrate compliance with the financial test requirements.]

ALTERNATIVE I

1. Amount of AST annual aggregate coverage being assured by a financial test, and/or guarantee \$ _____

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2. Amount of pipeline annual aggregate coverage covered by a financial test, and/or guarantee
\$ _____

3. Sum of lines 1 and 2 \$ _____

4. Total tangible assets \$ _____

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6]
\$ _____

6. Tangible net worth [subtract line 5 from line 4]
\$ _____
Yes No

7. Is line 6 at least equal to line 3 above? ___ ___

8. Have financial statements for the latest financial reporting year been filed with the Securities and Exchange Commission? ___ ___

9. Have financial statements for the latest financial reporting year been filed with the Energy Information Administration? ___ ___

10. Have financial statements for the latest financial reporting year been filed with the Rural Electrification Administration? ___ ___

11. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of at least equal to the amount of annual AST/pipeline aggregate coverage being assured? [Answer "Yes" only if both criteria have been met.]
___ ___

12. If you did not answer Yes to one of lines 8 through 11, please attach a report from an independent certified public accountant certifying that there are no material differences between the data reported in lines 4 through 7 above and the financial statements for the latest financial reporting year.

ALTERNATIVE II

1. Amount of AST annual aggregate coverage being assured by a financial test, and/or guarantee
\$ _____

2. Amount of pipeline annual aggregate coverage covered by a financial test, and/or guarantee
\$ _____

3. Sum of lines 1 and 2 \$ _____

4. Total tangible assets \$ _____

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line or add that amount to line 6]
\$ _____

6. Tangible net worth [subtract line 5 from line 4]
\$ _____

7. Total assets in the U.S. [required only if less than 90 percent of assets are located in the U.S.]
\$ _____

8. Is line 6 at least equal to line 3 above? ___ ___ Yes No

9. Are at least 90 percent of assets located in the U.S.? [If "No," complete line 10.] ___ ___

10. Is line 7 at least equal to line 3? ___ ___

[Fill in either lines 11-14 or lines 15-17:]

11. Current assets \$ _____

12. Current liabilities \$ _____

13. Net working capital [subtract line 12 from line 11]
\$ _____
Yes No

14. Is line 13 at least equal to line 3? ___ ___

15. Current bond rating of most recent bond issue
___ ___

16. Name of rating service _____

17. Date of maturity of bond _____

18. Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration?
Yes No

___ ___

[If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-17 above and the financial statements for the latest financial reporting year.]

[For Alternatives I and II, complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix I of 9 VAC 25-640-10 et seq. as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

APPENDIX II - GUARANTEE

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the State Water Control Board of the Commonwealth of

Virginia and obligees, on behalf of [operator] of [business address].

Recitals.

(1) Guarantor meets or exceeds the financial test criteria of 9 VAC 25-640-70 B or C and D and agrees to comply with the requirements for guarantors as specified in 9 VAC 25-640-80.

(2) Operator operates the following aboveground storage tank(s) and/or pipelines covered by this guarantee:

[List for each facility: the name and address of facility where tanks assured by this financial test are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this guarantee. If more than one instrument is used to assure different tanks at any one facility, list each tank assured by this mechanism.

List for each pipeline: the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.]

This guarantee satisfies the requirements of 9 VAC 25-640-10 et seq. for assuring funding for taking containment and clean up measures necessitated by a discharge of oil; [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified aboveground storage tank(s) and/or pipelines in the amount of [insert dollar amount] per occurrence and [insert dollar amount] annual aggregate.

(3) [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the operator); "On behalf of our affiliate" (if guarantor is a related firm of the operator); or

"Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with operator)][operator], guarantor guarantees to the State Water Control Board that:

In the event that operator fails to provide alternate coverage within 60 days after receipt of a notice of cancellation of this guarantee and the State Water Control Board has determined or suspects that a discharge has occurred at an aboveground storage tank and/or pipeline covered by this guarantee, the guarantor, upon instructions from the State Water Control Board, shall fund a standby trust fund in accordance with the provisions of 9 VAC 25-640-180, in an amount not to exceed the coverage limits specified above.

In the event that the State Water Control Board determines that operator has failed to perform containment and clean up for discharges arising out of the operation of the above-identified tank(s) and/or pipelines in accordance with 9 VAC 25-91-10 et seq., the guarantor upon written instructions from the State Water Control Board shall fund a standby trust in accordance with the provisions of 9 VAC 25-640-180, in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees that if, at the end of any financial reporting year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of 9 VAC 25-640-70 B or C and D, guarantor shall send within 120 days of such failure, by certified mail, notice to operator. The guarantee will terminate 120 days from the date of receipt of the notice by operator, as evidenced by the return receipt.

(5) Guarantor agrees to notify operator by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of operator pursuant to 9 VAC 25-91-10 et seq. or 9 VAC 25-640-10 et seq.

(7) Guarantor agrees to remain bound under this guarantee for so long as operator shall comply with the applicable financial responsibility requirements of 9 VAC 25-640-10 et seq. for the above-identified tank(s) and/or pipelines, except that guarantor may cancel this guarantee by sending notice by certified mail to operator, such cancellation to become effective no earlier than 120 days after receipt of such notice by operator, as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of operator under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of operator arising from, and in the course of, employment by operator;

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by operator that is not the direct result of a discharge from an aboveground storage tank and/or pipeline;

(e) Bodily damage or property damage for which operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-640-10 et seq.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the State Water Control Board or by operator.

I hereby certify that the wording of this guarantee is identical to the wording specified in Appendix II of 9 VAC 25-640-10 et seq. as such regulations were constituted on the effective date shown immediately below.

Effective date:

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

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[Title of person signing]

Signature of witness or notary:

APPENDIX III - ENDORSEMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: _____[name of each covered location]_____

Address: _____[address of each covered location]_____

Policy Number: _____

Period of Coverage: _____[current policy period]_____

Name of [Insurer or Group Self Insurance Pool]:

Address of [Insurer or Group Self Insurance Pool]:

Name of Insured: _____

Address of Insured:

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following aboveground storage tanks and/or pipelines in connection with the insured's obligation to demonstrate financial responsibility under 9 VAC 25-640-10 et seq.:

[List for each facility: the name and address of the facility where tanks assured by this mechanism are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this mechanism. If more than one instrument is used to assure different tanks at any one facility, list each tank assured by this mechanism.

List for each pipeline: the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.]

for containment and clean up of a discharge of oil in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the aboveground storage tank(s) and/or pipelines identified above.

The limits of liability are [insert the dollar amount of the containment and clean up "each occurrence" and "annual

aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different aboveground storage tanks, pipelines or locations, indicate the amount of coverage for each type of coverage and/or for each aboveground storage tank, pipeline or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (d) for occurrence policies and (a) through (e) for claims-made policies of this Paragraph 2 are hereby amended to conform with subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Pool"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" or "Pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of containment and clean up, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Pool"].

This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-640-70 through -120.

c. Whenever requested by the State Water Control Board, the ["Insurer" or "Pool"] agrees to furnish to State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Pool"], except for non-payment of premium or misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the insured.

[Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms,

conditions, limits, including limits of liability, and exclusions of the policy.]

I hereby certify that the wording of this endorsement is in no respect less favorable than the coverage specified in Appendix III of 9 VAC 25-640-10 et seq. and has been so certified by the State Corporation Commission of the Commonwealth of Virginia. I further certify that the ["Insurer" or "Pool"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in the Commonwealth of Virginia"].

[Signature of authorized representative of Insurer or Group Self Insurance Pool] [Name of person signing]

[Title of person signing], Authorized

Representative of [name of Insurer or Group Self Insurance Pool]

[Address of Representative]

APPENDIX IV - CERTIFICATE OF INSURANCE

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Name: _____ [name of each covered location] _____

Address: _____ [address of each covered location] _____

Policy Number: _____

Endorsement (if applicable): _____

Period of Coverage: _____ [current policy period] _____

Name of [Insurer or Group Self Insurance Pool]: _____

Address of [Insurer or Group Self Insurance Pool]: _____

Name of Insured: _____

Address of Insured: _____

Certification:

1. [Name of Insurer or Group Self Insurance Pool], [the "Insurer" or "Pool"], as identified above, hereby certifies that it has issued liability insurance covering the following aboveground storage tank(s) and/or pipelines in connection with the insured's obligation to demonstrate financial responsibility under 9 VAC 25-640-10 et seq.:

[List for each facility: the name and address of the facility where tanks assured by this mechanism are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this mechanism. If more

than one instrument is used to assure different tanks at any one facility, list each tank assured by this mechanism.

List for each pipeline: the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.]

for containment and clean up of discharges of oil; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [if coverage is different for different tanks, pipelines or locations, indicate the type of coverage applicable to each tank, pipeline or location] arising from operating the aboveground storage tank(s) and/or pipelines identified above.

The limits of liability are [insert the dollar amount of the containment and clean up "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different aboveground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each aboveground storage tank, pipeline or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["Insurer" or "Pool"] further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Pool"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" or "Pool"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of containment and clean up with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Pool"].

This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 9 VAC 25-640-70 through 9 VAC 25-640-120.

c. Whenever requested by the State Water Control Board, the ["Insurer" or "Pool"] agrees to furnish to the State Water Control Board a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Pool"], except for non-payment of premium or misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 15 days after a copy of such written notice is received by the insured.

[Insert for claims-made policies]

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e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Pool"] within six months of the effective date of cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in Appendix IV of 9 VAC 25-640-10 et seq. and that the ["Insurer" or "Pool"] is ["licensed to transact the business of insurance, or eligible to provide insurance as an excess or approved surplus lines insurer, in the Commonwealth of Virginia"].

[Signature of authorized representative of Insurer]

[Type name] [Title], Authorized Representative of [name of Insurer or Group Self Insurance Pool]

[Address of Representative]

APPENDIX V - PERFORMANCE BOND

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Date bond executed: _____

Period of coverage: _____

Principal: [legal name and address of operator]

Type of organization: [insert "individual" "joint venture," "partnership," "corporation," or appropriate identification of type of organization] _____

State of incorporation (if applicable): _____

Surety(ies): [name(s) and business address(es)] _____

Scope of Coverage:

[List for each facility: the name and address of the facility where tanks assured by this mechanism are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this mechanism. If more than one instrument is used to assure different tanks at any one facility, list each tank assured by this mechanism. For pipelines, list the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.

List the coverage guaranteed by the bond: containment and clean up of oil from a discharge arising from operating the aboveground storage tank and/or pipeline.]

Penal sums of bond:

Containment and Clean up (per discharge) \$ _____

Annual Aggregate \$ _____

Surety's bond number: _____

Know All Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the State Water Control Board of the Commonwealth of Virginia, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under § 62.1-44.34:16 of the Code of Virginia and under 9 VAC 25-640-10 et seq. to provide financial assurance for containment and clean up necessitated by discharges of oil; [if coverage is different for different tanks or locations or pipelines, indicate the type of coverage applicable to each tank or location or pipeline] arising from operating the aboveground storage tanks and/or pipelines identified above, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully contain and clean up, in accordance with the State Water Control Board's instructions for containment and clean up of discharges of oil arising from operating the tank(s) identified above, or if the Principal shall provide alternate financial assurance, as specified in 9 VAC 25-640-10 et seq., within 120 days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

Such obligation does not apply to any of the following:

- (a) Any obligation of operator under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of operator arising from, and in the course of, employment by operator;
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by operator that is not the direct result of a discharge from an aboveground storage tank and/or pipeline;

(e) Bodily injury or property damage for which operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-640-10 et seq.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the State Water Control Board that the Principal has failed to contain and clean up in accordance with 9 VAC 25-91-10 et seq. and the State Water Control Board's instructions, the Surety(ies) shall perform containment and clean up in accordance with 9 VAC 25-91-10 et seq. and the board's instructions, or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the State Water Control Board under 9 VAC 25-640-180.

Upon notification by the State Water Control Board that the Principal has failed to provide alternate financial assurance within 60 days after the date the notice of cancellation is received by the Principal from the Surety(ies) and that the State Water Control Board has determined or suspects that a discharge has occurred, the Surety(ies) shall place funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund as directed by the State Water Control Board under 9 VAC 25-640-180.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal, as evidenced by the return receipt.

The Principal may terminate this bond by sending written notice to the Surety(ies).

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Appendix V of 9 VAC 25-640-10 et seq. as such regulations were constituted on the date this bond was executed.

PRINCIPAL
[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate seal]

CORPORATE SURETY(IES)

[Name and address]

State of Incorporation:

Liability limit: \$ _____

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ _____

APPENDIX VI - IRREVOCABLE STANDBY LETTER OF CREDIT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

[Name and address of issuing institution]

[Name and address of the Director]

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of [operator name] of [address] up to the aggregate amount of [in words] U.S. dollars (\$[insert dollar amount]), available upon presentation of

(1) your sight draft, bearing reference to this letter of credit, No. _____ and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of § 62.1- 44.34:16 of the Code of Virginia."

This letter of credit may be drawn on to cover containment and clean up necessitated by discharges of oil arising from operating the aboveground storage tank(s) and pipelines identified below in the amount of [in words] \$ [insert dollar amount] per occurrence and [in words] \$ [insert dollar amount] annual aggregate:

[List for each facility: the name and address of the facility where tanks assured by this mechanism are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number, and whether tanks are assured by this mechanism. If more than one instrument is used to assure different tanks at any one facility, list each tank covered by this instrument.

For pipelines, list: the home office address and the names of the cities and counties in the Commonwealth where the pipeline is located.]

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The letter of credit may not be drawn on to cover any of the following:

- (a) Any obligation of operator under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of operator arising from, and in the course of, employment by operator;
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by an operator that is not the direct result of a discharge of oil from an aboveground storage tank and/or pipeline;
- (e) Bodily injury or property damage for which an operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-640-50.

This letter of credit is effective as of [date] and shall expire on [date], but such expiration date shall be automatically extended for a period of [at least the length of the original term] on [expiration date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify operator by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that operator is so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by operator, as shown on the signed return receipt.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of operator in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Appendix VI of 9 VAC 25-640-10 et seq. as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]

[Date]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code"].

APPENDIX VII - TRUST AGREEMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Trust agreement, the "Agreement," entered into as of [date] by and between [name of the operator], a [name of state] [insert "corporation," "partnership," "association," "proprietorship," or appropriate identification of type of entity], the "Grantor," and [name of corporate trustee], [insert

"Incorporated in the state of _____" or "a national bank"], the "Trustee."

Whereas, the State Water Control Board of the Commonwealth of Virginia has established certain regulations applicable to the Grantor, requiring that an operator of an aboveground storage tank and/or pipeline shall provide assurance that funds will be available when needed for containment and clean up of a discharge of oil arising from the operation of the aboveground storage tank and/or pipeline. The attached Schedule A contains for each facility the name and address of the facility where tanks covered by this [trust agreement or standby trust agreement] are located, either the registration identification number assigned by the Department or the Oil Discharge Contingency Plan facility identification number and for pipelines the home office address and names of the cities and counties in the Commonwealth where the pipeline is located;

Whereas, the Grantor has elected to establish [insert either "a guarantee," "surety bond," or "letter of credit"] to provide all or part of such financial assurance for the aboveground storage tanks and/or pipelines identified herein and is required to establish a standby trust fund able to accept payments from the instrument (This paragraph is only applicable to the standby trust agreement.);

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee;

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of the Financial Assurance Mechanism.

This Agreement pertains to the [identify the financial assurance mechanism, either a guarantee, surety bond, or letter of credit, from which the standby trust fund is established to receive payments (This paragraph is only applicable to the standby trust agreement.)].

Section 3. Establishment of Fund.

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the State Water Control Board of the Commonwealth of Virginia. The Grantor and the Trustee intend that no third party have access to the Fund. [The Fund is established initially as a standby to receive payments and shall not consist of any property.] Payments made by the provider of financial assurance pursuant to the State Water Control Board's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund

shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the State Water Control Board.

Section 4. Payment for Containment and Clean up.

The Trustee shall make payments from the Fund as the State Water Control Board shall direct, in writing, to provide for the payment of the costs of containment and clean up of a discharge of oil arising from operating the tanks and/or pipelines covered by the financial assurance mechanism identified in this Agreement.

The Fund may not be drawn upon to cover any of the following:

- (a) Any obligation of operator under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of operator arising from, and in the course of, employment by operator;
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by operator that is not the direct result of a discharge from an oil aboveground storage tank or pipeline;
- (e) Bodily injury or property damage for which operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 9 VAC 25-640-50.

The Trustee shall reimburse the Grantor, or other persons as specified by the State Water Control Board, from the Fund for containment and clean up in such amounts as the State Water Control Board shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the State Water Control Board specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund.

Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.

Section 6. Trustee Management.

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee

shall discharge his duties with respect to the trust fund solely in the interest of the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (a) Securities or other obligations of the Grantor, or any other operator of the tanks, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. § 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;
- (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and
- (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment.

The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee.

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;
- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with

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certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses.

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Advice of Counsel.

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 11. Trustee Compensation.

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 12. Successor Trustee.

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of

competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 13. Instructions to the Trustee.

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Schedule B or such other designees as the Grantor may designate by amendment to Schedule B. The trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests and instructions by the State Water Control Board to the Trustee shall be in writing, signed by the Executive Director of the Department of Environmental Quality, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the State Water Control Board hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the State Water Control Board, except as provided for herein.

Section 14. Amendment of Agreement.

This Agreement may be amended by an instrument in writing executed by the Grantor and the Trustee, or by the Trustee and the State Water Control Board if the Grantor ceases to exist.

Section 15. Irrevocability and Termination.

Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the State Water Control Board, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 16. Immunity and Indemnification.

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the State Water Control Board issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 17. Choice of Law.

This Agreement shall be administered, construed, and enforced according to the laws of the Commonwealth of Virginia, or the Comptroller of the Currency in the case of National Association banks.

Section 18. Interpretation.

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals (if applicable) to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in Appendix VII of 9 VAC 25-640-10 et seq. as such regulations were constituted on the date written above.

[Signature of Grantor]

[Name of the Grantor]

[Title]

Attest:

[Signature of Trustee]

[Name of the Trustee]

[Title]

[Seal]

[Signature of Witness]

[Name of Witness]

[Title]

[Seal]

APPENDIX VIII - CERTIFICATE OF ACKNOWLEDGMENT

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

State of _____

County of _____

On this [date], before me personally came [operator's representative] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]

[Name of Notary Public]

My Commission expires: _____.

APPENDIX IX - CERTIFICATION OF FINANCIAL RESPONSIBILITY

[Note: The instructions in brackets are to be replaced by the relevant information and the brackets deleted.]

Operator hereby certifies that it is in compliance with the requirements of 9 VAC 25-640-10 et seq.

The financial assurance mechanism[s] used to demonstrate financial responsibility under 9 VAC 25-640-10 et seq. is [are] as follows:

Indicate type of Mechanism:

- ___ Letter from Chief Financial Officer
___ Guarantee
___ Insurance Endorsement or Certificate
___ Letter of Credit
___ Surety Bond
___ Trust Fund

Name of Issuer: _____

Mechanism Number (if applicable): _____

Total number of gallons of aboveground storage capacity for which demonstration is provided: _____

Amount of coverage for mechanism:

\$_____ containment and clean up per occurrence and annual aggregate

Effective period of coverage: _____ to _____

Do(es) mechanism(s) cover(s): containment and clean up caused by either sudden accidental discharges or nonsudden accidental discharges or accidental discharges?

___ Yes ___ No

If "No," specify in the following space the items the mechanism covers:

[Signature of operator]

[Name of operator]

[Title] [Date]

[Signature of notary]

[Name of notary] [Date] My Commission expires: _____.

VA.R. Doc. No. R00-233; Filed July 24, 2000, 4:11 p.m.



Proposed Regulations

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Transportation as an Administrative Expense.

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-300 and 12 VAC 30-50-530).

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

Public Hearing Date: N/A -- Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements.

42 CFR 431.53 states that the Medicaid state plan must ensure necessary transportation for recipients to and from providers of medical services. The State Plan must also describe the state's methods that meet this requirement.

Purpose: The purpose of this proposal is to cover transportation as an administrative expense as permitted by federal regulations, except for emergency ambulance coverage, which will remain unchanged. This administrative approach will allow for the extensive coordination of trips and a reduction in DMAS transportation expenditures. This regulatory action is essential to protect the safety and welfare of Medicaid recipients because it will ensure that recipients are able to reach their doctors' or other health care providers' offices for appointments in the most expedient manner possible.

Substance: Medicaid programs are federally required to cover transportation by one of two methods, or a combination of the two, to ensure that Medicaid recipients have access to covered medical services. Federal regulations at both 42 CFR 431.53 and 440.170(a) permit this coverage in either of two ways at the state's discretion: § 431.53 permits transportation coverage as an administrative expense and § 440.170(a) permits transportation coverage as a medical expense. Besides the slight difference in federal financial participation for this service (the administrative expense is federally reimbursed slightly higher), the most significant difference in these two alternatives is the amount of service coordination and management that is permitted by 42 CFR 431.53.

DMAS currently covers transportation as a medical service, which means that transportation is covered in a comparable manner to physician, pharmacy, and other Medicaid services. Under this arrangement, Medicaid recipients have freedom of choice of transportation providers. As defined under federal

regulations, this means that recipients may select among transportation providers enrolled with DMAS for each trip to a Medicaid covered service.

The current transportation coverage has been subject to misuse and even abuse by recipients and transportation providers. DMAS has knowledge of the following: (i) recipients taking trips to noncovered Medicaid services; (ii) many single passenger trips where multiple passenger trips could be coordinated instead; (iii) trips where a more sophisticated type of transportation is utilized than the recipient needs (an ambulance instead of a bus, for example); (iv) trips to medical providers at considerable distances away while ignoring much closer medical providers; and (v) trip mileage being billed to DMAS which is higher than the actual mileage incurred.

This regulatory action will allow DMAS to cover transportation as an administrative expense under federal regulations except for emergency ambulance coverage that will remain unchanged. This administrative approach will allow for the extensive coordination of trips and a reduction in DMAS transportation expenditures. Contractors will coordinate trips and reimburse transportation providers for services.

The contractor will be able to manage the transportation to ensure that it is only to Medicaid covered services, that the type of transportation is suitable to the medical needs of the recipient, that closer medical providers are given consideration in planning trips, and that reported trip mileage is accurate.

Through a recent transportation pilot project, the benefits of a contractor coordinating transportation have been realized. These regulations expand on the findings of the pilot project and include the features of transportation covered as an administrative service under federal regulations.

On March 3, 2000, DMAS issued a request-for-proposals solicitation for nonemergency transportation services, which is based on these regulatory changes. The RFP addresses transportation needs of Medicaid recipients not enrolled in DMAS capitated managed care plans. In the RFP, Virginia is divided into seven regions. DMAS is seeking a broker for each region. The broker will receive requests for transportation from Medicaid recipients in the region, perform screening of recipients such as confirming that the recipients are Medicaid eligible and the trips are to covered Medicaid services, then arrange for the transportation and pay the transportation providers. The deadline for bidders under the RFP to submit proposals was May 5 at 2 p.m. DMAS anticipates implementation of this project on October 1, 2000; however, this is contingent on final approval of this regulatory package before that date.

This regulatory action is important for the economical performance of an important governmental function because the contractor will be permitted to double-up recipients traveling to the same provider on the same day. Other types of cost savings uses of transportation services will also be permitted by this regulatory action.

Issues: The benefits to recipients are expected to be their easier access to services in a more reliable, dependable manner. This transportation service coordination will also

provide recipients with an improved quality of services including a complaint mechanism when transportation providers fail to keep appointments or provide less than satisfactory service. The only negative response expected might be from individuals who have, in the past, been able to successfully bill for inappropriate services and inaccurate mileage amounts.

Fiscal Impact: The changes as a result of this regulatory package will in general affect all transportation providers (slightly less than 1,000) and Medicaid recipients not in health maintenance organizations (approximately 350,000 recipients). The current arrangement of the Medicaid recipient contacting the transportation provider for a ride such as to the doctor will no longer occur. The transportation providers and the Medicaid recipients will be resistant to this change once they learn that all nonemergency trips will be coordinated by the broker. Based on the experience of the Southwest Virginia transportation pilot, challenges from the transportation providers and recipients to these changes in DMAS transportation regulations will occur including possibly legal challenges. Some providers and recipients can be expected to employ means to thwart the brokerage approach.

In FY99, DMAS reimbursed approximately \$46,780,000 for all transportation services to Medicaid recipients not in DMAS capitated managed care plans. This reimbursement is a significant increase from 1990 when DMAS reimbursed approximately \$9,819,000 for transportation services and the number of persons on Medicaid was only about 50,000 less than those not in DMAS capitated managed care plans in FY99. Other states that have utilized transportation brokerage methods have reported savings in excess of 15%. This savings is somewhat offset by a slight reduction in the percentage of federal funding when transportation is moved from a medical service to an administrative service (federal funding will switch from approximately 51.85% in FFY 2001 to 50%). There are no localities, which are uniquely affected by these regulations as they apply statewide.

This action does not affect recipients who are enrolled in health maintenance organizations because the HMO either directly provides or arranges for recipient transportation. DMAS' reimbursement for the provision of this service is contained within the capitation fee that is paid for each recipient. DMAS does not make separate payments for transportation services for HMO-enrolled recipients.

Family Impact Statement: This regulatory action will not have any negative effects on the institution of the family or family stability. It will not increase or decrease disposable family income or erode the marital commitment. It will not discourage economic self-sufficiency, self-pride, or the assumption of family responsibilities. It will discourage the use of Medicaid transportation services for shopping and other non-Medicaid-covered reasons.

The family can expect an improved quality of Medicaid transportation services. Medicaid recipients will need to make just one call to the broker to have a trip arranged. DMAS will be holding the brokers accountable in such areas as vehicle condition, driver qualifications, and recipient satisfaction surveys. There will also be a complaint tracking system. Before this change is implemented, DMAS will be holding

statewide meetings with recipients, brokers, and potential transportation providers to educate them about this change.

Funding Source/Cost to Localities/Affected Entities: The Department of Medical Assistance Services is established under the authority of Title XIX of the federal Social Security Act, Public Law 89-97, as amended; and Title 32.1, Chapter 10, of the Code of Virginia. The Virginia Medicaid Program is funded with both federal and state funds. The current federal funding participation (FFP) for medical assistance expenditures is 51.67%, which became effective October 1, 1999. This rate will increase to 51.85% on October 1, 2000.

This program is not expected to affect local departments of social services' eligibility determination process. Community services boards and local area agencies on aging are expected to be financially affected by this change. The broker is to develop an adequate network of local transportation providers similar to what is found currently for Medicaid recipients. If the regional transportation brokers do not contract with these providers, then these agencies are expected to lose this source of Medicaid income.

DMAS plans a two-prong effort to inform recipients and providers about the transportation changes. DMAS plans to hold two information sessions, probably in August 2000, on the transportation changes. The sessions will be open to Medicaid recipients, the provider community, and the general public. Transportation staff from area agencies on aging, community services boards, taxi companies, ambulance squads, and others will be invited to learn more the transportation changes. DMAS will provide information on the time frame for implementation of the changes, how the brokerage system will work, and answer questions. In addition, approximately 30-45 days before the implementation of the project, DMAS will mail notices to all recipients and providers describing the transportation changes, including the brokers' names for each region. The brokers for each region will also be sending out at least one mailing to the recipients.

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 Department of Medical Assistance Services (DMAS) proposes to change coverage of nonemergency transportation services from a medical expense to an administrative expense. Emergency ambulance coverage will remain unchanged.

Estimated economic impact. Medicaid programs are federally required to cover transportation services when recipients

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have no other means of transportation available to ensure that recipients have access to covered medical services. Federal regulations permit this coverage as either an administrative expense or a medical expense, at the state's discretion. DMAS currently covers transportation as a medical service, comparable to physician or outpatient hospital services. Under this option, the Medicaid recipient contacts the transportation provider of their choice directly and arranges for a ride to the doctor, for instance. The transportation provider then bills Medicaid for reimbursement.

According to DMAS, the current transportation coverage system has been subject to fraud and misuse by both recipients and transportation providers. For example, DMAS has identified the following inappropriate uses: (i) trips to non-Medicaid services; (ii) use of single passenger trips where multiple-passenger trips could be coordinated; (iii) use of more expensive type of transportation than is necessary (e.g. an ambulance, where a car or bus would be more appropriate); (iv) trips of excessive distance; and (v) trips billed at a higher mileage than that which actually occurred.

To address these concerns, DMAS is proposing to modify its coverage of nonemergency transportation services by defining it as an administrative expense rather than as a medical expense. The proposed change will allow DMAS to contract with transportation brokers who will be able to coordinate trips and employ accountability measures to help ensure that transportation is not being provided fraudulently.

DMAS reports that a recent pilot project using a contractor to coordinate transportation trips demonstrates the benefits of this approach. In this project, a third party evaluator identified savings of approximately 12%. These savings may be understated because during this pilot program, recipient freedom-of-choice still existed. At the same time, the savings may be overstated because the pilot area of the state may have a higher incidence of fraud and abuse than other areas of the state. DMAS indicates that several years experience with the broker program are necessary in order to reach firm conclusions about any savings.

Other states that have utilized transportation brokerage methods have reported savings in excess of 15%.¹ Additionally, a 1997 Office of Inspector General (OIG) study found that "in addition to saving money, brokerages were also effective in controlling fraud and abuse by both providers and beneficiaries, and that they promoted the use of the least costly transportation modes and providers."²

Some of anticipated savings associated with using transportation brokers will be offset by a slight reduction in the federal funding participation (FFP) rate when transportation is moved from a medical service (51.85% in FFY2001) to an administrative service (50% in FFY2001). However, since the

difference in the matching rates between the two services is not large, this change should still result in net savings.

By claiming nonemergency transportation as an administrative service instead of a medical service, the state will no longer have to give recipients a choice of transportation providers. This, in addition to the ability brokers will have to coordinate trips and double-up riders traveling to the same provider on the same day, may result in some loss of freedom of choice and convenience for Medicaid recipients.

DMAS' Request for Proposals (RFP) contains a number of quality of service standards. DMAS and each broker will provide recipients with a complaint mechanism when transportation providers fail to keep appointments or provide less than satisfactory service. DMAS also will be holding the transportation brokers accountable in such areas as vehicle condition, driver qualifications, and recipient satisfaction surveys. If DMAS effectively enforces these standards then it seems unlikely that recipients will suffer any significant reduction in the quality of medical transportation they receive. In fact, DMAS expects that the proposed transportation broker program will actually result in a substantial increase in the quality of services provided to recipients.

Local community services boards (CSBs) and area agencies on aging currently supply services as Medicaid transportation providers in many localities. Depending on how competitively these and other providers (taxi companies, ambulance squads, wheelchair vans, etc.) are able to provide transportation, the regional transportation broker may or may not choose to contract with them. Therefore, some current providers may experience a reduction in revenue derived from Medicaid transportation.

Conclusion. The proposed regulatory change can be expected to help DMAS better manage its nonemergency transportation program by controlling and potentially reducing expenditures, providing more efficient and effective services, and preventing fraud and abuse. There is also expected to be an improvement in the quality of services provided. These benefits will come at the cost of reduced revenue for current providers whom the transportation brokers choose not to contract with and a reduction in choice and possibly convenience for Medicaid recipients.

Businesses and entities affected. The proposed change to this regulation will affect Medicaid transportation providers (slightly less than 1,000) and the approximately 350,000 Medicaid recipients not in health maintenance organizations.

Localities particularly affected. No localities are particularly affected by the proposed change to this regulation, as it will apply statewide.

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

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

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

¹ "Managing Medicaid Transportation: Innovative Service Delivery Models under State Medicaid Managed Care Programs," David Raphael, Community Transportation Association of America for Center for Health Care Strategies, August 1998.

² "Controlling Medicaid Non-Emergency Transportation Costs," Office of Inspector General, U.S. Department of Health and Human Services, April 1997.

with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Amount, Duration, and Scope of Medical and Remedial Care and Services: Transportation Services as an Administrative Expense.

Summary:

This regulatory action proposes to cover Medicaid transportation as an administrative expense as permitted by federal regulations, instead of as a medical expense. This would apply to nonemergency transportation services only. This change will permit the coordination of trips and a reduction in expenditures by broker contractors.

12 VAC 30-50-300. Any other medical care and any other type of remedial care recognized under state law, specified by the Secretary of Health and Human Services.

~~A. Transportation services are provided to Virginia Medicaid recipients to ensure that they have necessary access to and from providers of all medical services. Both emergency and nonemergency services are covered. The single state agency may enter into contracts with friends of recipients, nonprofit private agencies, and public carriers to provide transportation to Medicaid recipients. Emergency transportation services shall be provided to Virginia Medicaid recipients to ensure that they have necessary access to and from providers of all emergency medical services. Emergency transport services shall be covered; nonemergency transport services shall be covered as an administrative expense. The single state agency may enter into contracts with friends of recipients, public agencies, nonprofit private agencies, for-profit private agencies, and public carriers to provide transportation to Medicaid recipients.~~

B. Services of Christian Science nurses are not provided.

C. Care and services provided in Christian Science sanatoria are provided with no limitations.

D. Skilled nursing facility services for patients under 21 years of age are provided with no limitations.

E. Emergency hospital services are provided with no limitations.

F. Personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse are not provided.

12 VAC 30-50-530. Methods of providing transportation.

~~A. Transportation of recipients to and from providers of services covered by this plan is available in either of two categories: emergency and non-emergency. In either category, arrangements for transportation shall be made between recipients and the transportation providers for covered medical services.~~

~~B. Eligible recipients will seek the most economical means of transportation to their medical appointments. These arrangements will be made with an enrolled transportation provider of the recipients' choice.~~

~~C. Ambulances, wheelchair vans, and taxis must be licensed to provide services in the Commonwealth by the appropriate state and/or local licensing agency. Registered drivers must be licensed to operate a motor vehicle in the Commonwealth and must maintain automobile insurance.~~

~~D. Payment for transportation may only be made when transportation is not otherwise available to recipients. The following modes of transportation shall be allowable for recipients: ambulance, wheelchair van, common user bus (intra-city and inter-city), registered driver, and commercial taxicabs. Air travel may be preauthorized only when known to be essential to a critical need of the recipient. In responding to recipients' requests, the transportation mode will be provided which will assure that economical services which are adequate to meet recipients' medical need shall be furnished. Recipients' right to a free choice of providers shall be preserved in compliance with 42 CFR 431.51.~~

~~E. Payment may be made to an individual, through the Registered Driver Program, who has been recruited by an eligible recipient, for non-emergency transportation, on the basis of a fee per loaded passenger mile with no coverage of waiting time.~~

DMAS will ensure necessary transportation for recipients to and from providers of covered medical services. DMAS shall cover transportation to covered medical services under the following circumstances:

1. Emergency air and ground ambulance transportation shall be covered as a medical service under applicable federal Medicaid regulations.

2. All other modes of transportation shall be covered as administrative expenses under 42 CFR 431.53 and any other applicable federal Medicaid regulations. These modes include, but shall not be limited to, nonemergency air travel, nonemergency ground ambulance, wheelchair vans, common user bus (intra-city and inter-city), volunteer/registered drivers, and taxicabs. DMAS may contract directly with providers of transportation or with brokers of transportation services, or both. DMAS may require that brokers not have a financial interest in transportation providers with whom they contract.

3. Medicaid provided transportation shall only be available when recipients have no other means of transportation available.

4. Recipients shall be furnished transportation services that are the most economical to adequately meet the recipients' medical needs.

5. Ambulances, wheelchair vans, taxicabs, and other modes of transportation must be licensed to provide services in the Commonwealth by the appropriate state or local licensing agency, or both. Volunteer/registered drivers must be licensed to operate a motor vehicle in the Commonwealth and must maintain automobile insurance.

VA.R. Doc. No. R00-102; Filed July 24, 2000, 11:52 a.m.

Proposed Regulations

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

Title of Regulation: 17 VAC 15-20-10 et seq. Standards for Microfilming Public Records (amending 17 VAC 15-20-20 through 17 VAC 15-20-50, 17 VAC 15-20-70 through 17 VAC 15-20-120, and 17 VAC 15-20-150 through 17 VAC 15-20-170).

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: Section 42.1-8 of the Code of Virginia requires the Library Board to make rules and regulations, not inconsistent with law, for the government and use of The Library of Virginia. Section 42.1-82 of the Code of Virginia authorizes the board to issue regulations to facilitate the preservation and storage of records by all agencies. Such standards shall relate to the quality of film used, preparation of the records for filming, proper identification of the records so that any individual document or series of documents can be located on the film with reasonable facility, and that the copies contain all significant record detail, to the end that the photographic or microphotographic copies shall be of archival quality.

Purpose: The recent changes for revision are minor and mostly technical in nature. This standard is required to ensure that public records transferred to microfilm are retained in that form for the life of the record, that the vital and historical records of the Commonwealth will be preserved, and that the legal requirements for maintaining these records on film are met.

Substance: 17 VAC 15-20-30 has been updated to reflect the current versions of the American National Standards Institute (ANSI), Association for Information and Image Management Institute (AIIM) and the International Standards Organization (ISO); 17 VAC 15-20-80 has been amended to provide resolution requirements for procedural microfilm recording; and 17 VAC 15-20-160 has been amended to clarify the splicing process.

Issues: These regulations have been in effect since 1986 with periodic updates to the references and changes in text to reflect national standards. The changes have no economic impact on the regulations already in effect, and there are no disadvantages to the changes for the agency or the Commonwealth. Revision of this regulation means that the most recent and accurate reference standards will be followed ensuring that public records are preserved for the agency and the citizens of the Commonwealth. The revision therefore is an advantage for the agency and the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed 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 regulatory changes update the standards required for the transferal of public records to microfilm.

Estimated economic impact. According to The Library of Virginia, the proposed changes are technical in nature and do not make any substantive changes to the archiving requirements for public documents. Consequently, the proposed changes are not expected to have any significant economic effect.

Businesses and entities affected. The standards for archiving of public records apply to all state agencies that choose or are required to maintain public records on microfilm rather than in paper format.

Localities particularly affected. The proposed changes will not uniquely affect any particular localities.

Projected impact on employment. The proposed changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes are not expected to have any effects of 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 analysis of the Department of Planning and Budget.

Summary:

The proposed regulatory changes update the standards required for the transferal of public records to microfilm. These standards apply to all records with an administrative, legal, fiscal, or historical value and to the procedural microfilming process used in the circuit court clerks' offices. Reference standards approved by the American National Standards Institute (ANSI), the Association for Information and Image Management International (AIIM) and the International Standards Organization (ISO) are updated and a section on resolution requirements for procedural microfilm recording is added.

CHAPTER 20.

STANDARDS FOR THE MICROFILMING OF PUBLIC RECORDS FOR ARCHIVAL RETENTION.

17 VAC 15-20-20. Scope.

These standards apply to all records that have been appraised as being archival having administrative, legal, fiscal, or historical value as defined in § 42.1-77 of the Code of Virginia to warrant their permanent preservation and to the

procedural microfilming process used in the circuit court clerks' offices. Such determinations are included in the officially approved retention and disposition schedules. When the informational contents of such ~~archival~~ *public records* are to be maintained on microfilm, the silver-gelatin camera microfilm produced by source document methods is to be considered the permanent archival security copy. For Computer Output-Microfilm, refer to Standards For Computer Output Microfilm (COM) For ~~Archival Retention~~ *Public Records* (17 VAC 15-50-10 et seq.). Thermally processed or TEP film shall not be used, ~~unless a wet processed silver gelatin copy meeting this standard is generated.~~ The camera microfilm shall not be used for reference purposes. ~~Whenever the original record is recommended for disposal, authorization will be given after the camera microfilm has been inspected, approved and accessioned by the Information Imaging Branch, Virginia State Library and Archives (VSL&A).~~

When disposal of the original permanent public record (identified as such in the state retention and disposition schedule) is recommended after microfilming, the camera negative must first meet these standards and conform with The Library of Virginia's "Guidelines for Accepting Microfilm, Microfiche or Optical Media for Security Storage at The Library of Virginia," dated November 1999. Upon receipt of the camera negative for storage with The Library of Virginia (LVA), it will be inspected, approved and accessioned by the Imaging Services Branch, Records Management & Imaging Services Division. If the film fails to meet the requirements, it will be returned to the office of origin.

17 VAC 15-20-30. Standards.

The *microfilm, microfilming, film processing, and film storage of archival records public records on microfilm* shall comply with the following standards approved by the American National Standards Institute (ANSI), Association for Information and Image Management *International* (AIIM), and the International Standards Organization (ISO).

ANSI:

IT 9.1 - ~~1989~~ 1992
Imaging Media (Film) - Silver-Gelatin Type - Specifications for Stability.

IT 9.2 - ~~1988~~ 1991
Imaging Media - Photographic Processing Films, Plates, and Papers - Filing Enclosures and Storage Containers.

IT 9.11 - ~~1994~~ 1993
~~Photography (Film) Imaging Media - Processing Processed Safety Photographic Film Films - Storage.~~

PH 1.25 - ~~1989~~
~~Photography (Film) - Safety Photographic Film.~~

PH 1.43 - ~~1985~~
~~Photography (Film) Storage of Processed Safety Film.~~

PH 1.51 - ~~1983~~
~~Photography (Film) - Micrographic Sheet and Roll Film Dimensions.~~

IT 9.17- 1993

Photography – Determination of Residual Thiosulfate and Other Related Chemicals in Processed Photographic Materials – Methods Using Iodine-Amylose, Methylene Blue and Silver Sulfide.

PH 2.19 - 1986

Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

~~PH 4.8 - 1985~~

~~Photography (chemicals) - Residual Thiosulfate and other Chemicals in Films, Plates and Papers - Determination and Measurement.~~

Y14.2M - ~~1987~~ 1992

Engineering Drawing and Related Documentation Practices - Line Conventions and Lettering.

ANSI/AIIM:

ANSI/AIIM MS 8 08-1988

Image Mark (Blip) Used in Image Mark Retrieval Systems.

ANSI/AIIM MS14 -1988

Specifications for 16 & 35mm Microfilms in Roll Form.

ANSI/AIIM MS18-1987

Splices for Imaged Film - Dimensions and Operational Constraints

ANSI/AIIM MS19 - ~~1987~~ 1993

Recommended Practice: Identification of Microforms.

ANSI/AIIM MS23 - ~~1990~~ 1998

Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents (~~ANSI/AIIM MS23 - 1983~~).

ANSI-AIIM MS42 - 1989

Recommended Practice for the Expungement, Deletion, Correction or Amendment of Records on Microforms.

ANSI/AIIM MS45 - 1990

Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration.

ANSI/AIIM MS48 - ~~1990~~ 1999

Recommended Practice for Microfilming Public Records on Silver-Gelatin Film.

~~AIIM ANSI/AIIM TR2 - 1994~~ 1992

Glossary of ~~Micrographics~~ *Imaging Technology*.

ISO 3334 - ~~1989~~ 1991

Microcopying: ISO Test Chart No. 2: Description and Use in Photographic Documentary Reproduction.

17 VAC 15-20-40. Microfilm stock.

The film stock used to make permanent archival security photographic or microphotographic copies of ~~archival~~ *public records* shall be safety-based archival ~~record film~~ *microfilm* as specified in American National Standards Institute (ANSI) PH1.25 - 1989 *Photography (film) Specifications for Safety*

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~~Photographic Film; IT9.1 - 1989~~ 1992 Imaging Media (Film) - Silver-Gelatin type - Specifications for Stability.

17 VAC 15-20-50. Microfilming procedures.

Procedures to be followed in establishing and operating a micrographic program for filming ~~archival~~ *public* records shall conform to standards set down in ANSI/AIIM MS23 - ~~1990~~ 1998 Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

17 VAC 15-20-70. Densities.

All densities shall be as consistent as possible throughout the microform. The background density of the camera negative microfilm shall be within the ranges shown ~~on~~ *in* the following ~~chart~~ *table* when measured on a blank area of the filmed document.

TABLE 1. BACKGROUND DENSITIES.

| Classification | Description of Documents | Density |
|----------------|--|-----------|
| Group 1 | High quality, high contrast documents or printed material and black typing; fine line originals, black opaque pencil writing and documents with small high contrast printing; Pencil and ink drawings, faded printing and very small printing. | 1.00-1.20 |
| Group 2 | Low contrast manuscripts and drawings; graph paper with pale, fine-colored lines; letters typed with a worn ribbon; poorly printed, faint documents; and positive appearing photostats and blueprints. | 0.80-1.00 |

Background density on positive appearing camera microfilm shall be no higher than ~~0.35~~ 0.30. The base-plus-fog density of unexposed, processed, clear-base film must not exceed 0.10. When a tinted base film is used, the density shall not exceed ~~0.3~~ 0.30. Measurements are made using a densitometer calibrated with a step tablet provided by the ~~Virginia State Library Information Imaging Branch, VSL&A Imaging Services Branch, LVA.~~ In certain instances, some poor contrast documents may require lower densities to make the entire image legible and reproducible as stated in ANSI/AIIM MS23 - ~~1990~~ 1998. Mixed quality documents should be filmed at the lower densities. A system of inspection and quality control to ensure compliance with this standard shall be established and consistently maintained in conformance with ANSI/AIIM MS23 - ~~1990~~ 1998 Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents.

17 VAC 15-20-80. Minimum resolution.

A minimum resolution of 90 lines per millimeter shall be obtained regardless of reduction ratio used or the type of camera used and the 4.0 pattern shall be resolved for 16mm microfilm and the 6.3 pattern for 35mm microfilm. This shall be determined by the line count and direction method using

the National Bureau of Standards Standard Reference Material 1010a (ANSI and ISO Test Chart No. 2) (*or equivalent*) for planetary cameras and the AIIM MS-113 Test Chart (*or equivalent*) for rotary cameras. No other test charts shall be used unless approved by the ~~VSL&A~~ LVA. The test charts are composed of two groups of five parallel line pairs, the line pairs in the two groups being oriented perpendicular to one another, and each pattern is numbered and progressively reduced. Five vertical and five horizontal line pairs shall be clearly defined in both directions. The resolution test chart shall be photographed at the beginning and at the end of each reel of camera microfilm at least three times in succession.

NOTE: Resolution of duplicates should generally be only one pattern lower than the original from which the duplicate was reproduced. Pattern resolved times the reduction ratio equals lines per millimeter.

Resolution requirements for procedural microfilm recording. A minimum resolution of 120 lines per millimeter shall be obtained regardless of reduction ratio used or the type of camera used and the 5.0 pattern must be resolved for 16mm microfilm or the 3.2 pattern for 16mm microfilm being generated by the same office using digital imaging as a recording process. This shall be determined by the line count and direction method using the National Bureau of Standards Standard Reference Material 1010a (ANSI and ISO Test Chart No. 2) for planetary cameras and the AIIM MS-113 Test Chart for rotary cameras. No other test charts shall be used unless approved by the LVA. The test charts are composed of two groups of five parallel line pairs, the line pairs in the two groups being oriented perpendicular to one another, and each pattern is numbered and progressively reduced. Five vertical and five horizontal line pairs shall be clearly defined in both directions. The resolution test chart shall be photographed at the beginning and at the end of each reel of camera microfilm at least three times in succession.

NOTE: Resolution of duplicates should generally be only one pattern lower than the original from which the duplicate was reproduced. Pattern resolved times the reduction ratio equals lines per millimeter.

17 VAC 15-20-90. Microform identification.

Microform identification *of each reel of film* shall conform to ANSI/AIIM MS19 - ~~1987~~ 1993 Identification of Microforms. The targets shall provide documentation which ensures that the microfilm copy can be substituted in place of the original document. Minimum documentation should include the following targets in the order listed: (i) ~~resolution chart (filmed three times)~~ *start target*, (ii) ~~plain white sheet of paper~~ *reel number*, (iii) ~~reel number~~ *resolution chart (filmed three times)*, (iv) ~~agency of origin~~ *plain white sheet of paper*, (v) ~~record series title page~~, (vi) custodian's certificate, (vii) ~~records to be filmed~~ *end of records or volume*, (viii) operator's ~~certificate declaration~~, (ix) end of reel or continued on reel #, (x) resolution target (three times), and (xi) *any other technical targets as needed*. MS23 ~~has~~ and MS19 list additional technical targets.

17 VAC 15-20-100. Processors.

Processors shall be certified by the manufacturer as capable of producing archival quality processed film as required by ~~ANSI PH 4.8 - 1985 Photography (chemicals) - Residual Thiosulfate and other Chemicals in Films, Plates and Papers - Determination and Measurement~~ IT 9.17- 1993 *Photography - Determination of Residual Thiosulfate and Other Related Chemicals in Processed Photographic Materials - Methods Using Iodine-Amylose, Methylene Blue and Silver Sulfide.*

17 VAC 15-20-110. Certification.

Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm shall ~~must~~ have a concentration of greater than zero but shall not exceed .014 g/m² in a clear film area. This concentration is different for fine-grain archival films, see ANSI 9.1 - ~~1988~~ 1992 for these settings. Film processed in-house shall be tested and certified once every two weeks or as deemed necessary by the ~~Information Imaging Branch, Virginia State Library and Archives~~ *Imaging Services Branch, LVA*. Processing services performed off-site shall include provisions requiring that the methylene blue test shall be performed every 24 hours.

17 VAC 15-20-120. Certificate.

A certificate documenting that the microfilm passes the methylene blue test shall be sent to the ~~Information Imaging Branch, VSL&A Imaging Services Branch, LVA~~. The certificate shall contain the name of the agency whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, the processor used, and the signature of the person who did the test. Records documenting the daily off-site testing shall be maintained and provided to the ~~Information Imaging Branch, Virginia State Library and Archives~~ *Imaging Services Branch, LVA*, at least once a month.

17 VAC 15-20-150. Handling camera microfilm.

The camera microfilm shall be handled only during the inspection procedure and when generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. *The second camera negative shall be designated as the working master.* In systems generating a single camera ~~microfilm~~ negative, the ~~film~~ camera negative shall be used only for the production of an intermediate master *from which copies will be generated.*

17 VAC 15-20-160. Splicing.

Splicing is not permitted *on the camera negative*, except at the beginning of the reel ~~or for a court ordered expungement conducted in accordance with MS42 before all beginning targets but after the clear leader.~~ *Splicing can be done in place on the intermediate master up to a total of five splices.* An unexposed area of film shall be used between the splice and the beginning titling targets. Ultrasonic splicing is recommended for polyester film.

NOTE: Due to the required filming procedures, more than five splices within a single 16mm reel are permitted for procedural microfilming. However, each day's filming sequence shall be discarded and refilmed when defects obliterating or obscuring information or missing pages are noted within that sequence. Splicing within the daily film sequence is not allowed.

17 VAC 15-20-170. Storage.

Camera ~~microfilm~~ negatives shall be verified for completeness and accuracy, then transferred promptly to the ~~Information Imaging Branch, VSL&A Imaging Services Branch, LVA~~, for storage *as required in the appropriate state retention and disposition schedule.* Each film container shall be labeled with the following: office of origin, records series, reel number, inclusive information, density and resolution readings. Camera ~~microfilm~~ negatives shall be stored according to ~~ANSI PH 1.43 - 1985 Photography (Film) Storage of Processed Safety Film and IT 9.2 1989 - 1991~~ *Imaging Media - Photographic Processed Films, Plates, and Papers - Filing Enclosures and Storage Containers.*

DOCUMENTS INCORPORATED BY REFERENCE

Refer to 17 VAC 15-20-30 for listing of incorporated standards of the American National Standards Institute (ANSI), the Association for Information and Image Management Institute (AIIM) and the International Standards Organization (ISO)

Guidelines for Accepting Microfilm, Microfiche or Optical Media for Security Storage at The Library of Virginia, revised November 1999.

VA.R. Doc. No. R99-255; Filed July 26, 2000, 9:32 a.m.

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Title of Regulation: 17 VAC 15-30-10 et seq. **Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process (REPEALING).**

Statutory Authority: § 42.1-8 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: Section 42.1-8 of the Code of Virginia authorizes the Library Board to issue regulations.

Purpose: The reason for this regulation was to ensure permanent retention of public records placed on microfilm, but this will now be covered by the revisions to 17 VAC 15-20-10 et seq.

Substance: This standard is being repealed.

Issues: This standard is being repealed because the pertinent requirements have been incorporated into 17 VAC 15-20-10 et seq. satisfying the original reasons for this standard being issued. The repeal of this regulation eliminates duplication and is advantageous to the agency and the citizens of the Commonwealth. There are no disadvantages of the repeal for the agency or the Commonwealth.

Proposed Regulations

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 Library of Virginia proposes to repeal this regulation (17 VAC 15-30) because its requirements have been incorporated into the Standards for Microfilming Public Records (17 VAC 15-20).

Estimated economic impact. The proposed repeal is not expected to have any economic impact since its requirements have been incorporated into another regulation.

Businesses and entities affected. The standards for archiving of public records apply to all state agencies that choose or are required to maintain public records on microfilm rather than in paper format.

Localities particularly affected. The proposed changes will not uniquely affect any particular localities.

Projected impact on employment. The proposed changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes are not expected to have any effects of 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 analysis of the Department of Planning and Budget.

Summary:

The proposed regulatory action repeals this chapter because its requirements are being incorporated into 17 VAC 15-20-10 et seq., Standards for Microfilming Public Records.

VA.R. Doc. No. R99-256; Filed July 26, 2000, 9:28 a.m.

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Title of Regulation: 17 VAC 15-40-10 et seq. Standards for the Microfilming of Ended Law Chancery and Criminal Cases of the Clerks of the Circuit Courts Prior to Disposition (REPEALING).

Statutory Authority: §§ 42.1-8 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: Section 42.1-8 of the Code of Virginia authorizes the Library Board to issue regulations.

Purpose: The reason for this regulation was to ensure permanent retention of public records placed on microfilm, but this will now be covered by the revisions to 17 VAC 15-20-10 et seq.

Substance: This standard is being repealed.

Issues: This standard is being repealed because the pertinent requirements are being incorporated into 17 VAC 15-20-10 et seq. satisfying the original reasons for this standard being issued.

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 Library of Virginia proposes to repeal this regulation (17 VAC 15-40) because its requirements have been incorporated into the Standards for the Microfilming of Public Records (17 VAC 15-20).

Estimated economic impact. The proposed repeal is not expected to have any economic impact since the requirements have been incorporated into another regulation.

Businesses and entities affected. The standards for archiving of public records apply to all state agencies that choose or are required to maintain public records on microfilm rather than in paper format.

Localities particularly affected. The proposed changes will not uniquely affect any particular localities.

Projected impact on employment. The proposed changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes are not expected to have any effects of 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 analysis of the Department of Planning and Budget.

Summary:

The proposed regulatory action repeals this chapter because its requirements are being incorporated into 17 VAC 15-20-10 et seq., Standards for Microfilming Public Records.

VA.R. Doc. No. R99-257; Filed July 26, 2000, 9:27 a.m.

Title of Regulation: **17 VAC 15-50-10 et seq. Standards for Computer Output Microfilm (COM) for Public Records (amending 17 VAC 15-50-20 through 17 VAC 15-50-50, 17 VAC 15-50-70, 17 VAC 15-50-90 through 17 VAC 15-50-110, 17 VAC 15-50-130, 17 VAC 15-50-150, and 17 VAC 15-50-160; repealing 17 VAC 15-50-140).**

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until October 13, 2000.

(See Calendar of Events section for additional information)

Basis: Section 42.1-8 of the Code of Virginia requires the Library Board to make rules and regulations, not inconsistent with law, for the government and use of The Library of Virginia. Section 42.1-82 of the Code of Virginia authorizes the board to issue regulations to facilitate the preservation and storage of records by all agencies. Such standards shall relate to the quality of film used, preparation of the records for filming, proper identification of the records so that any individual document or series of documents can be located on the film with reasonable facility, and that the copies contain all significant record detail, to the end that the photographic or microphotographic copies shall be of archival quality.

Purpose: The recent changes for revision are minor and mostly technical in nature. This standard is required to ensure that public records on computer are transferred to microfilm that meets archival requirements, are retained in that form for the life of the record, that the vital and historical records of the Commonwealth will be preserved, and that the legal requirements for maintaining these records on computer output microfilm (COM) are met.

Substance: The amendments update the standards required for the transferal of computer public records to microfilm.

Issues: These regulations have been in effect since 1986 with periodic updates to the references and changes in text to reflect national standards. The changes have no economic impact on the regulations already in effect, and there are no disadvantages to the changes for the agency or the Commonwealth. Revision of the regulation is advantageous for the agency and the Commonwealth in that the most recent and accurate reference standards will be used to ensure that computer public records are transferred to microfilm that meets archival standards preserving the vital and historical records of the Commonwealth

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed 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 regulatory changes update the standards required for the transferal of computer public records to microfilm.

Estimated economic impact. According to The Library of Virginia, the proposed changes are technical in nature and do not make any substantive changes to the archiving requirements for electronic public documents. Consequently, the proposed changes are not expected to have any significant economic effect.

Businesses and entities affected. The standards for archiving of computer public records apply to all state agencies that choose or are required to maintain computer files on microfilm.

Localities particularly affected. The proposed changes will not uniquely affect any particular localities.

Projected impact on employment. The proposed changes are not expected to have any impact on employment in Virginia.

Effects on the use and value of private property. The proposed changes are not expected to have any effects of 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 analysis of the Department of Planning and Budget.

Summary:

The proposed amendments update the standards required for the transferal of computer public records to microfilm.

CHAPTER 50.

STANDARDS FOR COMPUTER OUTPUT MICROFILM (COM) FOR ARCHIVAL RETENTION PUBLIC RECORDS.

17 VAC 15-50-20. Scope.

These standards apply to all records generated on computer-output microfilm (COM) that have been appraised as archival, having administrative, legal, fiscal or historical value as defined in § 42.1-77 of the Code of Virginia, to warrant their permanent preservation. Such determinations are included in the officially approved retention and disposition schedules. When such archival records are to be maintained on microfilm, the silver-gelatin-camera-microfilm master is to be considered the permanent archival security copy. Thermally processed film shall not be used unless a wet processed silver-gelatin-microfilm master copy is generated and preserved as the archival camera microfilm. The camera microfilm silver master shall not be used for reference purposes and shall be inspected, approved and accessioned by the Information Imaging Branch, Archives and Records Division, Virginia State Library and Archives and approved by the user to meet this standard. If the COM original masters are to be stored by the Imaging Services Branch, Records Management & Imaging Services Division, The Library of Virginia, then the originals must also meet the "Guidelines for

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Accepting Microfilm, Microfiche or Optical Media for Security Storage at The Library of Virginia," dated November 1999. Film not meeting this standard or the "guidelines" will be returned to the office of origin.

17 VAC 15-50-30. Standards.

Permanent records generated on COM shall comply with the following standards approved by the *American National Standards Institute (ANSI)* and Association for Information and Image Management (*AIIM*):

ANSI:

~~IT9.1 - 1989~~ 1992
Imaging Media (Film) - Silver-Gelatin Type - Specifications for Stability.

~~IT9.2 - 1988~~ 1991
Imaging Media - Photographic Processed Films, Plates and Papers - Filing Enclosures and Storage Containers.

~~IT9.11 - 1994~~ 1993
~~Photography (Film)~~ *Imaging Media* - Processed Safety Photographic Film - Storage.

~~PH 1.25 - 1989~~
~~Photography (Film)~~ - Safety Photographic Film.

~~PH 1.43 - 1985~~
~~Photography (Film)~~ - Storage of Processed Safety Film.

PH 1.51 - 1983
~~Photograph (Film)~~ - Micrographic Sheet and Roll Films - Dimensions.

~~IT9.17 - 1993~~
Photography - Determination of Residual Thiosulfate and Other Related Chemicals in Processed Photographic Materials - Methods Using Iodine-Amylose, Methylene Blue and Silver Sulfide

PH 2.19 - 1986
Conditions for Diffuse and Doubly Diffuse Transmission Measurements.

~~PH 4.8 - 1985~~
~~Photography (chemicals) - Residual Thiosulfate and other Chemicals in Films, Plates and Papers - Determination and Measurement.~~

ANSI/AIIM:

~~MS-4 MS01 - 1988~~ 1996
Recommended Practice for Alphanumeric Computer-Output Microforms - Operational Practices for Inspection and Quality Control.

MS19 - ~~1987~~ 1993
Recommended Practice for Identification of Microforms.

MS23 - ~~1990~~ 1998
Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents.

~~MS43 - 1988~~ 1998
Recommended Practice for Operational Procedures/Inspection and Quality Control of Duplicate Microforms of Documents and From COM.

~~MS45 - 1990~~
Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration

MS-28 ~~1987~~ 1996
Alphanumeric COM Quality Test Slide.

TR-2 ~~1980~~ 1992
Glossary of ~~Micrographics~~ *Imaging Technology*.

17 VAC 15-50-40. Microfilm stock.

The film stock used to make permanent archival security photographic or microphotographic copies of ~~archival~~ *public* records shall be ~~safety-base~~ *safety-based* permanent record film as specified in American National Standards Institute (ANSI) ~~PH 1.25 - 1989 Photography (Film) - Safety Photographic Film~~; IT9.1 - ~~1989~~ 1992 Imaging Media (Film) - Silver-Gelatin Type - Specifications for Stability.

17 VAC 15-50-50. Procedures.

Procedures to be followed in establishing and operating a COM *micrographic* program for *filming public records* shall conform to standards set down in *ANSI/AIIM MS23-1998 Practice for Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin Microfilm of Documents*, ANSI/AIIM ~~MS1-1988~~ *MS01-1996* Recommended Practice for Alphanumeric Computer-Output Microforms - Operational Practices for Inspection and Quality Control, AIIM MS28 - 1987 Alphanumeric COM Quality Test Slide and ~~MS43-1988~~ 1998 Recommended Practice for Operational Procedures/Inspection and Quality Control of Duplicate Microforms of Documents and From COM.

17 VAC 15-50-70. Densities.

All densities shall be consistent throughout the microform. The background density on negative appearing ~~camera microfilm~~ *original silver masters* shall *meet or exceed* 1.8. Background density on positive appearing ~~camera microfilm~~ *silver masters* shall be no greater than ~~0.35~~ *0.30*. The ~~base plus fog density of unexposed, processed, clear base film shall not exceed 0.10. When a tinted base film is used, the density shall not exceed 0.3.~~ Measurements are made using a densitometer *properly* calibrated ~~with~~ *from* a step tablet ~~provided by the Information Imaging Branch, Virginia State Library and Archives.~~

17 VAC 15-50-90. Processing.

Processing must be either conventional or full reversal, utilizing a developer and fixer. Processors shall be certified by the manufacturer as capable of producing archival quality processed film ~~as required by ANSI PH 4.8-1985 Photography (chemicals) - Residual Thiosulfate and Other Chemicals in Films, Plates and Papers - Determination and Measurement and meet Methylene Blue requirements as stated in ANSI IT9.17 - 1993 Photography - Determination of Residual Thiosulfate and other Related Chemicals in~~

Processed Photographic Materials - Methods Using Iodine-Amylose, Methylene Blue and Silver Sulfide.

17 VAC 15-50-100. Certification.

Certification for archival quality processing shall be based upon the methylene blue test analysis. Processed microfilm must have an optimum concentration of greater than zero but shall not exceed ~~0.7 micrograms per square centimeter~~ .014 g/m² in a clear film area. Film processed in-house shall be tested and certified once every two weeks or as deemed necessary by the ~~Virginia State Library and Archives~~ *Imaging Services Branch, The Library of Virginia*. Processing services performed off-site shall include provisions requiring that the methylene blue test shall be performed once every 24 hours.

17 VAC 15-50-110. Certificate.

A certificate documenting that the microfilm passes the methylene blue test shall be sent to the ~~Information Imaging Branch, Virginia State Library and Archives~~ *Imaging Services Branch, The Library of Virginia*. The certificate shall contain the name of the agency or governmental entity whose film was processed, the date of processing, the date the methylene blue test was performed, the test results, the processor used, and the signature of the person who did the test.

17 VAC 15-50-130. Handling.

At least one silver master must be designated as the permanent archival copy and shall be handled and stored according to the established standards. This silver master shall not be used in readers or reader/printers or as the user copy. Clean, lint free, white cotton or nylon gloves shall be worn when handling the film silver master. Food, smoking and other contaminants shall not be allowed in microfilming areas where the original master is generated or stored.

17 VAC 15-50-140. Microfilm handling. (Repealed.)

~~The camera microfilm shall be handled only during the inspection procedure and then generating an intermediate master. In systems generating two camera microfilms, one shall be designated as the archival camera microfilm and shall not be used for duplication, loaded into a cartridge or inserted in a viewer. In systems generating a single camera microfilm, the film shall be used only for inspection and the production of an intermediate master.~~

17 VAC 15-50-150. Storage.

The computer-output microfilm shall be verified for completeness and accuracy by the agency or governmental entity, ~~then transferred promptly to the Information Imaging Branch, Virginia State Library and Archives, for storage. If the original silver master is to be transferred to the Imaging Services Branch, The Library of Virginia, for storage following established Retention and Disposition Schedules, then it must also meet the "Guidelines for Film, Microfiche or Optical Media for Security Storage at the Library of Virginia."~~ Each microform shall be placed in enclosures which are free of acids and peroxides, ~~meeting ANSI PH 1.53, Photography (processing) Processed films, Plates, and Papers Filing Enclosures and Containers for Storage and meet the requirements in IT9.2 - 1991 Imaging Media - Photographic~~

Processed Films. Adequate descriptive material shall be provided with the film to facilitate accessioning and retrieval. ~~Camera microfilm shall be stored according to ANSI PH 1.43-4983.~~

17 VAC 15-50-160. Inspection.

At approximately two-year intervals, a sample of randomly selected reels or *fiche* of microfilm in storage shall be inspected according to MS45 - 1990 Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration.

DOCUMENTS INCORPORATED BY REFERENCE

Refer to 17 VAC 15-50-30 for listing of incorporated standards of the American National Standards Institute (ANSI), and the Association for Information and Image Management Institute (AIIM).

Guidelines for Accepting Microfilm, Microfiche or Optical Media for Security Storage at the Library of Virginia, revised November 1999.

VA.R. Doc. No. R99-258; Filed July 26, 2000, 9:30 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 6. CRIMINAL JUSTICE AND CORRECTIONS

BOARD OF CORRECTIONS

REGISTRAR'S NOTICE: This regulation is excluded from the Administrative Process Act in accordance with §§ 9-6.14:4.1 B 9 and 9-6.14:4.1 B 10 of the Code of Virginia, which excludes agency action relating to (i) inmates of prisons or other such facilities or parolees therefrom and (ii) the custody of persons in, or sought to be placed in, mental, penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

Title of Regulation: 6 VAC 15-31-10 et seq. **Standards for State Correctional Facilities (amending 6 VAC 15-31-10, 6 VAC 15-31-50, 6 VAC 15-31-80, 6 VAC 15-31-120, 6 VAC 15-31-130, 6 VAC 15-31-140, 6 VAC 15-31-160, 6 VAC 15-31-180, 6 VAC 15-31-190, 6 VAC 15-31-200, 6 VAC 15-31-210, 6 VAC 15-31-230 through 6 VAC 15-31-280, 6 VAC 15-31-300, 6 VAC 15-31-310, 6 VAC 15-31-320, 6 VAC 15-31-370, and 6 VAC 15-31-410).**

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: September 17, 2000.

Summary:

The amendments increase required inspections of fire extinguishers to monthly; affect inmate grooming and inmate correspondence procedures; require that all health care personnel review procedures every 12 months; and provide for institutional community advisory boards.

Agency Contact: Copies of the regulation may be obtained from Janice Dow, Regulatory Coordinator, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3119. There is a charge of 15¢ per page for copies.

6 VAC 15-31-10. Definitions.

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

"Automatic smoke detection system" means a hard-wired smoke alarm.

"Control center" means a manned secure post which has responsibility for observing and controlling entrance and exit traffic and may include monitoring alarm and detection systems, operating communications systems, and controlling inmate movement and counts.

"Department" means the Department of Corrections.

"Department head" means the individual, or his designee, who is responsible for an overall functional area of the institution.

"Director" means the Director of the Virginia Department of Corrections.

"Duty officer" means the designated ranking administrative employee at an institution who must provide direction and supervision to staff in the event of an unusual situation, serious incident or other emergency.

"Furnishings in inmate living areas" means any item authorized by the department to be placed in inmate living areas.

"General detention" means special purpose bed assignments utilized under proper administrative process for the immediate secure confinement of inmates pending review for an appropriate assignment.

"Hazardous material" means a substance, other than a common household product, that will cause death, severe illness, or injury if used in an unsafe manner.

"Indigent inmate" means any inmate who has no more than \$5.00 in the inmate account to spend at the inmate's discretion during a calendar month, has no job, and has no other source of income; or any inmate who is newly received into an institution and has no available funds and no hygiene items.

"Inmate living area" means cells, rooms, dormitories, and day rooms.

"Institution" means major institutions, field units, and work release centers, but does not necessarily include work centers.

"Institutional chaplains" means chaplains as designated by Chaplain Service of the Churches of Virginia, Inc., or other chaplains designated by the warden/superintendent.

"Intra-system" means any state correctional facility within the Virginia Department of Corrections.

"Isolation" means special purpose bed assignments utilized under proper administrative process for the disciplinary management of inmates.

"Organized system of information storage" means a method for the storage and retrieval of information.

"Policy and procedure manuals" means any of the following documents: Department of Corrections Policy and Procedure Manual, division directives or procedures, or the Institution Operating Procedures Manual.

"Prehearing detention" means special purpose bed assignments utilized under proper administrative process for the immediate confinement of inmates who have been charged with an offense, are awaiting a disciplinary hearing,

and are considered to be a potential threat to persons or property or for escape.

"Qualified mental health professional" means a psychiatrist, psychologist, social worker, or nurse who is qualified by virtue of appropriate training and experience to render mental health services within their discipline.

"Segregation" means special purpose bed assignments operated under maximum security regulations and procedures and utilized under proper administrative process for the protective custody or custodial management of inmates.

"State correctional facility" means a state-operated prison, field unit, work center, and reception center.

"Warden/superintendent" means the individual responsible for the overall management and operation of an institution, or the individual's designee.

6 VAC 15-31-50. General administration.

A. The mission of the institution within the context of the Department of Corrections' mission shall be stated in writing and shall be supported by written annual goals and objectives.

B. The institution shall be headed by a warden/superintendent who is responsible for and has the authority to manage and direct all activities of the institution established by law, department, or division directives or procedures.

C. The institution shall develop, if necessary, and maintain written agreements between the institution or the department with other public agencies or private operators and providers which define their roles, responsibilities, and relationships to the institution.

D. The institution shall maintain an organizational chart showing the formal, ~~as well as the functional~~, organizational structure of the institution.

6 VAC 15-31-80. Personnel.

A. The institution shall make accessible to all employees ~~the Virginia Personnel Act, Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 of the Code of Virginia; the State Employee Grievance Procedure; the State Personnel the Department of Human Resource Management Policies and Procedures Manual; and the Department of Corrections Policy and Procedures Manual.~~

B. All institution personnel procedures shall be in accordance with applicable state and departmental personnel policies and procedures.

C. The warden/superintendent shall review, at least every 24 months or sooner if required, the staffing requirements for all categories of personnel to ensure inmate access to staff, programs, and services. Such reviews shall be documented.

D. A background investigation shall be conducted on departmental employees in accordance with applicable departmental procedures. Such investigations shall be documented.

6 VAC 15-31-120. Safety and emergency procedures.

A. There shall be written emergency plans which outline duties of staff, procedures, and evacuation routes. Emergency plans shall include responses in the event of fire, chemical release, power, water, heat loss, natural disaster, taking of hostages, riots, disturbances, escape, bomb threats, and adverse job actions. There shall be a posted floor plan *in each building and housing area* showing fire evacuation routes. The fire plan shall be reviewed annually by the Office of the State Fire Marshal.

B. Fire drills shall be performed in accordance with the fire emergency plan and shall include evacuation of inmates (except where security would be jeopardized). Fire drills shall be held, documented, and evaluated for effectiveness at least every three months.

C. There shall be documentation that, through annual site visits, the local fire department is familiar with the available equipment, physical layout, and emergency procedures of the institution. Additional site visits shall be required in cases of structural changes or additions to the facility.

D. The institution shall have the equipment necessary to maintain essential lights, power, and communications in an emergency. Testing shall be performed weekly and shall be documented.

E. The institution shall have a fire inspection every 12 months by an outside, qualified organization approved by the Department of Corrections. Action plans shall be written and submitted through designated departmental channels, and a copy to the individual responsible for institutional safety.

F. There shall be a weekly fire, safety, and sanitation inspection of the facility by a qualified departmental staff member. In conjunction with the individual responsible for institutional safety, action plans to correct deficiencies shall be written. These action plans shall be directed to the warden/superintendent.

G. The institution shall have a manual fire alarm or an automatic smoke detection system or an automatic fire suppression system in all industrial, sleeping, and living areas, and action plans shall be written and submitted for all areas of deficiency. Other areas of the institution shall also have fire detection and suppression equipment as required by the Office of the State Fire Marshal.

H. Written procedure and practice shall specify the institution's fire protection equipment type, use, and testing, including:

1. Availability of the equipment at appropriate locations throughout the institution;
2. Training on the use of the equipment;
3. Inspecting extinguishers at least ~~every 12 months~~ *monthly*;
4. Inspecting range hoods at least every six months and cleaning as necessary. Inspections shall be performed by trained and qualified personnel;

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5. Inspecting detection and suppression systems at least every three months; and

6. Quarterly testing of fire alarms for function.

I. Furnishings in inmate living areas, ~~including cleanable, nontoxic and flame-retardant mattresses and pillows,~~ shall be selected based on known fire safety performance characteristics and in conformance with departmental procedures.

J. Written procedure and practice shall provide for a safety awareness program ~~which~~ that is to be coordinated, designed, implemented, and documented by the individual responsible for institutional safety.

6 VAC 15-31-130. Security management.

A. There shall be a manual containing all procedures for institutional security and control with detailed instructions for implementing these procedures.

B. There shall be a written post order for each security post and a requirement for corrections officers to read and be familiar with the order each time they assume a new post. Supervising personnel shall document that the post order has been discussed with the officer. Post orders shall be reviewed at least every 12 months, and such reviews shall be documented.

C. Written procedure and practice shall require that a post log is maintained for each permanent post and other areas deemed necessary by the warden/superintendent. Written procedure and practice shall also require that supervisors prepare shift reports that record routine information, emergency situations, and unusual incidents.

D. Written procedure and practice shall provide a system of accountability for all security equipment.

E. Written procedure and practice shall govern perimeter control, such that appropriate means are utilized to ensure that inmates remain within the perimeter and to prevent unauthorized access by the general public.

F. Written procedure and practice shall ensure that the institution maintains a control center which is staffed 24 hours a day.

G. The facility shall have a communication system between a control center and inmate living areas.

H. Written procedure and practice shall govern a system for physically counting inmates. The system shall include strict accountability for approved temporary absences of inmates.

I. Written procedure and practice shall provide that staff regulate inmate movement.

J. Written procedure and practice shall provide for searches of facilities, staff, inmates, visitors, mail, and other property to control contraband and provide for disposition of the contraband pursuant to state law. Written procedure and practice shall also govern disposition of personal property, and security provisions involved in such disposition, in the event of an inmate death or escape.

K. Written procedure and practice shall govern the operation and use of official and personal vehicles, *to include* provisions for parking in areas designated by the warden/superintendent and for ensuring that ~~the vehicle is~~ *such vehicles are* left locked with the windows rolled up when not in use *and that weapons and ammunition are removed from the vehicles.*

L. Written procedure and practice shall govern the use of force, firearms, nonlethal weapons, chemical agents, and security equipment.

1. Officers shall be authorized to use nondeadly force only where it is reasonable to do so. Force shall be limited to the amount of force that the officer reasonably believes is necessary in the given situation, including force that is reasonably required to:

- a. Prevent an escape or the commission of a felony or misdemeanor;
- b. Defend himself or others against physical assault;
- c. Prevent serious damage to property;
- d. Enforce facility regulations and order;
- e. Prevent or quell a riot or rebellion; and
- f. Prevent serious self-injury to the inmate.

2. Properly trained and authorized employees may exercise their authority and use deadly force in accordance with § 53.1-29 of the Code of Virginia to:

- a. Prevent escapes;
- b. Suppress rebellion; and
- c. Defend or protect ~~himself~~ *self* or others in the course of ~~his~~ assigned duties.

M. Written procedure and practice shall require that the chief security officer or designee conduct at least weekly inspections of all security systems. The results of inspections shall be reported in writing to the unit head. Documentation of corrective action shall be required.

N. Written procedure and practice shall govern the distribution, use, and control of keys within the institution.

O. Written procedure and practice shall govern the maintenance, storage, and use of all tools, culinary equipment, and hazardous materials, including flammable, toxic, and caustic materials, as well as weapons and security equipment.

P. Written procedure and practice shall provide for the preservation, control, and disposition of all physical evidence obtained in connection with a violation of law or established procedure. At a minimum, the procedures shall address the following:

1. Chain of custody;
2. Evidence handling; and
3. Location and storage requirements.

6 VAC 15-31-140. Special housing assignments.

A. Written procedure and practice shall provide that an inmate ~~shall~~ may be placed in isolation for a rule violation only after a disciplinary hearing.

B. Inmates may be assigned to isolation for a maximum period of ~~45~~ 30 days. Continuous confinement in isolation for more than ~~45~~ 30 days shall require the review and approval of the deputy director and appropriate health authority. Inmates held in isolation for periods exceeding ~~30~~ 60 days shall be provided the same privileges as inmates in segregation.

C. Written procedure and practice shall govern assignments and review of assignments to special housing. Such procedure and practice shall include a review of segregation status at least every 90 days by a classification review process.

D. General and prehearing detention shall be administrative assignments for the immediate secure confinement of inmates pending investigation or disciplinary hearing or review by a classification review process.

E. Except in emergencies, the number of inmates confined to each cell or room shall not exceed the number for which it is designed. Should an emergency create an excess in occupancy, the warden/superintendent shall provide temporary written approval and immediately proceed to alleviate the situation as promptly as possible by making other arrangements for the inmates so confined.

F. Special housing cells or units shall be well ventilated, adequately lighted, appropriately heated, and maintained in sanitary conditions at all times. A general log shall be kept and the temperature shall be recorded at least once each shift. Inmates shall be housed in an environment in which the temperature does not fall below 65°F and when the temperature exceeds 85°F, mechanical air circulation shall be provided.

G. Inmates in special housing shall dress in state-issued clothing and shall be furnished:

1. Underwear;
2. Shower shoes;
3. One mattress;
4. One pillow;
5. One pillow case;
6. Two sheets;
7. Blankets as needed;
8. One towel; and
9. One washcloth.

In isolation cases only, the bedding may be removed during the daytime hours. For safety and security reasons, all items may be removed from the cell.

H. Written procedure and practice shall provide that inmates in special housing shall be permitted to shower and

shave not less than twice per week. Clothing and underwear shall be changed not less than twice per week.

I. Written procedure and practice shall provide that inmates in special housing can write and receive letters on the same basis as inmates in the general population, except inmates in isolation may not receive the contents of their packages until approved by the warden/superintendent.

J. Written procedure and practice shall provide that inmates in special housing have access to federal and state courts through access to a court appointed or private attorney, or an appropriate law library, or a combination thereof.

K. Inmates in isolation shall forfeit the privileges of receiving visits from family, relatives, or friends; however, under exceptional circumstances, permission may be obtained from the warden/superintendent of the institution for such visits. Attorney visits to an inmate in isolation may not be restricted by the warden/superintendent, and attorneys shall be allowed access to the inmate during normal work hours.

L. Written procedure and practice shall provide that inmates in isolation will be allowed to keep only the following:

1. Legal materials;
2. Religious materials; and
3. Personal hygiene items defined exactly as:
 - a. Toothbrush;
 - b. Toothpaste;
 - c. Soap;
 - d. Plastic comb; and
 - e. Feminine hygiene products (for female inmates).

If the offender does not have the items listed in this subsection, and is indigent, the institution shall furnish them. All other items of inmate personal property shall be stored upon assignment to isolation. Inmate personal property shall be inventoried by either an officer and the inmate, or by two corrections officers. The inmate shall be given a receipt for all personal property upon assignment to isolation. Inmates serving isolation sentences may purchase postage stamps, writing materials, and over-the-counter medications.

M. Written procedures shall specify the personal property that an inmate may retain while in segregation status.

N. Written procedure and practice shall provide that a visitation schedule for segregated inmates shall be established by the warden/superintendent.

O. Written procedure and practice shall provide that inmates in segregation are allowed a minimum of one hour of exercise three separate days per week. This exercise shall be outdoors unless weather does not permit it.

P. Written procedure and practice shall provide inmates in segregation access to the commissary. Commissary purchases may be restricted only for security and medical reasons. No item of a hazardous nature shall be allowed.

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Q. In addition to supervision provided by the unit officers, the special housing unit shall be visited daily by the shift supervisor or higher authority. Each inmate in special housing shall be checked no less than once per hour at staggered times by a corrections officer. Such visits and checks shall be documented.

R. A permanent individual log shall be maintained in the special housing unit for each inmate. This log shall contain:

1. *Inmate name and number*;
- ~~1-~~ 2. *Date and time of admission/release*;
- ~~2-~~ 3. *Weight of the inmate upon entering and leaving and the recording officer's name*;
- ~~3-~~ 4. *Name, date, and time of the corrections officer making the required hourly check*;
- ~~4-~~ 5. *Medical requests and visits*;
- ~~5-~~ 6. *Medications administered or refused*;
- ~~6-~~ 7. *Meals refused*; and
- ~~7-~~ 8. *Other pertinent information*.

S. Written procedure and practice shall provide for reasonable access to medical, dental, and mental health services while in special housing status. Health assessments of inmates in special housing shall be conducted as required by departmental procedures.

6 VAC 15-31-160. Food service.

A. Food service operations shall be supervised by a full-time staff member who is experienced in food service management.

B. All menus shall meet or exceed the dietary allowances stated in the Recommended Dietary Allowances, National Academy of Sciences, 1989.

C. Written procedure and practice shall require that accurate records are maintained of all meals served and that meals are planned in advance to ensure proper food flavor, temperature, and appearance.

D. Written procedure and practice shall provide for special diets as prescribed by responsible medical or dental personnel and monitored by medical personnel.

E. Written procedure and practice shall provide for reasonable accommodation for inmates whose religious beliefs require adherence to religious dietary laws.

F. Written procedure and practice shall provide that meals are served under conditions that minimize regimentation, except when security or safety conditions dictate otherwise. All meals shall be served under direct supervision of staff members.

G. Written procedure and practice shall require that at least three meals (including two hot meals) are provided at regular meal times during each 24-hour period, with no more than 14 hours between the beginning of the evening meal and the beginning of breakfast. Variations may be allowed based on

weekend and holiday food service demands and security needs provided basic nutritional goals are met.

H. Food service personnel, including inmates, shall receive a preassignment medical examination by medical personnel and an examination at least every 12 months thereafter to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. Inmates and other persons working in food service shall be monitored continuously for health and cleanliness by the food service manager or designee.

I. Written procedure and practice shall require weekly inspections of all food service areas, including dining and food preparation areas and equipment, by the person supervising food service operations or his designee.

J. Shelf goods shall be maintained properly and safely. Refrigerated foods shall be maintained at ~~35 to 40°F~~ 45°F or below, and frozen foods shall be maintained at 0°F, or below. Refrigeration and dishwasher temperature shall be checked daily and documented.

6 VAC 15-31-180. General health care procedures.

A. Written procedure and practice shall provide that the warden/superintendent, in conjunction with the health authority, ensures that inmates are provided with health care services and that the institution's medical unit is operated in accordance with applicable laws and regulations.

B. Written procedures and practice shall provide access to adequate health care, for a system for processing complaints about health care, and that these procedures are communicated orally and in writing to inmates upon arrival at the facility in language which can be clearly understood by each inmate.

C. Written procedure and practice shall provide for continuity of health care from admission to discharge or transfer.

D. The Office of Health Services shall conduct a documented quality assurance review for each institution every other year. Action plans shall be written for all areas of deficiency.

E. Written procedure and practice shall govern the use of restraints for ~~medical and psychiatric~~ clinical purposes and shall identify the authorization needed, as well as when, where, and how restraints may be used and for what duration of time.

6 VAC 15-31-190. Responsible health authority.

Written procedure and practice shall require that:

1. The warden/superintendent ensures the appointment of a designated health authority who, at a minimum, may be a physician, head nurse, or health administrator ~~and who~~ is responsible for the health care of the inmates pursuant to a written agreement or contract or job description.

2. All medical, psychiatric, dental, and nursing matters involving medical judgment are the sole province of the responsible physician, dentist, and nurse, respectively.

3. The health authority meets with the warden/superintendent at least every three months and submits reports of the health care delivery system and health environment of the institution.

4. The health authority submits monthly activity reports to the Office of Health Services.

5. The health authority reports to the warden/superintendent *and Office of Health Services* immediately any serious health threat that may affect staff and inmate health and safety.

6. The health authority reviews each health care policy, procedure, and program at least every 12 months and revises them as needed. *All health care staff shall review procedures every 12 months.* Each review and revision shall bear the date and signature of the reviewer.

6 VAC 15-31-200. Health services facilities and equipment.

Written procedure and practice shall require the following:

1. The warden/superintendent shall provide adequate space, equipment, supplies, and materials for the delivery of health care as determined by the health authority in accordance with the level of care provided by the institution.

2. First aid kits and emergency medical supplies shall be available in areas determined by the health authority in conjunction with the warden/superintendent.

3. Health services staff shall be responsible for ensuring all medical equipment is ~~checked and tested~~ *maintained* according to manufacturers' recommendations *and is in good working condition at all times.* Medical equipment shall be safeguarded from inmate access.

4. Institutionally-owned ambulances (*Class B*) shall be operated in accordance with regulations promulgated by the *Board of Health, Office of Emergency Medical Services (EMS), certified by EMS,* ; operated by certified drivers, ~~and that~~ ; *and accompanied by a certified emergency medical technician accompanies an inmate being transported for medical reasons , or certified attendant-in-charge approved by the Commissioner of Health acting under protocol from the sending medical facility.*

6 VAC 15-31-210. Health care personnel.

Written procedure and practice shall require the following:

1. All health care personnel who provide health care services to inmates shall meet state licensure, certification, and health services registration requirements, and ~~that~~ verification of current credentials and licenses ~~is~~ *will be* on file in the facility.

2. Duties and responsibilities of health care personnel shall be governed by written job descriptions approved by the health authority, kept on file at the facility, and a copy given to the employee.

3. ~~All~~ Treatment by health care personnel, other than a physician, *physician extender*, dentist, ~~psychologist,~~

~~optometrist, and or other independent provider shall~~ *should* be performed pursuant to written ~~protocols by~~ *procedures or* personnel authorized by law to give such *medical orders.*

4. Nonmedical personnel involved in the distribution or administration of non-over-the-counter medications or in providing other medical services shall be trained according to the department's Office of Health Services' procedures using an approved course by the Virginia Board of Nursing.

5. On-site emergency first aid, CPR, and crisis intervention shall be administered appropriately. In addition, direct care and custodial staff shall be trained to recognize signs and symptoms of mental illness and chemical dependency.

6. Inmates shall not be used for the following duties:

a. Performing direct patient care services, with the exception of assisting in feeding and movement by wheelchair, stretcher, and turning patient over in bed;

b. Scheduling health care appointments;

c. Determining access of other inmates to health care services;

d. Handling or having access to surgical instruments, needles, medications, and health records; or

e. Operating diagnostic and therapeutic instruments.

7. Health care staff shall have access to professional books, publications, and reference materials on current and advances in health care.

8. Health care personnel shall be provided opportunities for orientation, training, and continuing education.

6 VAC 15-31-230. Health screenings and examinations.

Written procedure and practice shall require the following:

1. All newly incarcerated inmates shall undergo medical, dental, and mental health screening by health-trained or qualified personnel to include a complete medical history, physical examination, screening laboratory tests, and other tests as ordered by the responsible physician or dentist. All findings shall be recorded on forms approved by the ~~health authority~~ *Office of Health Services*, and a medical *and mental health* classification and location code shall be assigned to each inmate.

2. All inmates undergoing intrasystem transfers shall undergo a health review by health-trained or qualified personnel upon arrival at the institution or no later than one working day thereafter if the facility does not have 24-hour medical coverage.

3. Identification and management of tuberculosis and other communicable diseases shall be addressed, and these procedures shall be updated as new information becomes available.

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6 VAC 15-31-240. Mental health services.

A. Each institution with mental health services staff shall have written procedure and practice which establish the provision of mental health services to inmates and which address at least the following:

1. A description of the mental health services provided at the facility, including levels of care;
2. Initial and ongoing assessment of the mental health status and treatment needs of the inmates;
3. Crisis intervention;
4. Individual or group therapy or both;
5. Transfer of inmates requiring mental health services beyond an institution's resources; and
6. A system for continuity of care and follow-up procedures, including discharge planning.

B. Written procedures and practice shall ensure individualized treatment planning by mental health services staff for inmates assigned to designated mental health units. Such planning shall be documented.

C. Written procedure and practice shall ensure documentation and recordkeeping of all mental health services provided at the institution.

D. Written procedure and practice shall ensure the limits of confidentiality regarding mental health services provided in a correctional setting, including the means by which inmates are informed of these limits and under what circumstances information may be released.

E. Written procedure and practice shall ensure a suicide prevention and intervention plan. The plan shall address the identification and assessment of potentially suicidal inmates and the housing, monitoring, and referral of these inmates.

F. Written procedure and practice shall ensure a written mental health training program provided to employees (nonmental health services staff) assigned to work in designated housing units (i.e., mental health units; segregation, isolation, and detention units; and parole violator units). This training program shall be developed, reviewed, and provided by mental health services staff. ~~Security staff~~ Employees assigned to any one of these designated housing units shall complete their training as soon as possible and no later than nine months after their assignment to the unit. Following completion of the training, ~~security staff~~ employees assigned to any of these units shall complete a minimum of one day of in-service training every two years related to mental health issues.

6 VAC 15-31-250. Levels of care.

Written procedure and practice shall require the following:

1. Treatment of an inmate's health problems shall not be limited by the resources available within the institution, ~~and that~~. Hospital care ~~is~~ shall be available for acute illness or surgery at a facility outside the institution.

2. The warden/superintendent, in conjunction with the health authority, shall make available all levels of health care to include self-care, first aid, 24-hour emergency care, 24-hour infirmary care, hospital care, and chronic and convalescent care, as required by the inmate's condition.

3. Qualified health care personnel shall conduct regularly scheduled sick call, which shall be available to all inmates.

4. The warden/superintendent, in conjunction with the Office of Health Services, shall contract the services of medical, dental, or mental health specialists, in accordance with procedures approved by the director.

5. Inmates shall be prohibited from choosing their own health care provider. Documentation shall be made of refusal to accept treatment.

6. Written informed consent for inmate health care shall be obtained when required and documented. When health care is rendered against the patient's will, it shall be in accord with state and federal laws and regulations.

6 VAC 15-31-260. Specialized health care programs.

Written procedure and practice shall require the following:

1. A program of health education shall be available to all inmates of an institution.

2. Special treatment programs shall be available for inmates requiring close medical supervision as determined by the responsible physician, dentist, or qualified mental health professional.

3. Management of chemically dependent inmates shall be made under the supervision of a qualified health care practitioner.

4. Medical and dental prostheses, subject to copayment, shall be provided when the health of the inmate would otherwise be affected, as determined by the responsible physician or dentist.

5. A system shall be established whereby pregnant inmates may obtain obstetrical, medical, and social services.

6. Special diets shall be prescribed as needed and monitored by health care *and food service* staff, as *appropriate*.

6 VAC 15-31-270. Health records.

Written procedure and practice shall require the following:

1. Institutions shall document that copies of the health records of all inmates transferred from a jail are transferred to the custody of medical personnel at the receiving institution, and that confidentiality of the records is preserved during the transfer.

2. A complete health record for each inmate shall be created, organized, maintained, and stored according to ~~such~~ procedures, and shall document all the health

services rendered during the entire period of incarceration.

3. The principle of confidentiality of the health record shall be upheld and shall support the following requirements:

a. The health record shall be maintained separately from the institutional record;

b. Access to the health record shall be controlled by the health authority and shall be granted only to those who require it under departmental procedures and applicable law; and

c. The health authority shall share with the warden/superintendent information regarding security and the inmates' medical management, transfer, and ability to participate in programs.

4. Appropriate documentation shall accompany the inmate to all departmental facilities whether for intrasystem transfer or for medical consultations and that the confidentiality of the record is strictly maintained during such transfer.

5. Inactive health record files shall be retained as permanent records in compliance with departmental procedures and state and federal laws and regulations.

6 VAC 15-31-280. ~~Pharmacy services~~ Medication management.

A. Written procedure and practice shall require that ~~pharmaceutical~~ *pharmacy services at and medication management* for an institution are in strict compliance with state and federal laws, applicable ~~pharmaceutical~~ *pharmacy* regulations, and departmental procedures.

B. Written procedure and practice shall provide for the proper management of pharmaceuticals and address the following:

1. A formulary specifically developed for the department.

2. ~~Prescription~~ *Prescribing* practices, including requirements that:

a. Psychotropic medications are prescribed only when clinically indicated ~~as one facet of a program of therapy~~ *and not for disciplinary reasons*;

b. "Stop order" time periods are required for all medications; and

c. The prescribing provider reevaluates a prescription prior to its renewal.

3. Procedure for the receipt, storage, dispensing, and administration or distribution of medications.

4. Maximum security storage and periodic inventory of all controlled substances, syringes, and needles, in accordance with departmental procedures.

5. Administration of medication by persons properly trained and under the supervision of the health authority and warden/superintendent.

6. Accountability , *including documentation*, for administering or distributing medications in a timely manner, according to physician orders.

7. *Disposal of needles, syringes, and discontinued, outdated or confiscated medications or supplies.*

6 VAC 15-31-300. Legal and programmatic rights of inmates.

Written procedure and practice shall require the following:

1. Inmates shall have access to federal and state courts through access to a court-appointed or private attorney, or an appropriate law library, or a combination thereof.

2. Program access, work assignments, and administrative decisions shall be made without regard to an inmate's race, religion, national origin, sex, disability, or political views. Inmates shall be protected from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. ~~Freedom shall be allowed in personal grooming except when a valid interest justifies otherwise.~~

3. Inmates shall have access to the mass communications media, subject to departmental procedures.

4. An inmate grievance procedure shall be available to all inmates and includes at least one level of review and specific time limits.

6 VAC 15-31-310. Inmate rules and discipline.

A. Written rules of inmate conduct shall specify prohibited acts and penalties which may be imposed for violations. A copy of all rules and disciplinary procedures and penalties shall be made available to all inmates and employees. Signed acknowledgment of receipt of the rulebook shall be maintained in the inmate's file. Institutional rules shall be reviewed annually and revised as necessary.

B. Written procedure and practice shall provide an inmate disciplinary procedure that is available to all inmates and includes:

1. Written reports of alleged offenses;

2. Notification of hearings;

3. The availability of *staff or* inmate advisors appointed by the institution;

4. The ability to question the reporting officer;

5. Specific time limits;

6. Written findings and reasons for decisions;

7. At least one level of review and appeal; and

8. Provisions for expungement.

6 VAC 15-31-320. Mail, telephone, and visiting.

Written procedure and practice shall govern the following:

1. Inmate correspondence.

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a. ~~Inmate Incoming mail. Inmate mail shall not be read except where there is a reasonable belief that there is a threat to institutional order and security, and only in accordance with departmental procedures. In accordance with § 274.96 of United States Post Office Administrative Services Manual (ASM-13), revised July 1999, and department procedures, inmate general correspondence mail may be opened, searched and possibly read if the inmate consents in writing to receive mail at the institution. Without written consent by the inmate, the mail will be returned to the post office unopened.~~

b. Outgoing letters. Inmates may send letters to specified classes of persons and organizations, as designated in departmental procedures.

c. Incoming and outgoing letters. Incoming and outgoing letters shall be held for no more than 24 hours, excluding weekends and holidays.

2. Postage allowance. Provisions shall be made for indigent inmates to correspond by mail in order to maintain community ties.

3. Inmate access to publications.

4. Telephone privileges.

5. Visiting privileges. Procedures shall specify the time, screening, frequency, and number of visitors, as well as provisions for special visits.

6 VAC 15-31-370. Inmate recreation and activities.

A. Written procedure and practice shall provide for a recreational program that includes leisure time activities and outdoor exercise.

B. Every inmate (excluding isolation and prehearing detention) who is not employed in outdoor work should have the opportunity for at least one hour of exercise three separate days per week. This exercise shall be outdoors unless weather does not permit it.

C. At institutions with more than 400 inmates, the recreational program shall be supervised by a full-time, qualified person, and at institutions with less than 400 inmates, a member shall be designated on a part-time basis as a recreation officer.

D. Adequate facilities and equipment for the planned recreation or exercise activities shall be available to the inmate population and shall be maintained in good condition.

6 VAC 15-31-410. Citizen involvement and volunteers.

A. Written procedure and practice shall specify the lines of authority, responsibility, and accountability for the institution's citizen involvement and volunteer services program.

B. Written procedure and practice shall provide that each volunteer completes an appropriate, documented orientation or training program prior to assignment.

C. Volunteers shall agree in writing to abide by all facility procedures, particularly those relating to the security and confidentiality of information.

D. Volunteer services shall be provided by volunteers qualified by formal education, training, or experience to perform the services which they provide.

E. Each institution shall be permitted to establish a community advisory board, which serves as a link between the institution and the community.

DOCUMENTS INCORPORATED BY REFERENCE

Recommended Dietary Allowance, National Academy of Sciences, 1989.

United States Postal Service Administrative Support Manual (ASM-13), § 274.96, July 1999.

VA.R. Doc. No. R00-237; Filed July 26, 2000, 10:49 a.m.

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| <p>REGISTRAR'S NOTICE: This regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 B 9 and 10, which exempts agency action relating to inmates of prisons or other such facilities or parolees therefrom, and relating to the custody of persons in, or sought to be placed in, mental, penal or other state institutions as well as the treatment, supervision, or discharge of such persons.</p> |
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Title of Regulation: **6 VAC 15-61-10 et seq. Standards for State Community Correctional Units (amending 6 VAC 15-61-10, 6 VAC 15-61-40, 6 VAC 15-61-100, 6 VAC 15-61-120, 6 VAC 15-61-130, 6 VAC 15-61-150, 6 VAC 15-61-200, 6 VAC 15-61-210, and 6 VAC 15-61-220).**

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: September 17, 2000.

Summary:

The amended standards exclude day reporting centers from caseload limits and allow offender copay for health care services at facilities that provide health care services on site.

Agency Contact: Copies of the regulation may be obtained from Janice Dow, Regulatory Coordinator, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3119. There is a charge of 15¢ per page for copies.

6 VAC 15-61-10. Definitions.

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

"Arrest Authority (PB-15)" means a warrant issued by parole officers for the arrest and detention of a delinquent offender.

"Boot camp (Shock Incarceration Program)" means a highly regimented military style residential program, supplemented with educational programming, and which is restricted to youthful, nonviolent offenders.

"Case record" means a confidential written record regarding an offender which includes documentation of all action which has occurred.

"Chemical agent" means an active substance, such as tear gas, used to deter activities that might cause personal injury or property damage.

"Commissary" means a general store where offenders can purchase approved items.

"Community correctional facilities" means diversion centers, detention centers, and boot camps.

"Community Corrections Operating Procedures (CCOP)" means an operational manual providing guidelines for community corrections staff.

"Community re-entry plan" means a plan devised to address transition needs from a community program or facility to community supervision.

"Conditions of supervision" means a document which that details the rules an offender must abide by in order to successfully complete supervision.

"Contraband" means items prohibited on unit premises by statute, regulation, policy or procedure.

"Day reporting center" means a nonresidential community-based program that provides intensive supervision, substance abuse counseling, education training, work placement, and other therapeutic intervention.

"Department" means the Virginia Department of Corrections.

"Detention Center Incarceration Program" means a residential program which that provides regimented, highly structured, paramilitary style training. The emphasis is on work, educational, and therapeutic programs.

"Diversion Center Incarceration Program" means a highly structured, community-based residential program used as an alternative to incarceration which provides 24-hour supervision and treatment services. The emphasis is on gainful employment in the private sector.

"Early release" means release prior to the specified term of supervision.

"Foot-candle" means a unit for measuring the intensity of illumination, defined as the amount of light thrown on a surface.

"Furnishings in offender living areas" means items authorized by the department to be placed in inmate living areas.

"Grievance procedure" means methodology which that affords a formal process to address complaints with administration personnel.

"Health authority" means staff who are qualified by virtue of appropriate training and experience to render health services within their discipline, which includes a physician, nurse, dentist, psychiatrist, psychologist, social worker or an independent health care provider.

"Health care services" means provision of care for an offender's medical needs by one who is qualified by virtue of appropriate training and experience to render health services within their discipline, which includes a physician, nurse, dentist, psychiatrist, psychologist, social worker or an independent health care provider.

"Health record" means the confidential written record which that documents all health services rendered during program participation.

"Manual" means written guidelines for specified operational procedures.

"Offender" means any person placed under the supervision of the Virginia Department of Corrections.

"Office of Health Services" means the central office health authority for the Department of Corrections that is responsible for arranging for all levels of health care and providing quality, accessible health services to all inmates.

"Officer" means any person authorized by the Virginia Department of Corrections to provide supervisory services to offenders or prepare investigative reports or both.

"Permanent log" means a written record of a facility's activities that cannot be altered or destroyed subject to state law.

"Plan of supervision" means the goals and objectives of supervision which that should be jointly developed between the offender and supervising staff.

"Post log" means a written record for the recording of activities or unusual incidents for a specific security position.

"Post order" means that document which outlines the duties, responsibilities, and emergency procedures of that post in the facility.

"Postsentence report" means a criminal and social history of an offender prepared after sentencing.

"Potable water supply" means water supply suitable for drinking.

"Presentence report" means a criminal and social history of an offender prepared prior to the sentencing event.

"Unit" means a program or facility designed to provide supervision, surveillance, and treatment to probationers, parolees, and offenders on post-release supervision, as well as investigative services to the courts, the department, and the Parole Board, and includes probation and parole districts, detention centers, diversion centers, day reporting centers and shock incarceration programs.

"Unit head" means that individual in a public or private agency who has overall responsibility for the operation of a program or facility, including the application of state funds provided for that purpose.

"Violation" means an action or inaction by an offender which that is contrary to the conditions of supervision and is considered technical when it does not involve the commission of a new offense.

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"Volunteer" means an individual who provides services without compensation.

"Work program" means structured activities which provide services to the department or community.

6 VAC 15-61-40. Organization and administration.

A. The unit shall maintain an organizational chart reflecting the current structure of authority.

B. Written procedure and practice shall provide for participation of employees in staff meetings relating to their respective duties.

C. Designated staff shall maintain and keep current a copy of the Community Corrections Operating Procedures. The CCOP shall be made accessible to all employees.

D. The unit head or designee shall maintain and keep current copies of the department's Policy and Procedures Manual, Secretarial Administrative Manual, ~~the Virginia Personnel Act,~~ and the Department of Personnel and Training *Human Resources Management* Policies and Procedures Manual. Upon request of any employee, the unit head shall make available any of these manuals.

E. Written policies and procedures for unit operation and maintenance shall be maintained, reviewed, and updated as needed by the unit head. All employees shall have access to the written policies and procedures.

F. Written procedure and practice shall govern the dissemination of offender information to the public, address confidentiality requirements, and designate who may provide such information.

G. Written procedure and practice shall provide for the investigation of citizen complaints about the unit.

H. The unit head shall ensure that any leased or rental facility complies with applicable state and local building codes, as well as health codes.

6 VAC 15-61-100. Supervision.

A. The district's average caseload shall not exceed 60 offenders. *This subsection is not applicable to day reporting centers.*

B. Written procedure and practice shall specify the classification and supervision of offenders in order to safeguard the community and meet offender program needs.

C. Written conditions of probation, parole, or post-release supervision shall be furnished to the offender. Assistance shall be provided if an offender does not understand the conditions.

D. Written procedure and practice shall provide that emergency supervision services be available 24 hours a day.

E. Supervision goals and objectives shall be developed and reviewed with the offender and adjusted based on performance in the community. Offender supervision shall be in compliance with the standards of supervision.

F. Offenders shall not be confronted with possible violation of supervision for failure to meet financial obligations that are not conditions of supervision or required by state law.

G. Written procedure and practice shall permit the supervising officer to recommend early release from active supervision.

H. Written procedure and practice shall require that all arrests and alleged violations be recorded, investigated and, if appropriate, reported in writing to the revoking authority.

I. Written procedure and practice shall provide for the issuance and execution of the Arrest Authority (PB-15).

J. Officers shall be permitted to carry a department-issued firearm in the performance of their duties in accordance with Community Corrections Operating Procedures.

K. Written procedure and practice shall govern the security, storage, and use of firearms and ammunition.

L. Written procedure and practice shall govern the use of chemical agents.

6 VAC 15-61-120. Offender services.

A. Staff shall provide offenders with the center's written rules and regulations.

B. There shall be documented eligibility criteria for acceptance.

C. Each offender shall be assessed according to policies and procedures for services.

D. Staff shall review changes in the plan with the offender and document these changes.

E. The unit head shall develop and implement written policies and procedures for community service.

F. Each unit shall *be permitted to* establish an advisory committee, which serves as a link between the center and the community. ~~This subsection is applicable only to day reporting centers.~~

G. For diversion centers only, verification of offender whereabouts when not in the facility shall be governed by written procedures. The forms of verification shall include, but not be limited to:

1. Random telephone contacts to the authorized destination; and
2. Random on-site visits to the authorized destination.

6 VAC 15-61-130. Program and health services applicable only to diversion centers.

A. This section applies only to diversion centers.

B. Criteria for acceptance into the program and intake shall be governed by written policy, procedure and practice.

C. Staff shall complete an initial information form on each offender admitted into residency.

D. Staff shall distribute a copy of the criteria for acceptance and intake policies and procedures to referral sources and interested parties.

E. Staff shall provide, in writing to the referral source, reasons for nonacceptance into the program.

F. Staff shall design a plan of supervision in conjunction with the offender ~~which~~ *that* includes expected behavior and accomplishments.

G. At the time of intake, program staff shall review available services with the offender.

H. Staff shall review offender progress with the offender. The outcome of each review shall be documented in the offender's case record.

I. Written procedure and practice shall provide the offender an opportunity for family and community involvement.

J. Offenders shall be permitted to attend religious services and to receive visits from representatives of their respective faiths.

K. Staff shall provide for recreational and leisure time activities.

L. Staff shall make referrals, when needed, for supervision in the community and shelter.

M. Staff shall use community resources, either through referrals for service or by contractual agreement, to provide offenders with the services to become self sufficient.

N. Written procedure and practice shall govern the possession and control of prescribed medications and over-the-counter drugs.

6 VAC 15-61-150. Safety and emergency procedures.

A. There shall be written emergency plans which outline duties of staff, procedures, and evacuation routes. Emergency plans shall include responses in the event of fire; chemical release; power, water, or heat loss; a natural disaster; the taking of hostages; riots; disturbances; absconding; bomb threats; suicide prevention/intervention; death and adverse job action. Plans shall be reviewed every 12 months by all staff. The review shall be documented.

B. There shall be a posted floor plan showing evacuation routes. The fire plan shall be reviewed at least every 12 months by the State Fire Marshal.

C. Fire drills shall be performed in accordance with emergency plans and shall include evacuation of offenders except where security would be jeopardized. Fire drills shall be held, documented, and evaluated for effectiveness at least every three months.

D. There shall be documentation that, through site visits every 12 months, the local fire department is familiar with the available equipment, physical layout, and emergency procedures of the unit. Additional site visits shall be required in cases of structural changes or additions to the unit.

E. The unit shall have the equipment necessary to maintain essential lights, power, and communications in an emergency. Testing shall be performed every three months and shall be documented.

F. The unit head shall ensure the facility complies with the regulations of the state or local fire safety authority which has jurisdiction over the facility.

G. Written procedure and practice shall provide for an inspection of the unit for compliance with safety and fire prevention standards at least every 30 days by a qualified departmental staff member. This procedure shall be reviewed at least every 12 months and updated as needed. In conjunction with the individual responsible for unit safety, action plans to correct deficiencies shall be written and directed to the unit head.

H. The unit shall have a manual fire alarm or an automatic smoke detection system or an automatic fire suppression system in all sleeping and living areas, and action plans shall be written and submitted for all areas of deficiencies. Other areas of the unit shall also have fire detection and suppression equipment as required by the State Fire Marshal.

I. Written procedure and practice shall specify the unit's fire protection equipment type, use, and testing to include:

1. Availability of equipment at appropriate locations throughout the unit.
2. Training on the use of equipment.
3. Inspection of extinguishers at least every 12 months.
4. Inspection of range hoods at least every six months and cleaning as necessary. Inspections shall be performed by trained and qualified personnel.
5. Inspection of detection and suppression systems at least every three months.
6. Testing of fire alarms for function at least every three months.

J. Furnishings in offender living areas, including cleanable, nontoxic and flame-retardant mattresses and pillows, shall be selected based on known fire safety performance characteristics and in conformance with departmental procedures. Furnishings which no longer meet fire safety performance specifications shall be repaired or removed from service. *This subsection is not applicable to diversion centers.*

6 VAC 15-61-200. Food service.

A. Food service operations shall be supervised by a full-time staff member who is experienced in food service management. This subsection is not applicable to contracted services.

B. All meals shall meet or exceed nationally recommended dietary allowances.

C. Written procedure and practice shall require that accurate records are maintained of all meals served and that meals are planned in advance to ensure proper food flavor, temperature, and appearance.

D. Written procedure and practice shall provide for special diets as prescribed by appropriate medical or dental personnel.

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E. Written procedure and practice shall require that at least three meals, including two hot meals, are provided at regular meal times during each 24-hour period, with no more than 14 hours between the beginning of the evening meal and the beginning of breakfast. Variations may be allowed based on weekend and holiday food service demands and security needs, provided basic nutritional goals are met.

F. Food service personnel, including offenders, shall receive a preassignment medical examination by medical personnel and an examination at least every 12 months thereafter to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. Offenders and other persons working in food service shall be monitored continuously for health and cleanliness by the food service manager or designee.

G. Written procedure and practice shall require weekly inspections of all food service areas, including dining and food preparation areas and equipment, by the person supervising food service operations or his designee.

H. Shelf goods shall be maintained properly and safely. Refrigerated foods shall be stored at ~~35°F to 40°F~~ 45°F or below, and frozen foods shall be maintained at 0°F or below. Refrigerator and dishwasher temperature shall be checked daily.

6 VAC 15-61-210. Sanitation and hygiene.

A. The unit shall comply with the requirements of appropriate regulatory agencies with regard to the potable water supply, control of vermin and pests, emissions, and water disposal systems.

B. The unit shall provide housekeeping and maintenance to ensure the facility is clean and in good repair.

C. Written procedure and practice shall provide for weekly sanitation inspections of the facility by designated staff. A report of findings and recommended corrective action shall be submitted to the unit head.

D. Written procedure and practice shall provide for the issue of clean suitable clothing to offenders. Protective clothing and safety equipment shall be provided when appropriate.

E. Written procedure and practice shall provide clean bedding, towels, washcloths and blankets to all offenders.

F. Written procedure and practice shall provide for the weekly laundering of bedding and clothing.

G. Written procedure and practice shall ~~provide~~ *ensure* that hair care services ~~that comply with applicable health requirements~~ are available to offenders. ~~This subsection is not applicable to diversion centers. When such services are provided at the facility, they must comply with applicable health requirements.~~

H. Written procedure and practice shall require that articles necessary for maintaining proper personal hygiene are available to all offenders through the unit commissary. Offenders shall be issued necessary personal hygiene articles. This subsection is not applicable to diversion centers.

6 VAC 15-61-220. Health care services.

A. Written procedure and practice shall provide that the unit head, in conjunction with the health authority, shall ensure that offenders are provided with health care services.

B. *An offender copay program for health care services shall be administered in accordance with departmental procedures and shall require the following elements:*

1. *Written procedures shall govern the health care copay program and, at a minimum, specify the following information:*

a. Health care services that are subject to fees;

b. Fee amounts;

c. Payment procedures;

d. Health care services that are provided at no cost;

e. Fee application to medical emergencies, chronic care, and pre-existing conditions; and

f. Written notification to offenders of proposed fee changes.

2. *Offender payment for medical services shall be in accordance with set fees based upon only a portion of the costs of these services.*

3. *Offenders shall be advised of health care services and payment procedures at the time of admission or orientation. Such orientation shall be acknowledged in writing.*

4. *Written procedure and practice shall provide that no offender will be denied access to medically necessary services based upon ability to pay.*

5. *A separate account or accounting process shall be established and used exclusively for the deposit and disbursement of health services fees. Fee collections and disbursements shall be governed by generally accepted accounting principles.*

~~B-~~ C. Written procedure and practice shall provide access to adequate health care, 24-hour emergency medical services, and for a system for processing complaints about health care. These procedures shall be communicated to offenders upon arrival at the unit.

~~C-~~ D. Written procedure and practice shall provide that there are provisions for continuity of health care from admission to discharge.

~~D-~~ E. Written procedure and practice shall require that the Office of Health Services conduct a documented, quality assurance review for each unit every other year. Action plans shall be written for all areas of deficiency. This subsection is ~~not applicable to diversion centers which do not receive medical services from a co-located facility~~ *those facilities that provide health care services onsite to offenders.*

~~E-~~ F. Written procedure and practice shall govern the use of restraints for medical and psychiatric purposes, and shall identify the authorization needed, as well as when, where, and how restraints may be used and for what duration of time.

~~F.~~ G. Written procedure and practice shall require that all medical, psychiatric, dental, and nursing matters involving medical judgment are the sole province of the responsible physician, dentist, and nurse, respectively.

~~G.~~ H. Written procedure and practice shall provide that the medical staff reports immediately to the unit head *and Office of Health Services* any condition that poses a threat to health and safety. This subsection is ~~not~~ applicable to ~~diversion centers which do not receive medical services from a co-located facility.~~ *those facilities that provide health care services onsite to offenders.*

~~H.~~ I. Written procedure and practice shall ensure that the unit provides adequate space, equipment, supplies, and materials for the delivery of health care. ~~This subsection is not applicable to diversion centers when such service is provided on site.~~

~~I.~~ J. Written procedure and practice shall provide that first aid kits and emergency medical supplies are inventoried and perpetually available.

~~J.~~ K. Written procedure and practice shall require that medical staff are responsible for checking, ~~maintenance~~ *maintaining* and testing all medical equipment according to manufacturers' recommendations and that the equipment is safeguarded from offender access. This subsection is ~~not~~ applicable to ~~diversion centers.~~ *those facilities that provide health care services onsite to offenders.*

~~K.~~ L. Written procedure and practice shall require that all medical personnel who provide health care services to offenders meet state licensure, certification and registration requirements. This subsection is ~~not~~ applicable to ~~diversion centers~~ *those facilities that provide health care services onsite to offenders.*

~~L.~~ M. Written procedure and practice shall provide that all treatment by health care personnel other than physician, dentist, psychologist, optometrist, and other independent provider is performed pursuant to written protocols by personnel authorized by law to give such orders.

~~M.~~ N. Written procedure and practice shall provide that nonmedical personnel involved in the distribution and/or administration of non-over-the-counter medications or in providing other medical services are trained according to Department of Corrections, Office of Health Services' procedures.

~~N.~~ O. Written procedure and practice shall provide for on-site emergency first aid, CPR and crisis intervention. In addition, direct care and custodial staff are trained to recognize signs and symptoms of mental illness and chemical dependency.

~~O.~~ P. Offenders shall not be used for the following duties:

1. Performing direct patient care services, with the exception of assisting in feeding and movement by wheelchair, stretcher, and turning patient over in bed;
2. Scheduling health care appointments;
3. Determining access of other offenders to health care services;

4. Handling or having access to surgical instruments, needles, medications, and medical records; and

5. Operating diagnostic and therapeutic instruments.

~~P.~~ Q. Written procedure and practice shall provide that health care personnel are provided opportunities for orientation and training.

~~Q.~~ R. At the time of the offender's referral, a medical assessment shall be completed. Staff shall be made aware of special medical problems.

~~R.~~ S. Written procedure and practice shall provide that all offenders undergo a health screening by qualified medical personnel upon arrival at the unit or no later than one working day thereafter. All findings shall be recorded on forms approved by the ~~health authority~~ *Office of Health Services.*

~~S.~~ T. Written procedure and practice shall provide for the identification and management of tuberculosis and other communicable diseases and that these policies and procedures are updated as new information becomes available.

~~T.~~ U. Written procedure and practice shall provide that offenders have access to mental health services.

~~U.~~ V. Services shall include a mental health screening upon arrival, crisis intervention, and a system to return the offender to the originating jurisdiction when mental health services are beyond the resources of the unit.

~~V.~~ W. Written procedure and practice shall provide that treatment of an offender's health problems are not limited by the resources available within the unit and that hospital care is available for emergency needs at a facility outside the unit.

~~W.~~ X. Written procedure and practice shall require that regularly scheduled sick call is conducted by qualified health care personnel and is available to all offenders. This subsection is ~~not~~ applicable to ~~diversion centers.~~ *those facilities that provide health care services onsite to offenders.*

~~X.~~ Y. Written procedure and practice shall prohibit offenders from choosing their own health care provider and shall require procedures for documentation of refusal to accept treatment. This subsection is ~~not~~ applicable to ~~diversion centers.~~ *those facilities that provide health care services onsite to offenders.*

~~Y.~~ Z. Written procedure and practice shall provide that written informed consent for offender health care is obtained where required and documented.

~~Z.~~ AA. When health care is rendered against the patient's will, it shall be in accord with state and federal laws and regulations.

VA.R. Doc. No. R00-238; Filed July 26, 2000, 10:48 a.m.

Final Regulations

REGISTRAR'S NOTICE: This regulation is excluded from the Administrative Process Act in accordance with §§ 9-6.14:4.1 B 9 and 9-6.14:4.1 B 10 of the Code of Virginia, which excludes agency action relating to (i) inmates of prisons or other such facilities or parolees therefrom and (ii) the custody of persons in, or sought to be placed in, mental, penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

Title of Regulation: 6 VAC 15-70-10 et seq. **Standards for Community Residential Programs (amending 6 VAC 15-70-10 and 6 VAC 15-70-30 through 6 VAC 15-70-160).**

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: September 17, 2000.

Summary:

The amendments provide additional guidance in the hiring of certain exoffenders; require a documented plan of corrective action for sanitation, health or fire deficiencies; increase the medical examination requirement for food service personnel from initially to once every 12 months after the time of hire; and require weekly inspections of all food service areas.

Agency Contact: Copies of the regulation may be obtained from Janice Dow, Regulatory Coordinator, Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3119. There is a charge of 15¢ per page for copies.

6 VAC 15-70-10. Definitions.

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

"Agency" means the public or private organization that has direct responsibility for the operation of a community residential program including the implementation of policy established by the governing authority.

"Agency staff" means any agency administrator, facility director, counselor, case manager, clerical worker or supervisor or others who are employed by, contract with, or volunteer services to the program.

"Community residential program" means any group home, halfway house, or other physically unrestricting facility used for the housing treatment or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth.

"Contraband" means items prohibited on facility premises by statute, regulation, or policy.

"Facility" means the physical plant.

"Foot-candle" means a unit for measuring the intensity of illumination defined as the amount of light thrown on a surface one foot away from the light source.

"Furlough" means a written approval ~~which~~ that allows a resident to leave the facility for a period of time, including overnight.

"Governing authority" means those persons responsible for facilitating communication with program administrators, establishing policy, exploring problems, ensuring conformity to legal and fiscal requirements, and implementing community residential programs.

"Pass" means a written approval ~~which~~ that allows a resident to leave the facility for a period of time, other than overnight.

"Program" means the plan or system of residential services of a public or private agency.

"Resident" means an individual participating in a community residential program under the purview of a contractual agreement.

6 VAC 15-70-30. Responsibility; enforcement.

A. The public or private contracted agency shall be responsible for the application of these standards.

B. *This chapter shall be enforced through the Board of Corrections' Regulations Governing Certification and Inspection (6 VAC 15-20-10 et seq.).*

PART II.

~~ADMINISTRATIVE SERVICES GENERAL~~
ADMINISTRATION AND MANAGEMENT.

6 VAC 15-70-40. Program Organization and administration.

A. The agency shall appoint a governing authority ~~which~~ that serves as a link between the residential program and the community.

B. The governing authority of the public or private community residential program shall hold meetings at least quarterly with the community residential program administrator in order to facilitate communication, establish policy, explore problems, ensure conformity to legal and fiscal requirements, and implement community residential programs.

C. A single administrative officer who reports directly to the governing authority shall manage the agency and its programs.

D. The agency shall have an operations manual which summarizes approved methods of implementing agency policies and procedures and provides details for daily operations of the program *that is available to all employees.*

E. The governing authority or agency administrator shall review the operations manual at least every two years and update when necessary.

F. The administrator or designated agency staff shall monitor implementation of policies and procedures set forth in

the operations manual through ~~an annual review~~ *a review that occurs at least every 12 months.*

G. There shall be a written policy that persons connected with the agency shall not use their official position to secure privileges or advantages for themselves.

H. Any community residential program operated exclusively by the Department of Corrections shall have a written policy ~~which~~ *that* ensures that the program conforms to governmental statutes and regulations relating to campaigning, lobbying and political practices.

I. The agency shall have a current organizational chart ~~which~~ *that* accurately reflects the structure of authority, ~~responsibility~~ and accountability within the agency.

J. Agency staff shall identify and document the agency's tax status with the Internal Revenue Service.

K. The agency shall have by-laws, approved by the governing authority, which shall be filed with the appropriate local, state or federal body.

L. The agency by-laws for the governing authority shall include:

1. Membership;
2. Size of the governing authority;
3. Method of selection;
4. Terms of office;
5. Duties and responsibilities of officers;
6. Times authority will meet;
7. Committees;
8. Quorums;
9. Parliamentary procedures;
10. Recording of minutes;
11. Method of amending by-laws;
12. Conflict of interest provisions; and
13. Specification of the relationship of the agency administrator to the governing authority.

M. A permanent record shall be kept of all meetings of the governing authority.

6 VAC 15-70-50. Fiscal management.

A. The agency administrator shall prepare an annual written budget of anticipated revenues and expenditures which shall be approved by the governing authority.

~~B. The agency shall have a budget which links program functions and activities to the costs necessary for their support.~~

~~G. B.~~ The agency administrator shall participate in budget reviews conducted by the governing authority.

~~D. C.~~ Written procedures shall govern revisions in the budget.

~~E. D.~~ Written fiscal procedures shall provide for accounting of all income and expenditures.

~~F. E.~~ Written procedure shall govern the handling and use of residents' money. This procedure shall comply with current Department of Corrections operating procedures.

~~G. F.~~ An annual independent financial audit of the agency shall be performed by a certified public accounting firm or a governmental auditing agency.

~~H. G.~~ Agency staff shall prepare and distribute the following documents to its governing authority and the Department of Corrections upon request:

1. Annual budget;
2. Income and expenditure statements;
3. Funding source financial reports; and
4. Independent audit report.

~~I. H.~~ Written fiscal policies and procedures, which are adopted by the governing authority shall include at a minimum:

1. Internal controls;
2. Petty cash;
3. Bonding;
4. Signature control on checks;
5. Resident funds; and
6. Employee expense reimbursement.

~~J. I.~~ The agency shall have insurance coverage which includes coverage for:

1. Physical plant;
2. Equipment;
3. Personal and property injury to employees, residents and third parties; and
4. ~~Professional malpractice~~ *Comprehensive general liability.*

~~K. J.~~ Written procedure shall govern vendor selection and purchasing and requisitioning of supplies and equipment.

~~L. K.~~ There shall be written procedure for documenting and authorizing compensation to consultants.

6 VAC 15-70-60. Personnel.

A. Written personnel policies and procedures, which are approved by the governing authority, shall include at a minimum:

1. Recruitment;
2. Employment practices and procedures including in-service training and staff development;
3. Promotion;
4. Grievance and appeal;

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5. Personnel records and contents;
6. Benefits;
7. Holidays;
8. Leave;
9. Hours of work;
10. Salaries;
11. Disciplinary action procedures; and
12. Termination and resignation.

B. Agency staff shall make available to all employees a copy of all personnel policies and procedures. Each employee shall confirm in writing the availability and review of current policies and procedures.

C. The agency administrator shall maintain written job descriptions and job qualifications for all positions in the agency.

D. Confidentiality of personnel records shall be governed by written procedure.

E. Written procedure shall allow an employee to challenge information in their personnel file and have it corrected or removed if proven inaccurate.

F. All employees shall have ~~an annual~~ a performance evaluation every 12 months. This evaluation shall be in writing and shall be based upon defined criteria. Each performance evaluation shall be reviewed and discussed with the employee.

G. Agency staff shall provide all new employees orientation, to include a review of all policies and procedures, beginning the first day of employment and concluding within 30 days. The employee shall sign and date a statement that orientation has been completed.

H. An employee shall not assume sole responsibility for any working shift prior to the completion of orientation.

I. The agency shall not discriminate or exclude from employment women working in men's programs or men working in women's programs.

J. The agency shall comply with all governmental regulatory requirements related to employment and personnel practices.

K. Written policy shall govern experience and education equivalents necessary for employment.

L. Criminal records checks shall be performed on all employees prior to hiring. *The Department of Corrections regional administrator must provide written authorization prior to the hiring of any exoffender who has been convicted of an offense for which a sentence of 12 months or more could have been imposed.*

6 VAC 15-70-70. Facility operation.

A. The agency administrator shall ensure that the facility conforms to all applicable zoning ordinances or, through legal

means, attempts to comply with or change such laws, codes, or zoning ordinances.

B. The agency administrator shall ensure that the facility complies with applicable state and local building codes.

C. The agency administrator shall ensure that the facility complies with sanitation and health codes of the state or local jurisdiction. *Any sanitation and health deficiencies shall have a documented plan of corrective action that has been approved by the appropriate state or local inspector.*

D. The agency administrator shall ensure that the facility complies with the regulations of the state or local fire safety authority ~~which~~ that has jurisdiction over the facility. *Any fire safety deficiencies shall have a documented plan of corrective action that has been approved by the appropriate state or local inspector.*

E. Smoke detectors shall be installed, operational and inspected as recommended by the fire marshal or fire department representative.

F. Automatic, permanent emergency lights shall be installed, operational, and inspected as recommended by the fire marshal or fire department representative.

G. Agency staff shall have a housekeeping and maintenance plan. The facility shall be clean and in good repair.

H. The facility shall be located within 10 city blocks of public transportation or other means of transportation shall be available.

I. Sleeping quarters and bathroom areas shall have a minimum of 20 foot-candles of light.

J. Sleeping quarters shall be properly ventilated.

K. Sleeping quarters shall have a minimum of 60 square feet of floor space per resident.

L. Male and female residents shall not occupy the same sleeping quarters.

M. Each resident shall be provided, at a minimum, the following:

1. Bed;
2. Mattress and pillow;
3. Supply of bed linens;
4. Chair; and
5. Closet or locker space.

N. Residents shall be afforded space in the facility for:

1. Private counseling;
2. Group meetings;
3. Visitation.

O. The facility shall have a minimum of one toilet for every 10 residents.

P. The facility shall have a minimum of one wash basin for every six residents.

Q. The facility shall have a minimum of one shower or bathing facility for every 10 residents.

R. The facility shall have one washer and one dryer for every 16 residents, or equivalent laundry service shall be available in the immediate vicinity of the facility.

S. Rules and regulations pertaining to residents shall be conspicuously posted in the facility.

T. Written procedures shall govern transportation of ~~clients~~ *which residents that* ensure at a minimum:

1. Those staff providing transportation shall have a valid operator's license;
2. Reporting of accidents; and
3. The vehicle's operation is in accordance with all state and local laws or ordinances.

U. Reasonable accommodations shall be available for the disabled.

6 VAC 15-70-80. Staffing.

A. The staffing pattern of the facility shall concentrate agency staff when the majority of residents are available to use facility resources.

B. There shall be at least one agency staff person on facility premises who is awake, available and responsive to residents' needs 24 hours a day.

6 VAC 15-70-90. Resident movement.

A. Resident movement into and out of the facility shall be governed by written procedure. The procedure shall include, at a minimum, a sign-in and sign-out system *which that* includes:

1. Destination and phone number;
2. Reason for signing out;
3. Time and date out;
4. Expected time of return;
5. Resident's signature at time of departure;
6. Staff signature or initials at time of departure;
7. Date of return;
8. Time of return;
9. Resident's signature at time of return;
10. Staff signature or initials at time of return.

B. Passes and furloughs shall be issued in conformance with Department of Corrections operating procedures.

C. Movement within the facility shall be governed by procedures *which that* provide for:

1. An account of the residents' whereabouts in the facility at all times;

2. A population count, by resident name, conducted by staff every two hours;

3. Visual contact with each resident in the facility during the count; and

4. Count results documented and initialed by staff.

D. Verification of ~~residents'~~ *a resident's* whereabouts when not in the facility shall be governed by written procedures. The forms of verification ~~shall~~ *may* include but not be limited to:

1. Random telephone contacts to the authorized destination;
2. Documentation from authorized destination ~~which that~~ includes:
 - a. Signature of individual visited;
 - b. Date and time of visit; and
3. Random on-site visits to authorized destination.

6 VAC 15-70-100. Special procedures.

A. There shall be written emergency procedures ~~which that~~ shall include the following:

1. Fire;
2. Evacuation;
3. Bomb or bomb threat;
4. Hostage;
5. Disturbances, which at a minimum include riots, assaults, and fights;
6. Deaths;
7. Power failure;
8. Loss of heat;
9. Loss of water;
10. Escape or absconding; and
11. Employee work stoppage.

B. Fire emergency procedures shall be posted conspicuously in the facility.

C. Agency staff shall conduct and document monthly emergency fire drills, including evacuation of residents.

D. No resident or group of residents shall be in a position of control or authority over other residents.

E. Written procedure shall restrict the use of physical force to instances of justifiable self-protection, protection of others, and the minimum degree necessary to control the situation.

F. Agency staff shall maintain and make available written procedures for conducting searches of residents, agency staff, visitors and the facility in order to control contraband.

G. Written procedures shall govern the disposal of contraband.

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H. Written procedures for reporting absconders shall comply with Department of Corrections operating procedures.

I. Written policy shall prohibit the carrying and use of weapons in the facility by both agency staff and residents.

J. Agency staff shall maintain a log of occurrences and daily events ~~which~~ *that* shall:

1. Be kept in a bound book for permanent residence;
2. Be written legibly in ink;
3. At each entry, contain the full names, at least once, of the residents involved in the events;
4. Document a briefing of occurrences and important events between outgoing and incoming staff; and
5. Contain a signature or initials of staff at the conclusion of their shift; and
6. Become a legal document of the facility and shall be maintained as such.

6 VAC 15-70-110. Intake.

A. Criteria for acceptance into the program and intake shall be governed by written ~~policy and~~ procedure.

B. Agency staff shall complete an initial intake information form on each ~~client resident~~ *resident* admitted into ~~residency~~ which, unless prohibited by statute, includes at a minimum:

1. Name;
2. Address;
3. Date of birth;
4. Social Security number;
5. Current photograph;
6. Sex;
7. Race or ethnic origin;
8. Reason for referral;
9. Whom to notify in case of emergency;
10. Date information gathered;
11. Signature of both interviewee and employee gathering information;
12. Name of referring agency or committing authority;
13. Special medical problems or needs;
14. Personal physician, if applicable; and
15. Legal status, including jurisdiction, and length and conditions of sentence.

C. Agency staff shall distribute a copy of the criteria for acceptance into the program and intake ~~policies and~~ procedures to referral agencies and interested parties.

D. Agency staff shall provide in writing to the referral agency and prospective resident, reasons for nonacceptance into the program.

E. At the time of intake, agency staff shall review goals, services available, program rules, and disciplinary actions with the resident. This procedure shall be documented by employee and resident signatures.

F. Written procedure shall govern the assignment of case management of each resident to a staff member.

G. Where a language or literacy problem exists which can lead to a resident's misunderstanding of agency rules and regulations, assistance shall be provided to the resident either by staff or by another qualified individual under the supervision of a staff member.

6 VAC 15-70-120. Programs.

A. Agency staff shall design a personalized program with and for each resident ~~which~~ *that* includes:

1. Measurable criteria of expected behavior and accomplishments;
2. Time schedule for achievement; and
3. Staff and resident signatures.

B. Agency staff shall review changes in the personalized program with the resident and document this procedure with staff and resident signatures.

C. Agency staff shall review resident progress with the resident every two weeks. The outcome of each review shall be documented in the resident's case file.

D. Written procedures shall provide residents increasing involvement with family and community activities prior to final release.

E. Residents' attendance and participation in religious services and activities shall be voluntary. Residents shall be permitted to attend religious services of their choice in the community and to receive visits from representatives of their respective faiths.

F. Written procedures shall ensure that residents receive approved visitors during established visiting hours, except where there is substantial evidence that a visitor poses a threat to the safety of the resident or the security of the facility.

G. Agency staff shall provide for recreational and leisure time activities.

H. Agency staff shall provide, or make referrals when needed, for the following services:

1. Supervision in the community;
2. Shelter;
3. Food service (where applicable);
4. Financial assistance;
5. Individual counseling;
6. Assistance with transportation;
7. Medical health services;
8. Mental health services;

9. Vocational evaluation, counseling and training;
10. Employment counseling and placement;
11. Education or training counseling and placement; and
12. Group counseling.

I. Agency staff shall use community resources, either through referrals for service or by contractual agreement, to provide residents with the services to become self-sufficient.

J. Agency staff shall ensure that residents' mail, both incoming and outgoing, is not read or withheld and that inspection of residents' mail for money or contraband shall occur in the presence of the resident.

K. Resident grievances shall be governed by written procedures ~~which~~ *that* shall include an appeals process.

6 VAC 15-70-130. Case records.

A. Agency staff shall maintain a case record for each resident in which all significant decisions and events are recorded. The records shall include, at a minimum, but are not limited to, the following information:

1. Initial intake information form;
2. Case information from referral source;
3. Case and social history;
4. Emergency contact information;
5. Medical record, when available;
6. Individual plan or program, group and family counseling shall be documented;
7. Signed release of information forms;
8. Evaluation and progress reports;
9. Current employment data;
10. Program rules and disciplinary policy, signed by resident and agency staff;
11. Grievance and disciplinary record;
12. Subsequent referrals to other agencies by the program; and
13. Termination summary.

B. Agency staff shall make entries into the case records and date and initial each entry.

C. Case records shall be marked "confidential" and maintained in locked file cabinets or rooms to minimize the possibility of theft, loss, destruction or unauthorized use.

D. ~~Agency Supervisory staff or a designee~~ shall review case records monthly to ensure that the case is current and accurate.

E. The confidentiality of case records shall be maintained in accordance with federal and state laws. Written procedures shall govern access to case records and designate personnel responsible for release of resident information.

F. Written procedure shall govern the retention and destruction of case records in accordance with state law.

G. Agency staff shall provide a "Release of Information Consent Form" which at a minimum complies with applicable federal and state laws and includes:

1. Person, agency or organization requesting information;
2. Person, agency or organization releasing information;
3. Specific information to be disclosed;
4. Purpose or need for the information;
5. Expiration date;
6. Date consent form is signed;
7. Signature of the resident; and
8. Signature of individual witnessing resident's signature.

6 VAC 15-70-140. Citizen and volunteer involvement.

A. ~~Written policy and~~ procedure shall govern citizen involvement in the programs and shall include recruitment, selection, training, orientation, responsibilities, evaluation, supervision and termination of volunteers.

B. Agency staff shall document that volunteers complete an orientation and training program before they participate in their assignments.

6 VAC 15-70-150. Food services.

A. Agency staff shall provide or contract for food service and ensure that the service meets or exceeds ~~nutritional standards as recommended by the Department of Corrections~~ *nationally recommended dietary allowances*.

B. The food service program shall have an annual health and sanitation inspection by state or local authorities. Any health and sanitation deficiencies shall have a documented plan of corrective action ~~which~~ *that* has been approved by the appropriate state or local inspector.

~~C. When agency staff provide a food service program, food service staff shall develop at least one week of advance-planned menus. Written procedure and practice shall require that accurate records are maintained of all meals served and that meals are planned at least one week in advance.~~

D. The dining area shall be ventilated and properly furnished.

~~E. When agency staff provide a food service program, all food service staff or residents providing food service shall:~~

- ~~1. Have clean hands and fingernails;~~
- ~~2. Wear hair nets or caps;~~
- ~~3. Wear clean washable garments; and~~
- ~~4. Practice hygienic food handling techniques.~~

~~F. When agency staff provide a food service program, all food service staff or residents providing food service shall have an annual physical to ensure they are in good health and free from communicable disease.~~

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E. Food service personnel, including residents, shall receive a preassignment medical examination by medical personnel and an examination at least every 12 months thereafter to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. Residents and other persons working in food service shall be monitored continuously for health and cleanliness by the food service manager or his designee.

G. F. When agency staff provide a food service program, all foods shall be properly stored at the completion of each meal.

H. G. Special diets shall be provided to meet the documented medical and religious needs of residents.

H. Written procedure and practice shall require weekly inspections of all food service areas, including dining and food preparation areas and equipment, by the person supervising food service operations or his designee.

6 VAC 15-70-160. Medical care and health services.

A. Agency staff shall maintain first aid equipment approved by a recognized health authority for medical emergencies.

B. Written procedure shall ensure perpetual availability of first aid equipment and supplies.

C. Agency staff shall maintain a current inventory control list of first aid equipment and supplies.

D. One agency staff on each shift of the community residential program shall be trained in emergency first aid procedures, including cardiopulmonary resuscitation.

E. Routine medical services and 24-hour emergency medical services shall be available to residents.

F. At the time of the ~~resident's admission~~ *offender's referral*, a medical assessment shall be completed to determine if the resident has any special medical needs. Agency staff shall be made aware of ~~residents'~~ *offenders'* special medical problems.

G. Written procedures shall provide for medical examination of any agency staff or resident suspected of having a communicable disease.

H. Written procedures shall address the management of serious and infectious diseases for residents and agency staff.

I. When a urine surveillance program is in effect, written procedures shall govern collection of samples and interpretation of results.

J. Written procedures shall govern the possession and control of prescribed medications and over-the-counter drugs.

VA.R. Doc. No. R00-239; Filed July 26, 2000, 10:49 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

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| <p>REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.</p> |
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Title of Regulation: Regulations for the Control and Abatement of Air Pollution (Rev. E00).

9 VAC 5-40-10 et seq. Emission Standards for Petroleum Liquid Storage and Transfer Operations (amending 9 VAC 5-40-5200).

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

Effective Date: October 1, 2000.

Summary:

The amendment deletes Smith County from the list of localities outside the volatile organic compound emissions control area.

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

9 VAC 5-40-5200. Applicability and designation of affected facility.

A. Except as provided in subsection C of this section, the affected facility to which the provisions of this article apply is each operation involving the storage or transfer of petroleum liquids or both.

B. The provisions of this article apply to sources of volatile organic compounds in volatile organic compound emissions control areas designated in 9 VAC 5-20-206. The provisions of this article shall apply in localities outside the volatile organic compound emissions control areas according to the following schedule of effective dates:

1. On January 1, 1993, for facilities subject to the emission standards in 9 VAC 5-40-5220 A, B, and C and associated tank trucks that load at these facilities.
2. On January 1, 1996, for facilities subject to the emission standard in 9 VAC 5-40-5220 D and associated account trucks that load or unload at these facilities.
3. On January 1, 1999, for facilities subject to the emission standard in 9 VAC 5-40-5220 E.

For the purposes of this subsection, the term "localities outside the volatile organic compound emissions control areas" means the following localities: Charles City County, James City County, Roanoke County, ~~Smith County~~, York

County, Poquoson City, Roanoke City, Salem City and Williamsburg City.

C. The provisions of this article do not apply to affected facilities using petroleum liquids with a vapor pressure less than 1.5 pounds per square inch absolute under actual storage conditions or, in the case of loading or processing, under actual loading or processing conditions. (Kerosene and fuel oil used for household heating have vapor pressures of less than 1.5 pounds per square inch absolute under actual storage conditions; therefore, kerosene and fuel oil are not subject to the provisions of this article when used or stored at ambient temperatures).

D. The burden of proof of eligibility for exemption from this article is on the owner. Owners seeking such an exemption shall maintain adequate records of average monthly throughput and furnish these records to the board upon request.

VA.R. Doc. No. R00-232; Filed July 24, 2000, 4:11 p.m.



TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **13 VAC 5-111-10 et seq. Enterprise Zone Program Regulation (amending 13 VAC 5-111-300 and 13 VAC 5-111-310).**

Statutory Authority: § 59.1-278 of the Code of Virginia.

Effective Date: September 14, 2000.

Summary:

The amendments add up to one noncontiguous area for each participating locality in a joint enterprise zone and increase the number of enterprise zones from 55 to 60. The five newly allowed enterprise zones designated on or after July 1, 2000, would have to be located in localities that had an annual unemployment rate for the most recent calendar year that was 50% higher than the state's annual employment rate for the same calendar year. The amendments are identical to those changes made by the 2000 Session of the General Assembly in Senate Bills 281 and 374.

Agency Contact: Copies of the regulation may be obtained from Nicole Thompson, Department of Housing and

Community Development, 501 North Second Street, Richmond, VA 23219, telephone (804) 371-7030.

13 VAC 5-111-300. Procedures for zone application and designation.

A. Up to ~~55~~ 60 enterprise zones may be designated by the Governor in accordance with the procedures and requirements set out in this section. Five of the areas designated as enterprise zones on or after July 1, 1999, shall be located in localities that (i) have annual average unemployment rates for the most recent calendar year that are 50% higher than the final statewide average unemployment rate for the most recent calendar year or (ii) are within planning districts that have annual average unemployment rates for the most recent calendar year that are at least 1.0% greater than the final annual statewide average for the most recent calendar year. *Five of the areas designated as enterprise zones on or after July 1, 2000, shall be located in localities that have annual average unemployment rates for the most recent calendar year that are 50% higher than the final statewide average unemployment rate for the most recent calendar year.* No area shall be designated as an enterprise zone pursuant to this subsection unless it also meets all the other eligibility criteria established pursuant to 13 VAC 5-111-290.

B. Applications for zone designation will be solicited by the department in accordance with the following procedures and requirements:

1. An application for zone designation must be submitted on Form EZ-I to the Director, Virginia Department of Housing and Community Development, The Jackson Center, 501 North Second Street, Richmond, Virginia 23219, on or before the submission date established by the department.

2. The local governing body must hold at least one public hearing on the application for zone designation prior to its submission to the department. Notification of the public hearing is to be in accordance with § 15.2-2204 of the Code of Virginia relating to advertising of public hearings. An actual copy of the advertisement must be included in the application as Attachment A.

3. In order to be considered in the competitive zone designation process an application from a jurisdiction must include all the requested information, be accompanied by a resolution of the local governing body and be signed by the chief administrator or the clerk to the town council or county board of supervisors where there is no chief administrator. The chief administrator or clerk, in signing the application, must certify that the local governing body held the public hearing required in subdivision 2 of this subsection.

4. As part of its application a locality may propose local incentives including but not limited to: (i) reduction of permit fees; (ii) reduction of user fees; (iii) special subclassifications and rates for business professional and occupational license tax; (iv) partial exemption from taxation of substantially rehabilitated real estate pursuant to § 58.1-3221 of the Code of Virginia; (v) infrastructure improvements; (vi) crime reduction measures; and (vii)

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adoption of a local enterprise zone development taxation program pursuant to §§ 58.1-3245.6 through 58.1-3245.11 of the Code of Virginia. When making an application jurisdictions may also make proposals for regulatory flexibility, including, but not limited to: (i) special zoning districts; (ii) permit process reform; (iii) exemptions from local ordinances; (iv) removal of regulatory barriers to affordable housing; and (v) other public incentives proposed. A jurisdiction may also create a local enterprise zone association to assist in the planning process and future management of the enterprise zone to assure that major decisions affecting the zone's future take into account the needs of both the public and private sector, including citizens of the involved zone communities.

5. The likely impact of proposed local incentives in offsetting identified barriers to private investment in the proposed zone, together with the projected impact of state tax incentives, will be factors in evaluating applications.

6. A locality may establish eligibility criteria for local incentives for business firms that are the less than, the same as, or more stringent than, the criteria for eligibility of grants or other benefits that the state provides.

7. Proposed local incentives may be provided by the local governing body itself or by an assigned agent such as a local redevelopment and housing authority, an industrial development authority, a private nonprofit entity or a private for-profit entity. In the case of a county which submits an application on behalf of an incorporated town, the county may designate the governing body of the town to serve as its assigned agent. In the case of a county ~~which~~ *that* submits an application for a zone encompassing unincorporated county areas as well as portions of one or more towns, the county may designate the governing body of the town to serve as its assigned agent.

C. Within 60 days following the application submission date, the department shall review and the director shall recommend to the Governor those applications that meet a minimum threshold standard as set by the department and are competitively determined to have the greatest potential for accomplishing the purposes of the program.

D. The department, in consultation with the Virginia Economic Development Partnership, may allow up to five enterprise zone designations to be utilized in an open submission process for significant economic development opportunities in areas that are otherwise qualified under provisions of these regulations and meet minimum threshold standards. The selection of these zones by the Governor shall be made upon recommendation and certification of consistency with the program regulations by the department.

E. The Governor shall designate, upon recommendation of the director, enterprise zones for a period of 20 years. The Governor's designation shall be final.

F. A local governing body whose application for zone designation is denied shall be notified and provided with the reasons for denial.

13 VAC 5-111-310. Procedures and requirements for joint applications.

A. Two or more adjacent jurisdictions submitting a joint application as provided for in 13 VAC 5-111-300 B must meet the requirements set out in this section.

B. Each jurisdiction comprising the proposed joint enterprise zone *may consist of the joint zone area and one additional noncontiguous zone area and* shall conform to the size guidelines for that type of jurisdiction outlined in 13 VAC 5-111-290 D.

C. The applicants must designate one jurisdiction to act as program administrator. The jurisdiction so designated shall be responsible for filing a survey of zone business conditions and annual reports as provided for in 13 VAC 5-111-380 and 13 VAC 5-111-390.

D. In order to submit a joint application, Form EZ-I must be completed and filed by the jurisdiction acting as program administrator in accordance with the procedures set forth in subdivisions B 1 through 4 of 13 VAC 5-111-300. In addition, a copy of Form EZ-I-JA must be completed by each of the other participating jurisdictions to certify that they are in agreement in filing the joint application. A copy of Form EZ-I-JA must be submitted to the department with Form EZ-I.

E. The applicants must meet all other requirements of these regulations pertaining to applicants. In the case of joint applications, all references to "applicant" and "local governing body" contained in the text of these regulations shall mean the governing body of each participating jurisdiction.

VA.R. Doc. No. R00-240; Filed July 26, 2000, 11:25 a.m.



TITLE 20. PUBLIC UTILITIES AND COMMUNICATIONS

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 list that is referenced as Appendix A in the following order is not being published. However, the list is available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or it may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-320-10 et seq. Regulations Governing Transfer of Transmission Assets to Regional Transmission Entities.

Statutory Authority: §§ 12.1-13 and 56-579 of the Code of Virginia.

Effective Date: July 19, 2000.

Summary:

Sections 56-577 and 56-579 of the Virginia Electric Utility Restructuring Act ("the Act"), Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia, require Virginia's incumbent electric utilities to (i) join or establish regional transmission entities ("RTE") by January 1, 2001, and (ii) seek authorization from the State Corporation Commission ("Commission") to transfer management and control of their transmission assets to such RTEs.

These regulations establish elements of RTE structures essential to the public interest. These elements will be applied by the commission in determining whether to authorize transfer of management and control of incumbent utilities' transmission assets to RTEs. In addition, the regulations prescribe the terms and conditions under which incumbent electric utilities owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, may transfer all or part of such control, ownership or responsibility to an RTE.

These regulations, therefore, apply to any incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth that is obligated to join or establish an RTE, or which is seeking to transfer to any person any ownership or control of, or any responsibility to operate, any portion of any transmission system located in the Commonwealth. Essential elements of RTEs are established in these regulations, along with filing requirements for incumbent electric utilities required to join or establish RTEs. Additionally, the regulations establish schedules applicable to such filings.

Agency Contact: Cody Walker, Deputy Director, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, 1300 E. Main Street, Richmond, VA 23218, telephone (804) 371-9611. There is a copy charge of \$1.00 for the first two pages and 50¢ for each additional page.

AT RICHMOND, JULY 19, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE990349

Ex Parte: In the matter concerning participation of incumbent electric utilities in regional transmission entities

FINAL ORDER

This Order promulgates regulations governing incumbent electric utilities' transfer of the ownership or control of transmission assets, or entitlements thereto, to regional transmission entities ("RTEs"). Sections 56-577 and 56-579 of the Virginia Electric Utility Restructuring Act ("the Act"),

Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia, require Virginia's incumbent electric utilities to (i) join or establish RTEs by January 1, 2001, and (ii) seek authorization from the State Corporation Commission ("Commission") to transfer their transmission assets to such RTEs.¹

The Commission is directed by § 56-579 B of the Code of Virginia to adopt rules and regulations, with appropriate public input, establishing elements of RTE structures essential to the public interest. These elements are to be applied by the Commission in determining whether to authorize the transfer of control of incumbent utilities' transmission assets to RTEs. The Commission is also directed by § 56-579 A 2 to develop rules and regulations under which incumbent electric utilities owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, may transfer all or part of such control, ownership, or responsibility to an RTE upon certain terms and conditions that the Commission determines will comply with § 56-579 A 2 of the Act.

On May 26, 1999, the Commission entered an order establishing an investigation and inviting comments by stakeholders and interested parties concerning the requirements of §§ 56-577 and 56-579 of the Act described above. The Commission initiated that proceeding to assist it in developing appropriate policies, rules and regulations applicable to the utilities' obligations under these provisions of the Act. The Commission sought comment on such specific RTE issues as governance, geographic scope and market access, pricing, relationships between RTE service and bundled retail service, and how to measure the success of RTE development relative to the development of retail electric competition—the final matter concerning which the Commission must report to the Virginia General Assembly on or after January 1, 2002.

The Commission received extensive responses to its May 26, 1999, Order from incumbent electric utilities, industrial customers, energy marketers, independent power producers, and others furnishing their views concerning desirable RTE structures and the role of the Commission in carrying out the legislative directives in §§ 56-577 and 56-579 of the Act. The information received in the parties' initial and reply comments was very helpful to the Commission in developing proposed regulations in this docket.

On January 11, 2000, the Commission issued an order inviting interested persons to file comments on or request a hearing concerning proposed regulations attached to that

¹ Specifically, § 56-577 A states in pertinent part that: "[O]n or before January 1, 2001, each incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity shall join or establish a regional transmission entity, which entity may be an independent system operator, to which such utility shall transfer the management and control of its transmission system, subject to the provisions of § 56-579. Furthermore, § 56-579 A 1 provides in pertinent part that "[N]o such incumbent electric utility shall transfer to any person any ownership or control of, or any responsibility to operate, any portion of any transmission system located in the Commonwealth without obtaining the prior approval of the Commission, as hereinafter provided."

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Order. Comments and requests for hearing were to be filed on or before February 11, 2000. Virginia Electric and Power Company ("Virginia Power"); AEP-Virginia ("AEP"); the Potomac Edison Company, d/b/a Allegheny Power ("Allegheny"); the Office of the Attorney General's Division of Consumer Counsel ("Consumer Counsel"); Chaparral (Virginia), Inc. ("Chaparral"); thirteen jurisdictional electric cooperatives, Old Dominion Electric Cooperative, and the Virginia Maryland & Delaware Association of Electric Cooperatives (filing jointly) ("the Cooperatives"); the Federal Trade Commission's Bureau of Economics; Kentucky Utilities Company, d/b/a Old Dominion Power Company ("Kentucky Utilities"); the Virginia Committee for Fair Utility Rates and the Old Dominion Committee for Fair Utility Rates (filing jointly) ("the Committee"); and Dynegy Marketing and Trade ("Dynegy") filed comments. No party requested a hearing.

In its review of the comments, the Commission noted that some of those commenting, including AEP, Virginia Power, and Kentucky Utilities, maintained that many of the proposed regulations' requirements may be preempted by federal law. Some such parties also suggested that the underlying grant of authority by the General Assembly to the Commission under §§ 56-577 and 56-579 of the Act may be preempted under federal law, or that the Commission had exceeded its authority under these provisions.

In response to those commenters suggesting that §§ 56-577 and 56-579 of the Act or the regulations promulgated thereunder are preempted by federal law, the Commission, by Order dated March 16, 2000 ("March 16 Order"), requested all parties who had filed comments in response to the Commission's January 11, 2000, Order to file briefs addressing the preemption issue. In particular, parties asserting federal preemption of the Commission's rulemaking authority were requested to provide the legal authority supporting their positions. They were also asked to address eight issues regarding the proposed rules, the Commission's authority under the Act, and whether federal law provided the Federal Regulatory Commission ("FERC") with exclusive authority over ownership, control, acquisition or construction of transmission assets. These parties were also requested to brief whether any provision of the Federal Power Act, regulations implementing such act, or case law interpreting either, imposes an unconditional obligation on the Commission to approve, or to refrain from reviewing or conditioning, incumbent electric utilities' proposed transfer of the management, control or ownership of transmission assets to a FERC-approved Regional Transmission Organization ("RTO").²

Moreover, such parties were requested to describe, in light of any such asserted preemption, the Commission's permissible role under the Virginia Electric Utility Restructuring Act, with respect to incumbent electric utilities' transfer of transmission assets to RTEs.

² "RTO" is the FERC's preferred nomenclature for the regional transmission organization known under Virginia's Restructuring Act as an "RTE."

Finally, on June 15, 2000, the Commission entered a further Order for Additional Notice, directing that additional notice of this proceeding be published in newspapers of circulation throughout the state on or before June 22, 2000. Such Order permitted interested parties who had neither noted an appearance in this proceeding or been included on the service list of the January 11, 2000, Order Prescribing Notice and Inviting Comments to file comments with the Clerk of the Commission by July 5, 2000. No further comments were received in response to this Order.

NOW UPON CONSIDERATION of the pleadings, comments, and briefs filed herein, we find that we should adopt the attached rules applicable to the implementation of §§ 56-577 and 56-579 of the Act, effective as of the date of this Order. A complete set of these rules is appended to this Order as Attachment A. We have carefully considered the pleadings, comments, and briefs of the parties in response to our Orders of May 26, 1999, January 11, 2000, and March 16, 2000. The analysis of these comments has been vital in crafting the rules hereby promulgated in this Order. While we will not review each rule in detail, we will comment briefly on several of them, and on the preemption issue as well.

First, we note the filing schedule established in 20 VAC 5-320-120. The date by which incumbent electric utilities must file their application with the Commission to obtain authorization to transfer transmission assets to an RTE has been established in the regulation as October 16, 2000. As Allegheny notes in its February 10, 2000, comments concerning the proposed rules, October 15, 2000, is the filing date established by the FERC in its Order No. 2000³ for certain transmission-owning utilities to file with FERC information concerning their plans to join an RTO by January 1, 2001.⁴ We believe that synchronizing the Commission's date for filing (October 16) with that established by FERC (October 15) will be helpful to Virginia's incumbent utilities for planning purpose, and we have revised this rule accordingly.

We have also responded to several parties' requests for some flexibility in 20 VAC 5-320-100's filing requirements. The underlying rationale for this request is that certain information required under this rule will only become available as and when RTEs approach, and ultimately achieve, operational status. We have accommodated that concern in this rule by allowing utilities to advise us in their application when certain information called for is not yet available. However, the utility applicant must explain why the information is not available, describe steps taken to develop

³ *Regional Transmission Organizations*, Order No. 2000, 65 Fed. Reg. 809 (Jan. 6, 2000), FERC Statutes and Regulations, Regulations Preambles ¶ 31,089 ("Order No. 2000"), order on reh'g, Order No. 2000-A, 90 FERC ¶ 61,201 (Feb. 25, 2000).

⁴ Additionally, it should be noted that FERC Order No. 2000 establishes a separate January 15, 2001, filing date for those utilities who are members of an RTO that the FERC has found in compliance with FERC Order 888's Independent System Operator ("ISO") principles.

the information, and provide an estimate of the time within which it will be available.

With respect to the question of potential preemption raised by Virginia Power, AEP and Kentucky Utilities, we believed it important to provide an opportunity for the parties appearing in this matter to address this issue specifically and directly. Accordingly, in our March 16 Order, we directed the parties to brief eight issues concerning potential preemption. Briefs concerning the preemption issue were filed by Virginia Power, AEP, Allegheny, Consumer Counsel, Chaparral, the Cooperatives, the Committee, and Dynegy.

The parties who contend that the proposed regulations are preempted by federal law, *i.e.*, Virginia Power, AEP, Allegheny, and Kentucky Utilities,⁵ generally asserted that the proposed regulations, or the authority granted the Commission under the Act, is or may be preempted by federal law, depending on how the Commission "interprets" the proposed regulations or on the manner in which the Commission applies its authority under the statute or the regulations. We note that the incumbent utilities do not assert that the proposed rules are expressly preempted, but instead contend that the proposed rules or the Commission's actions pursuant to the rules are preempted on an implied basis.

It is well settled that federal preemption may occur in three principal ways.⁶ First, preemption may occur when federal legislation reveals an express congressional intent to preempt state law. Second, in the absence of express preemptive language, federal legislation may manifest an intent to occupy an entire field of regulation, to the exclusion of state regulation ("field preemption"). Finally, preemption may occur when compliance with both the federal and state laws is a physical impossibility, or when the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress ("conflict preemption").

Although the incumbent utilities do not always differentiate these types of implied preemption in their arguments, in the main their contention appears to be that the proposed rules are preempted on the basis of both field preemption and conflict preemption. First, the incumbent utilities contend that because FERC has exclusive jurisdiction over the transmission of electric energy in interstate commerce, FERC fully occupies the field of transmission regulation to the exclusion of states' review of a utility's decision to join an RTE or of any part of the transactions necessary for the utility to participate in the RTE, *i.e.*, field preemption. Second, the incumbent utilities contend that the Commission may not promulgate regulations concerning the transfer of the ownership or control of transmission assets to an RTE if such

regulations are inconsistent with, or more extensive than, FERC's requirements, because such requirements (i) could put utilities in the position of having to comply with conflicting state and federal requirements, and (ii) by restricting or precluding the transfer of transmission facilities to an RTE, could create an obstacle to the accomplishment and execution of FERC's objectives (*i.e.*, conflict preemption).

Dynegy, the Consumer Counsel, the Committee, and the Cooperatives contend that neither the Act, the authority granted to the Commission under § 56-579 A 1, the regulations promulgated under § 56-579 A 2, nor the Commission's exercise of authority pursuant to the Act is preempted by federal law. Dynegy observes that becoming embroiled in a "jurisdictional analysis paralysis" could inhibit or undermine the process of developing RTEs.⁷ The Consumer Counsel states that it believes that "the authority granted to the Commission under Va. Code Ann. § 56-579 is not preempted by federal law,"⁸ and observes that FERC has given no indication that the Commission is precluded from acting pursuant to Virginia law.

Additionally, the Committee commented on the federal-state relationship concerning RTOs described in FERC's Order No. 2000.⁹ As noted in the Committee's brief, this FERC order acknowledges the important role states play in RTO matters. The Order specifically notes that "most states must approve a utility joining an RTO, and several states have required their utilities to turn over their transmission facilities to an independent transmission operator."¹⁰ The Committee further emphasizes that FERC Order 2000 thus acknowledges such requirements as exist in Virginia under the Utility Transfers Act and under the Restructuring Act — prior approval for joining an RTO and the requirement that utilities turn over transmission facilities to an independent transmission operator — and FERC accepts these as an integral part of the RTO process.¹¹

We have reviewed and analyzed the arguments of the parties at length, and we conclude that the proposed regulations, the Commission's potential exercise of authority pursuant to the regulations, the General Assembly's grant of authority to the Commission, and the portions of the Act pertaining to RTEs are not preempted by federal law.

Accordingly, IT IS ORDERED THAT:

- (1) We hereby adopt the Regulations Governing Transfer of Transmission Assets to Regional Transmission Entities, appended hereto as Attachment A.
- (2) The February 14, 2000, motion of Kentucky Utilities to file comments one day out of time concerning these

⁵ These parties will be collectively referred to as the "incumbent utilities." Kentucky Utilities did not file a brief in response to the March 16 Order. However, in its earlier comments filed in response to our January 11, 2000, Order requesting comments on the regulations proposed in this docket, Kentucky Utilities commented on the preemption issue.

⁶ See *q.g.*, *Louisiana Public Service Comm'n v. Federal Communications Commission*, 476 U.S. 355, 368-69 (1986).

⁷ Dynegy April 5, 2000, Brief at 1.

⁸ Consumer Counsel April 5, 2000, Brief at 2.

⁹ *Supra* in note 2.

¹⁰ Committee April 5, 2000, Brief at 7.

¹¹ *Id.*

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rules is granted, and their comments are hereby accepted for filing.

(3) The June 30, 1999, motion for leave to file comments and the April 6, 2000, motion of the Cooperatives to file one day out of time their June 30, 1999, comments, and their subsequent brief concerning the preemption issue are granted, and such comments and brief are hereby accepted for filing out of time.

(4) A copy of this Order and the rules adopted herein shall be forwarded promptly for publication in the Virginia Register of Regulations.

ATTESTED COPIES of this Order shall be sent by the Clerk of the Commission to: Edward L. Petrini, Esquire, and Cliona Mary Robb, Esquire, Christian & Barton, 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Anthony Gambardella, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Pamela Johnson, Esquire, and Michael C. Regulinski, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; John A. Pirko, Esquire, and Robert A. Omberg, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Thomas B. Nicholson, Esquire, Williams, Mullen, Clark & Dobbins, P.C., Two James Center, 1021 East Cary Street, P.O. Box 1320, Richmond, Virginia 23218-1320; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Michael Kaufmann, Esquire, and Christopher C. O'Hara, Esquire, Brickfield Burchette & Ritts, 1025 Thomas Jefferson Street, N.W., 8th Floor, West Tower, Washington, D.C. 20007; Ronald L. Willhite, Esquire, and Michael S. Beer, Esquire, Kentucky Utilities Company, P.O. Box 32030, Louisville, Kentucky 40232; Marleen Brooks, Esquire, Allegheny Power, Legal Department, 10435 Downsville Pike, Hagerstown, Maryland 21740-1766; George O'Nale, Route 2, Box 1293, New Castle, Virginia 24127; Jeffrey M. Gleason, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia 22902; Julie Simon, Electric Power Supply Association, 1401 H Street, N.W., Suite 760, Washington, D.C. 20005; Howard H. Shafferman, Esquire, 601 13th Street, N.W., Suite 1000 South, Washington, D.C. 20005-3807; Allen C. Barringer, Esquire, Potomac Electric Power Company, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20068-0001; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Kenneth G. Hurwitz, Esquire, Venable, Baetjer, Howard & Civiletti, LLP, 1201 New York Avenue, N.W., 11th Floor, Washington, D.C. 20005; Wendy N. Reed, Esquire, PJM Interconnection, LLC, 1200 G Street, N.W., Suite 600, Washington, D.C. 20005-3802; Kenneth J. Labach, Esquire, 601 13th Street, N.W., Suite 1000 South, Washington, D.C. 20005-3807; Patricia A. Collins, Esquire, National Energy Marketers, P.O. Box 1320, Richmond, Virginia; Stephen H. Watts, II, Esquire, McGuire, Woods, Battle & Boothe, L.L.P., One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; J. Mack Wathen, Delmarva Power & Light Company, P.O. Box 231, Wilmington, D.C. 19899; Samantha M. Slater, Electric Power Supply Association, 1401 H Street, N.W., Suite 760,

Washington, D.C. 20005; Michael S. Wroblewski, Esquire, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580; Douglas M. Brooks, Esquire, Kentucky Utilities Company, P.O. Box 32010, Louisville, Kentucky 40232; and to the Commission's Divisions of Public Utility Accounting, Energy Regulation, Economics and Finance, and Office of General Counsel.

CHAPTER 320.
REGULATIONS GOVERNING TRANSFER OF
TRANSMISSION ASSETS TO REGIONAL TRANSMISSION
ENTITIES.

20 VAC 5-320-10. Applicability and scope.

These regulations are promulgated pursuant to the provisions of the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia), and they apply to any incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth. Sections 56-577 and 56-579 of the Act require Virginia's incumbent electric utilities to (i) join or establish regional transmission entities (RTEs) by January 1, 2001, and (ii) seek the commission's authorization to transfer their transmission assets to such RTEs.

Specifically, § 56-577 of the Code of Virginia requires that on or before January 1, 2001, incumbent electric utilities owning, operating, controlling, or having entitlement to transmission capacity join or establish RTEs. The utilities are required to transfer the management and control of their transmission systems to the RTEs, subject to the provisions of § 56-579 of the Code of Virginia.

Additionally, § 56-579 provides that no incumbent electric utility shall transfer to any person any ownership, control, or operation of any portion of any transmission system within the Commonwealth without obtaining the commission's prior approval.

Finally, certain transfers of utility assets are subject to the Utilities Transfers Act (§ 56-88 et seq. of the Code of Virginia).

In short, incumbent electric utilities [~~who~~ that] own, operate, control or have entitlement to transmission capacity are subject to three provisions: (i) the obligation to join or establish an RTE, (ii) the obligation to obtain commission approval before transferring ownership, control or operation to an RTE, and (iii) obligations imposed by the Utilities Transfers Act. Although these provisions are distinct, they overlap.

In the interest of administrative efficiency, the commission will utilize a single proceeding in which the utility seeks approval for a proposed transfer under § 56-579 of the Code of Virginia and under the Utilities Transfers Act. In that proceeding, the commission will determine whether (i) the RTE to which the applicant proposes to transfer [~~transmission~~ any] ownership [; or] control [of,] or [any] responsibility to operate [, any portion of its transmission system] satisfies the legislative criteria set forth in § 56-579 of the Code of Virginia, and (ii) the transfer otherwise satisfies [the provisions of] § 56-579 and the Utilities Transfers Act.

Accordingly, these regulations establish:

1. The elements of regional transmission entity structures essential to the public interest, to be applied by the commission in determining whether to authorize transfer of ownership or control from an incumbent electric utility to a regional transmission entity, all as required by § 56-579 of the Code of Virginia;

2. Filing requirements for entities [that (i) are] required to comply with the mandate of § 56-577 of the Code of Virginia that certain entities join or establish regional transmission entities, and [~~seeking~~ (ii) seek] the commission's permission to transfer control, ownership [,] or responsibility of or for transmission to a regional transmission entity pursuant to § 56-579 of the Code of Virginia and the Utilities Transfers Act; and

3. A schedule for such filings by the entities having obligations under § 56-577 of the Code of Virginia.

20 VAC 5-320-20. Definitions.

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

"Act" means the Virginia Electric Utility Restructuring Act.

"Commission" or "SCC" means the State Corporation Commission.

"FERC" means the Federal Energy Regulatory Commission.

"Incumbent electric utility" shall have the same meaning as set forth in § 56-576 of the Code of Virginia.

"Rate pancaking" means the practice of (i) requiring a transmission customer to pay a separate access charge each time the contract path associated with the customer's transaction crosses the boundary of another transmission owner, so as to count more than once the quantity transmitted or (ii) otherwise counting the quantity transmitted more than once in the calculation of the transmission customer's charges for transmission services, ancillary services [,] or both.

"Regional transmission entities" or "RTEs" means any individual, corporation, [cooperative,] municipality, partnership, association, company, business, trust, joint venture, or other private legal entity that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"Transmission assets" means [~~these~~ the] facilities and equipment owned, operated, or controlled by incumbent electric utilities, [and] required for the transmission of electric energy. The term also includes facilities and equipment for the transmission of electric energy when incumbent electric utilities have entitlement to the transmission capacity thereof.

20 VAC 5-320-30. Elements of an appropriate regional transmission entity; general categories.

A. Section 56-579 of the Code of Virginia requires that RTEs (i) promote practices for the reliable planning, operating, maintaining, and upgrading of the transmission

systems and any necessary additions thereto, and (ii) be consistent with meeting the transmission needs of electric generation suppliers both within and without this Commonwealth.

B. Accordingly, RTEs to which any incumbent electric utility proposes to transfer its transmission assets shall satisfy commission requirements in the following five essential categories before any such transfer will be approved: (i) reliability practices, (ii) pricing and access policies, (iii) independent governance, (iv) consistency with FERC policy, and [~~(iv)~~ (v)] fair compensation to the transferor.

20 VAC 5-320-40. [Planning and] reliability [policies and] practices.

RTE [planning and] reliability [policies and] practices shall, at a minimum:

1. Maintain short-term system reliability on an ongoing basis;

2. Identify [and facilitate the addition of] system enhancements needed to maintain reliability over the long term [~~and to facilitate the addition of needed improvements~~ to promote efficient use of the grid, and to promote the efficient development of competition in the sale of electric energy];

3. [~~Assure~~ Provide assurance] that [~~the RTE has the authority to construct or to compel the construction of~~] needed transmission facilities [are constructed in a timely fashion, including facilities for the interconnection of generating facilities, subject to required regulatory approvals];

4. [~~Assure~~ Provide assurance] that [~~reasonably priced~~ connected generation facilities will provide] ancillary services necessary for reliable service [~~are available on an open-access basis~~ as a condition of transmission service from the RTE];

5. Serve as an information resource to reliability councils or committees, potential market entrants, consumers, the FERC [,] and state regulatory commissions;

6. Promote the construction of properly located generation facilities when such facilities represent optimal solutions for maintaining reliability [and enhancing competitive markets];

7. Provide for appropriate interconnection of new [or expanded] generating facilities [, including the timely performance of necessary interconnection or facilities studies in cooperation with utilities].

20 VAC 5-320-50. [Interconnection,] pricing [,] and access [policies and] practices.

A. RTEs shall promote policies [and practices for the interconnection of generating facilities and] for the pricing and access for [transmission] service [~~over such systems which~~ that] are safe, reliable, efficient, not unduly discriminatory [,] and consistent with the orderly development of competition in the Commonwealth [,] as required in § 56-579 of the Code of Virginia.

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B. Accordingly, such [interconnection,] pricing [,] and access policies [~~must shall~~], at a minimum:

1. Provide for efficiently priced transmission access to competing generating resources over as broad a region as possible;
2. Use transmission rates that do not discourage economic transactions, and do not encourage uneconomic transactions;
3. Be adaptable for purchasers of electricity at wholesale or at retail;
4. Provide for the efficient relief of transmission congestion through the redispatch, by direct orders or by coordination with customers and generators, of competitively priced generation on an economically efficient basis;
5. Provide for the efficient pricing of transmission transactions between different regional transmission organizations;
6. Ensure that [all (i)] [~~transmission~~ transmission-related] decisions, including [interconnection] pricing, access, [and] planning [, are made] and [(ii)] operational [~~decisions, procedures~~] are [~~made transparently~~] developed openly with appropriate stakeholder input and will not harm the development of competitive markets];
7. Provide for effective market monitoring, including serving as a resource to assist the FERC and state regulatory commissions in the identification [of existing market power] and resolution of market power abuses; [and]
8. [~~Create~~ Promote] an environment [~~which that~~] facilitates the development of an efficient generation market [- and]
9. Promote the construction of transmission facilities to enhance competitive markets within the boundaries of the RTE.]

20 VAC 5-320-60. Independent governance.

A. Section 56-579 of the Act requires RTE policies that are not unduly discriminatory and that are consistent with the orderly development of competition in the Commonwealth.

B. Accordingly, RTEs shall:

1. Be governed [~~independently independent~~] of [~~all generation and other~~] competitive interests;
2. Allow their decision-makers full discretion [and appropriate incentives] to achieve all the policies of this chapter; and
3. Provide [~~to such decision-makers~~] for advisory boards with equitable stakeholder representation.
 - a. ~~Strong, unimpeded incentives to exercise such discretion; and~~
 - b. ~~No incentives to act inconsistently with the development of such competition.]~~

20 VAC 5-320-70. Consistency with FERC policy.

Every transfer of transmission assets by an incumbent electric [utility] to an RTE pursuant to this regulation shall be consistent with [~~the all~~] lawful requirements of the [~~Federal Energy Regulatory Commission (~~ FERC [~~)~~] as required by the provisions of § 56-579 of the Code of Virginia. [~~Accordingly, such transfers shall conform to:~~

1. ~~Any final rules issued by FERC, including FERC Orders 888¹, 889, 889-A, 889-B² and 2000³; and~~
2. ~~Any orders issued by FERC in the area of transmission rates and regional transmission arrangements.]~~

20 VAC 5-320-80. Fair compensation to transferor.

The RTE's method for acquiring control of transmission rights or assets transferred by an SCC-jurisdictional entity shall [~~include terms that~~] fairly compensate the transferor as specified in § 56-579 of the Code of Virginia. [~~Such policies shall, at a minimum:~~

1. ~~Provide for a revenue stream sufficient to provide an adequate return on investment and recovery of reasonable operating expenses; or~~
2. ~~Provide for a purchase price that reflects an appropriate value for the sale of any transmission assets.]~~

20 VAC 5-320-90. Filing requirements; generally.

Each incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, [~~intending proposing~~] to transfer all or part of the control, ownership or responsibility for such transmission capacity to an RTE, shall file an application with the commission. The application shall be prepared and submitted [~~in two principal parts~~] as follows]:

1. Part I [, to be filed if an applicant proposes to transfer to an RTE only the management or control of, or responsibility for, such transmission capacity,] shall consist of prefiled testimony and supporting exhibits or schedules necessary to demonstrate that the RTE to which the applicant proposes to [~~make such~~] transfer [such management, control, or responsibility] satisfies

¹ ~~Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 61 FR 21,540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996) (Order No. 888), order on reh'g, Order No. 888-A, 62 FR 12,274 (March 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997) (Order No. 888-A), order on reh'g, Order No. 888-B, 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888-C, 82 FERC ¶ 61,046 (1998), appeal docketed, Transmission Access Policy Study Group, et al. v. FERC, Nos. 97-1745 et al. (D.C. Cir.).~~

² ~~Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), order on reh'g, Order No. 889-A, 62 FR 12,484 (March 14, 1997), FERC Stats. & Regs. ¶ 31,049 (1997), order on reh'g, Order No. 889-B, 81 FERC ¶ 61,253 (1997).~~

³ ~~Regional Transmission Organizations, Order No. 2000, 65 FR 810 (Dec. _____, 2000), FERC Stats. & Regs. ¶ _____ (2,000), reh'g pending.~~

the elements set forth in this chapter [and all applicable statutory requirements].

2. Part II [, to be filed in addition to Part I if an applicant also proposes to transfer ownership of such capacity to an RTE,] shall consist of prefiled testimony and supporting exhibits or schedules necessary to demonstrate that the transfer of [such] transmission ownership [, control or responsibility is consistent with to the RTE satisfies the elements set forth in this chapter and] all applicable statutory requirements.

20 VAC 5-320-100. Contents of incumbent [electric] utility filing, Part I.

Part I of the [utility] filing required pursuant to 20 VAC 5-320-90 shall include [, at a minimum,] the following [(if such information is not available as of the date of the filing, the application shall contain a detailed explanation as to why such information is not available, the efforts under way to develop such information, and an estimate of the time within which it will be available)]:

1. Copies of [~~all agreements entered into or each agreement entered into between the RTE and member transmission owner. Copies of each draft agreement proposed~~] to be entered into by [and among] the RTE [, ~~transmission owners, transmission users and other entities~~ and any member transmission owner].

2. A description of the [proposed] business structure of the RTE (e.g., public service corporation, limited liability company). Copies of the RTE's articles of incorporation, articles of organizations [,] or similar documentation shall be provided in conjunction with this description.

3. A detailed description of the RTE's governance, including but not limited to [,] explanations of the selection process for the RTE's board of directors and officers, codes of conduct, transmission owner rights and voting conditions.

4. A detailed description of the specific planning, operational, maintenance [,] and other responsibilities that will be within the province of the RTE, and those that will remain within the province of the transmission owners. Such description should specify authorities and powers granted to the RTE. The list of responsibilities [to be] addressed [~~should include, but not be limited to~~ shall include the following]:

- a. Construction of facilities;
- b. Dispatch and redispatch of generation;
- c. Maintenance of facilities;
- d. Decision to order line loading relief;
- e. Filing of initial tariffs at FERC;
- f. Filing of changes to tariffs at FERC;
- g. Acquisition of ownership or control of transmission facilities from transmission-owning members of the RTE;

h. Acquisition of ownership or control of transmission facilities from entities [~~other than transmission-owning~~ who are prospective] members of the RTE;

i. Admission of new members;

j. Establishment of [fees budget];

[~~k. Establishment of budget;~~]

[~~l. k.~~] Hiring of staff leadership;

[~~m. l.~~] Planning activities for interconnecting new generating facilities;

[~~n. m.~~] Planning activities for transmission facilities controlled by the RTE;

[~~o. n.~~] Planning activities for transmission facilities not controlled by the RTE or distribution facilities to be interconnected with the RTE;

[~~p. o.~~] Open access transmission tariff ([~~ATF~~ OATT) administration;

[~~q. p.~~] Transmission transaction scheduling;

[~~r. q.~~] Provision of energy imbalance services;

[~~s. r.~~] Procurement and provision of ancillary services;

[~~t. s.~~] Market monitoring activities;

[~~u. t.~~] Control area or security coordination responsibilities;

[~~v. u.~~] Calculation and posting of available transmission capacity [(ATC)];

[~~w. v.~~] Dissemination of reliability-related information and coordination with reliability councils or organizations; and

[~~x. w.~~] Coordination with generators and policies for interconnecting new generators.

5. A detailed description of [(i)] each type of transmission-related decision [~~over which a the~~] transmission owner will [~~retain discretion, and the criteria which the transmission owner is free to apply to such discretion~~ continue to make after the transfer of the management and control of its transmission assets, or the responsibility to operate such assets to an RTE and (ii) the role, if any, that the RTE will play in the decision-making process].

6. A detailed description of the plans for [~~selecting the Board of Directors for hiring and training the employees of~~] the RTE.

[~~7. A detailed description of the plans for hiring and training the employees of the RTE.~~]

8. 7.] A description of the transmission rate or rates that will be collected by the RTE, including:

- a. The type of rates to be charged (e.g., zonal rates, grid-wide rates);

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b. Provisions for transitioning to a particular type of rate or for modifying existing rates;

c. A statement indicating whether there will be any rate pancaking for transactions within the RTE and, if so, the following information shall be furnished:

(1) A [~~precise~~ detailed] description of how [~~the rate~~] pancaking occurs, with realistic hypothetical examples,

(2) A detailed analysis of the economic effect of [~~the rate~~] pancaking on representative types of transactions affecting customers in Virginia,

(3) A statement of how long [~~the rate~~] pancaking will last,

(4) [~~An explanation of~~] The rationale for permitting [~~the rate~~] pancaking, and

(5) A discussion of any FERC precedent relevant to determining the lawfulness or appropriateness of such [rate] pancaking, including a description of all [~~commonalities~~ similarities] and differences between the facts addressed in the FERC precedent and the facts in the RTE agreement at issue;

d. A statement indicating whether there is any charge, other than rate pancaking [~~, which that~~] is intended to recover, or has the effect of recovering, from the transmission customer, revenues [~~which that~~] one or more transmission owners would no longer receive as a result of the elimination of pancaked rates, and, if so, the following information shall be furnished:

(1) A [~~precise~~ detailed] description of how such charge operates, with realistic hypothetical examples,

(2) A detailed analysis of the economic effect of such charge on representative types of transactions affecting customers in Virginia,

(3) A statement of how long such charge will last,

(4) An explanation of the rationale for permitting the charge, and

(5) A discussion of any FERC precedent relevant to determining the lawfulness or appropriateness of such charge, including a description of all [~~commonalities~~ similarities] and differences between the facts addressed in the FERC precedent and the facts in the RTE agreement at issue;

e. A schedule comparing and contrasting the RTE's [expected] transmission charges and resulting RTE revenues with embedded retail transmission charges for each of the utility's Virginia jurisdictional rate classes;

f. An explanation of any special [~~performance incentives~~] or innovative transmission rates or charges];

g. An explanation of the [expected] transmission pricing [provisions] applicable to transmission

transactions with other regional transmission organizations; and

h. An explanation of the transmission pricing applicable to wheel-in, wheel-out, drive-through, and drive-within transactions.

[~~9. 8.] A description of any complaint and dispute resolution procedure.~~

[~~40. 9.] A detailed description of the facilities that will be subject to the RTE's control and/or that will be transferred to the RTE. Such description shall specify (i) whether the basis for determining [~~which the~~] facilities [~~are~~] to be transferred is FERC's seven factor test set forth in FERC Order 888 [~~4~~ ¹] or some other method, (ii) how such test or method was applied, (iii) whether and how frequently such test will [be] reviewed and revisited, and (iv) who, as between the RTE and the owners, will require such review and any subsequent transfer made necessary by such review.~~

[~~44. 10.] A detailed discussion of generation markets or hubs within the RTE and within one wheel of the RTE. Such discussion shall:~~

a. Compare and contrast historical and expected average prices in these markets with embedded generation charges for each of the utility's Virginia jurisdictional rate classes; [~~and~~]

b. Describe how the proposed RTE will promote improved access to each of these markets; [~~and~~]

c. Describe the current and projected transmission capability between these markets and the utility.]

[~~42 11.] If an application to form an RTE already has been submitted to FERC, the filing shall include:~~

a. A copy of the application to the FERC (including applications made under § 203 and §§ 205 or 206 of the Federal Power Act [, ² and all amendments thereto]); and

b. Any pleadings and orders [~~issues~~ issued] in such FERC case;

[~~43. 12.] If the FERC has approved or conditionally approved the RTE, describe any conditions or requirements imposed on the RTE and the RTE's plans for satisfying such conditions.~~

[~~44. 13.] A detailed description of the RTE's experience in grid management. If the RTE is a new entity, describe~~

⁴-See *supra*, note 1.

¹ Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 61 FR 21,540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996) (Order No. 888), order on reh'g, Order No. 888-A, 62 FR 12,274 (March 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997) (Order No. 888-A), order on reh'g, Order No. 888-B, 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888-C, 82 FERC ¶ 61.046 (1999), aff'd., Transmission Access Policy Study Group, et al. v. FERC, 2000 WL 762706 C.D. Cir. (June 30, 2000).

² 16 USC §§ 824b, 824d and 824e.]

the qualifications and/or personnel requirements for [the] principal RTE employees who will be engaged in the management and operation of transmission facilities controlled by the RTE.

~~[15. A detailed statement of how the proposed RTE will comply with each of the elements set forth in this section.]~~

~~[14.]~~ A detailed explanation of why the particular RTE was selected ~~[instead of other existing or possible RTEs, including an assessment of how any such alternative RTEs satisfy the required RTE elements set forth in this chapter reasonably available to the applicant].~~ Such statements should include assessments of the financial and technical abilities of the proposed RTE as contrasted with [such] alternative RTEs. [Such technical assessment shall identify the current and projected transmission capability between the RTE and the utility for each RTE alternative.

15. A detailed description of the role and composition of the RTE's stakeholder advisory board or boards.]

20 VAC 5-320-110. Contents of incumbent [electric] utility filing, Part II.

Part II of the [utility] filing required pursuant to 20 VAC 5-320-90 shall include, at a minimum, the following:

1. A copy of the transaction agreement signed by an appropriate utility official.
2. A description of the proposed transfer and the terms and conditions of the transaction to include historical and current use of [the] property, proposed use of [the] property, original cost of the property, current net book cost of the property, proposed sales price of the property and the method of determining the price, and the proposed accounting treatment of the transaction as well as current recording on company's books of record.
3. Assurances that adequate service to the public at just and reasonable rates will not be impaired by the proposed transfer.
4. ~~[If an actual sale of the facility is proposed Other details of the sale, such as]:~~
 - a. A showing that the sales price was or will be determined at arms length;
 - b. A description of whether the purchase price is at book cost, market value [,] or some other measure;
 - c. A description of how the proceeds from the sale will be used;
 - d. A schedule of plant, book depreciation, and contributed property related to the assets to be transferred up to the current date;
 - e. An analysis of the anticipated impact of the transfer on the regulated company's rates and service, capital structure, and access to capital and financial markets, including copies of any pertinent published financial reports.

5. Discussion of favorable and unfavorable economic impacts on the Commonwealth of Virginia to include employee levels, facilities, and services provided.

6. Anticipated impact of the transfer on competition and market power.

20 VAC 5-320-120. Filing schedule.

Each incumbent electric utility required to obtain commission authorization for the transfer of its transmission assets to an RTE shall file the application required by 20 VAC 5-320-90 with the Clerk of the Commission not later than [~~May 4~~ October 16], 2000.

[20 VAC 5-320-130. Waivers.

Requests for waivers of any of the provisions of this chapter 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 deems appropriate in the public interest.]

VA.R. Doc. No. R00-90; Filed July 19, 2000, 9:30 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Suspension of Regulatory Process

Title of Regulation: **22 VAC 40-130-10 et seq. Minimum Standards for Licensed Child-Placing Agencies.**

The State Board of Social Services is suspending the regulatory process on 22 VAC 40-130-10 et seq. Minimum Standards for Licensed Child-Placing Agencies, which was published as a final regulation in 16:22 VA.R. 2745-2796 July 17, 2000. Due to the suspension, the amendments as published in the July 17th issue of the *Virginia Register* may not become effective on November 1, 2000.

This suspension is in response to letters from individuals requesting an opportunity to submit additional comments on the final amendments. Therefore, pursuant to § 9-6.14:7.1 K of the Code of Virginia, the board has suspended the regulatory process for 30 days. Additional public comments will be received until September 13, 2000.

Agency Contact: Public comments may be submitted until September 13, 2000, to Doris Jenkins, Child Welfare Licensing, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1773, e-mail dtj7@email1.dss.state.va.us.

VA.R. Doc. No. R98-221; Filed July 25, 2000, 4:03 p.m.

GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-SIX (00)

CREATION OF THE VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.1-51.36 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create a blue-ribbon commission, the Virginia Research and Technology Advisory Commission.

Preamble

Effective employment of emerging technologies has proven to be a crucial element in maintaining strong economic growth in this information age. A vibrant research base is essential in order to develop and encourage these new technologies. An environment conducive to rapid and successful commercialization of these new technologies is equally critical to economic success. Therefore, effective policies for attaining the maximum scientific, technological and economic benefit from our public and private investments in research and technology must be developed in concert by those that develop and expand scientific and technical knowledge and those that take that knowledge into the marketplace to create jobs and economic and quality of life benefits for our citizens. Representatives of these research and technology communities can provide valuable advice and assistance to public officials on numerous important policy and resource allocation issues that must be made in order to keep the Commonwealth at the forefront of global competition.

Duties of the Commission

The Commission is classified as a gubernatorial advisory commission, in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia, and shall advise the Governor on an appropriate research and technology strategy for the Commonwealth with emphasis on policy recommendations that will enhance the global competitive advantage of both research institutions and technology-based commercial endeavors within the Commonwealth.

The duties of the Commission shall be as follows:

- The Commission shall advise the Governor and the Secretaries of Education, Finance, Commerce and Trade, and Technology on appropriate procedures and guidelines for awarding grants from the Commonwealth Technology Research Fund. The Commission shall work within the framework established by Item 548, Chapter 1073, *2000 Acts of Assembly*.
- Employing staff resources provided herein, the Commission shall initiate such research and technology studies as it finds appropriate in order to properly advise the Governor on policy issues and may, at its option or upon the request of the Office of the Governor or a Cabinet Secretary, comment on studies on related topics directed by the General Assembly.
- The Commission shall devise, oversee, and participate in a broad program of advising the Executive Branch on

critical issues relating to the role of science, technology, research and development and technology commercialization in promoting the global competitiveness of the Commonwealth.

- The Commission shall conduct such advisory activities for the Executive Branch as it deems appropriate to foster closer linkages between and among the Commonwealth's research base (academic, federal and private) and technology-based industry.

Composition and Operation of the Commission:

The Commission shall be composed of no more than 33 members, appointed by the Governor and serving at his pleasure. The Commission shall include representation from institutions of higher education, the State Council on Higher Education, federal laboratories and research- and technology-intensive industries. The Secretaries of Commerce and Trade, Education and Technology shall also be members.

The Governor shall appoint co-chairs from the members. The co-chairs, in consultation with the Secretary of Technology, shall direct the work of the Commission.

Members of the Commission shall serve without compensation but shall receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Secretary of Technology.

Such staff support as is necessary for the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Department of Technology Planning, the Center for Innovative Technology, the State Council of Higher Education, and other such executive department agencies as the Governor may designate, which have purposes which are closely and definitely related to the purposes of the Commission. An estimated 2,000 hours of staff time will be required to support the work of the Commission.

Funding necessary to support the Commission's work shall be provided from the Center for Innovative Technology and other sources, including both private contributions and state funds appropriated for the purposes for which the Commission was established, as authorized by Section 2.1-51.37 of the *Code of Virginia*. Direct expenditures for the Commission's work are estimated to be \$30,000, exclusive of costs related to personnel.

Report of the Commission

The Commission shall complete its work and issue a final report to the Governor no later than June 30, 2001, unless the Governor shall direct otherwise and subject to issuance of an appropriate continuation order pursuant to Section 2.1-51.37 of the *Code of Virginia*. The Commission shall issue interim reports and make recommendations at such times as it deems appropriate, or upon the Governor's request. The Commission shall expire on July 1, 2001.

This Executive Order shall be effective upon its signing and shall remain in force and effect until July 1, 2001, unless amended or rescinded by further executive order.

Given under my hand and the seal of the Commonwealth of Virginia this 10th day of July, 2000.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R00-228; Filed July 17, 2000, 4:26 p.m.

EXECUTIVE ORDER NUMBER SIXTY-SEVEN (00)

COMMUNITY SERVICES EMPLOYMENT FOR OLDER AMERICANS

Executive Order 62 (99), *Transition to the Workforce Investment Act*, issued on November 22, 1999, and effective July 1, 2000, rescinds Executive Order 35 (94) *Job Training Partnership Act and Related Programs*, issued on October 28, 1994, to the extent the provisions of the latter are inconsistent with the provisions of the former.

Executive Order 35 (94) makes provision for administration of programs for older workers under Title V of the Older Americans Act to which Executive Order 62 (99) does not speak. On and after July 1, 2000, these programs should be administered by the Virginia Department for the Aging pursuant to the authority of Section 2.1-373 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby rescind those provisions of Executive Order 35 (94) appearing under the heading "Older Workers Program," effective July 1, 2000. On and after July 1, 2000, the said programs shall, by operation of law, be administered by the Department for the Aging.

This Executive Order shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of June, 2000.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R00-229; Filed July 17, 2000, 4:26 p.m.

EXECUTIVE ORDER NUMBER 68 (2000)

CREATING THE VIRGINIA ENVIRONMENTAL EDUCATION ADVISORY COMMITTEE

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.1-41.1 and 2.1-51.36 of the *Code of Virginia*, and subject always to my continuing and ultimate authority to act in such matters, I hereby create the Virginia Environmental Education Advisory Committee.

The Committee is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the *Code of Virginia*.

The Committee shall have the responsibility to advise the Governor on all matters related to environmental education in the Commonwealth, pursuant to Article XI, Section 1 of the Constitution of Virginia. The Committee shall identify goals and strategies in order to increase environmental literacy by building knowledge and skills in all Virginians, by encouraging an appreciation for life-long learning and by fostering personal responsibility, accountability and commitment for conservation of Virginia's natural resources. The Committee's specific responsibilities shall include:

- Identifying and assessing needs and priorities for environmental education.
- Recommending innovative approaches using incentives, market forces, and the leveraging of resources.
- Recommending creative methods to measure the positive impact of environmental education on the environment.
- Recommending new sources of funding and technical resources such as partnerships and joint ventures.

I hereby grant authority to the Secretary of Natural Resources, in consultation with the Secretaries of Commerce and Trade, Education, and Human Resources, to appoint members of the Committee. The Committee shall be comprised of not more than 40 members appointed by the Secretary of Natural Resources and serving at his pleasure. The Secretary of Natural Resources shall designate the Chair and Vice Chair of the Committee.

Members of the Committee shall serve without compensation but may receive reimbursement for expenses incurred in the discharge of their official duties upon the approval of the Secretary of Natural Resources or his designee.

Such staff support as is necessary for the Committee's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Secretaries, the Chesapeake Bay Local Assistance Department, the Department of Agriculture and Consumer Services, the Department of Conservation and Recreation, the Department of Education, the Department of Environmental Quality, the Department of Forestry, the Department of Game and Inland Fisheries, the Department of Health, the Department of Historical Resources, the Department of Mines, Minerals and Energy, the Virginia Institute of Marine Science, the Virginia Marine Resources Commission, the Virginia Museum of Natural History, and such other executive branch agencies as the Governor may designate. An estimated 2,500 hours of staff support will be required to support the Committee. The Virginia Resource-Use Education Council is requested to coordinate staff support.

Funding necessary to support the Committee's work will be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Committee, as authorized by Section 2.1-51.37(2) of the *Code of Virginia*. Direct

Governor

expenditures for the Committee's work are estimated to be at \$20,000 annually.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until July 1, 2001, unless amended or rescinded by a future executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 14th day of July, 2000.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R00-230; Filed July 20, 2000, 9:32 a.m.

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: June 30, 2000

VA.R. Doc. No. R99-197; Filed July 13, 2000, 9:32 a.m.

* * * * *

Title of Regulation: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel (American Sign Language).**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: June 30, 2000

VA.R. Doc. No. R99-196; Filed July 13, 2000, 9:32 a.m.

* * * * *

Title of Regulation: **8 VAC 20-640-10. Regulations Governing Substitute Teachers.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: June 30, 2000

VA.R. Doc. No. R99-40; Filed July 13, 2000, 9:32 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-35-5 et seq. Virginia Independence Program.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation based on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: July 10, 2000

VA.R. Doc. No. R99-177; Filed July 13, 2000, 9:32 a.m.

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THE LEGISLATIVE RECORD

The Legislative Record is available on the Internet at <http://dls.state.va.us/pubs/legisrec/>

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 20, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS000041

Ex Parte, in re: adoption of adjusted prima facie rates for credit life and credit accident and sickness insurance pursuant to Virginia Code §§ 38.2-2725, 38.2-2726, 38.2-2727 and 38.2-2730

ORDER ADOPTING ADJUSTED PRIMA FACIE RATES FOR THE TRIENNIUM COMMENCING JANUARY 1, 2001

PURSUANT to an order entered herein June 6, 2000, after notice to all insurers licensed by the Bureau of Insurance (Bureau) to transact the business of credit life and credit accident and sickness insurance in the Commonwealth of Virginia, the Commission conducted a hearing on July 18, 2000, for the purpose of considering any public or other comment on the adoption of adjusted prima facie rates for credit life and credit accident and sickness insurance proposed by the Bureau pursuant to Chapter 37.1 of Title 38.2 of the Code of Virginia and the Credit Insurance Experience Exhibits (CIEE's) filed by licensed insurers for the reporting years 1997, 1998, and 1999. Represented by its counsel, the Bureau, by its witnesses, appeared before the Commission in support of the proposed adjusted prima facie rates. No other person appeared in any capacity before the Commission at the hearing.

AND THE COMMISSION, having considered the record herein, the recommendations of the Bureau of Insurance and the law applicable hereto, is of the opinion, finds and ORDERS that the adjusted prima facie rates for credit life and credit accident insurance, as proposed by the Bureau, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED pursuant to the provisions of Chapter 37.1 of Title 38.2 of the Code of Virginia and shall be effective for the triennium commencing January 1, 2001.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Assistant Deputy Commissioner, Bureau of Insurance, who (i) shall cause a copy hereof together with attachments, as and for the notice to insurers required by Virginia Code § 38.2-3725.E., to be sent to all insurers licensed by the Bureau of Insurance to transact the business of credit life and credit accident and sickness insurance in the Commonwealth of Virginia; and (ii) shall file in the record hereof an affidavit of compliance with the aforesaid notice requirement.

Contact: Jackie Cunningham, State Corporation Commission, Bureau of Insurance, P.O. Box 1158, Richmond, VA 23218, telephone (804) 371-9110 or e-mail jacunningham@scc.state.va.us.

PRIMA FACIE CREDIT LIFE AND CREDIT ACCIDENT AND SICKNESS INSURANCE RATES

TO BE EFFECTIVE JANUARY 1, 2001 THROUGH
DECEMBER 31, 2003

2001 - 2003 TRIENNIAL CREDIT LIFE INSURANCE RATES

\$0.5944 per month per \$1,000.00 of outstanding insured indebtedness if premiums are payable on a monthly outstanding balance basis.

\$0.3795 per \$100.00 of initial indebtedness repayable in twelve equal monthly installments.

2001 - 2003 CREDIT ACCIDENT & SICKNESS RATES Single Premium Rates per \$100 of Initial Insured Indebtedness Repayable in Equal Monthly Installments

| Benefit Period (Months) | 7 Day Coverages | | 14 Day Coverages | | 30 Day Coverages | |
|-------------------------|-----------------|-----------------|------------------|-----------------|------------------|-----------------|
| | Retroactive | Non-Retroactive | Retroactive | Non-Retroactive | Retroactive | Non-Retroactive |
| 1 | 1.51 | 1.15 | 1.41 | 0.87 | 1.06 | 0.47 |
| 2 | 1.82 | 1.46 | 1.65 | 1.13 | 1.21 | 0.63 |
| 3 | 2.04 | 1.68 | 1.84 | 1.31 | 1.33 | 0.75 |
| 4 | 2.20 | 1.84 | 1.98 | 1.46 | 1.42 | 0.85 |
| 5 | 2.32 | 1.98 | 2.09 | 1.58 | 1.49 | 0.93 |
| 6 | 2.44 | 2.09 | 2.19 | 1.68 | 1.56 | 1.00 |
| 7 | 2.51 | 2.17 | 2.26 | 1.76 | 1.62 | 1.06 |
| 8 | 2.58 | 2.25 | 2.33 | 1.83 | 1.67 | 1.10 |
| 9 | 2.65 | 2.31 | 2.39 | 1.88 | 1.71 | 1.16 |
| 10 | 2.70 | 2.37 | 2.44 | 1.95 | 1.75 | 1.21 |
| 11 | 2.75 | 2.42 | 2.49 | 2.00 | 1.79 | 1.24 |
| 12 | 2.78 | 2.46 | 2.53 | 2.04 | 1.82 | 1.27 |
| 13 | 2.83 | 2.50 | 2.57 | 2.08 | 1.85 | 1.31 |
| 14 | 2.87 | 2.55 | 2.61 | 2.12 | 1.88 | 1.34 |
| 15 | 2.91 | 2.58 | 2.65 | 2.16 | 1.91 | 1.37 |
| 16 | 2.96 | 2.63 | 2.68 | 2.20 | 1.95 | 1.41 |
| 17 | 2.99 | 2.67 | 2.72 | 2.24 | 1.97 | 1.43 |

General Notices/Errata

| | | | | | | |
|----|------|------|------|------|------|------|
| 18 | 3.04 | 2.71 | 2.78 | 2.28 | 2.01 | 1.46 |
| 19 | 3.08 | 2.76 | 2.80 | 2.32 | 2.04 | 1.49 |
| 20 | 3.12 | 2.79 | 2.85 | 2.37 | 2.06 | 1.53 |
| 21 | 3.17 | 2.84 | 2.88 | 2.40 | 2.09 | 1.56 |
| 22 | 3.20 | 2.88 | 2.92 | 2.44 | 2.14 | 1.59 |
| 23 | 3.25 | 2.91 | 2.97 | 2.48 | 2.16 | 1.62 |
| 24 | 3.29 | 2.98 | 3.00 | 2.52 | 2.19 | 1.65 |
| 25 | 3.31 | 2.99 | 3.03 | 2.56 | 2.21 | 1.67 |
| 26 | 3.33 | 3.02 | 3.06 | 2.58 | 2.23 | 1.69 |
| 27 | 3.38 | 3.06 | 3.09 | 2.61 | 2.25 | 1.72 |
| 28 | 3.40 | 3.08 | 3.11 | 2.64 | 2.27 | 1.75 |
| 29 | 3.42 | 3.11 | 3.13 | 2.67 | 2.30 | 1.76 |
| 30 | 3.46 | 3.13 | 3.17 | 2.69 | 2.31 | 1.79 |
| 31 | 3.48 | 3.18 | 3.20 | 2.71 | 2.35 | 1.82 |
| 32 | 3.51 | 3.20 | 3.22 | 2.76 | 2.37 | 1.83 |
| 33 | 3.53 | 3.22 | 3.25 | 2.78 | 2.38 | 1.85 |
| 34 | 3.57 | 3.26 | 3.27 | 2.80 | 2.41 | 1.88 |
| 35 | 3.60 | 3.28 | 3.30 | 2.84 | 2.44 | 1.90 |
| 36 | 3.62 | 3.31 | 3.32 | 2.86 | 2.45 | 1.92 |
| 37 | 3.65 | 3.33 | 3.36 | 2.88 | 2.46 | 1.95 |
| 38 | 3.67 | 3.36 | 3.38 | 2.91 | 2.49 | 1.96 |
| 39 | 3.69 | 3.39 | 3.40 | 2.92 | 2.50 | 1.98 |
| 40 | 3.72 | 3.41 | 3.42 | 2.96 | 2.52 | 2.00 |
| 41 | 3.73 | 3.43 | 3.44 | 2.99 | 2.55 | 2.03 |
| 42 | 3.75 | 3.45 | 3.47 | 3.00 | 2.57 | 2.04 |
| 43 | 3.79 | 3.47 | 3.49 | 3.03 | 2.58 | 2.05 |
| 44 | 3.81 | 3.50 | 3.51 | 3.05 | 2.60 | 2.08 |
| 45 | 3.83 | 3.52 | 3.53 | 3.07 | 2.62 | 2.09 |
| 46 | 3.85 | 3.54 | 3.56 | 3.09 | 2.64 | 2.11 |
| 47 | 3.88 | 3.57 | 3.58 | 3.12 | 2.65 | 2.15 |
| 48 | 3.89 | 3.60 | 3.61 | 3.13 | 2.67 | 2.16 |
| 49 | 3.92 | 3.62 | 3.62 | 3.17 | 2.68 | 2.17 |
| 50 | 3.93 | 3.63 | 3.64 | 3.19 | 2.70 | 2.19 |
| 51 | 3.94 | 3.65 | 3.66 | 3.20 | 2.71 | 2.21 |
| 52 | 3.98 | 3.67 | 3.67 | 3.22 | 2.73 | 2.23 |
| 53 | 4.00 | 3.69 | 3.70 | 3.25 | 2.76 | 2.24 |
| 54 | 4.02 | 3.72 | 3.72 | 3.26 | 2.78 | 2.25 |
| 55 | 4.04 | 3.73 | 3.73 | 3.28 | 2.78 | 2.27 |
| 56 | 4.05 | 3.75 | 3.74 | 3.30 | 2.80 | 2.29 |
| 57 | 4.08 | 3.78 | 3.78 | 3.32 | 2.82 | 2.30 |
| 58 | 4.09 | 3.80 | 3.80 | 3.34 | 2.84 | 2.32 |
| 59 | 4.11 | 3.82 | 3.81 | 3.37 | 2.85 | 2.35 |
| 60 | 4.14 | 3.83 | 3.83 | 3.39 | 2.87 | 2.36 |
| 61 | 4.14 | 3.85 | 3.85 | 3.41 | 2.88 | 2.37 |
| 62 | 4.17 | 3.88 | 3.87 | 3.42 | 2.89 | 2.39 |
| 63 | 4.19 | 3.89 | 3.88 | 3.44 | 2.91 | 2.41 |
| 64 | 4.21 | 3.91 | 3.90 | 3.46 | 2.92 | 2.43 |
| 65 | 4.23 | 3.93 | 3.92 | 3.47 | 2.95 | 2.44 |
| 66 | 4.24 | 3.94 | 3.93 | 3.49 | 2.96 | 2.45 |
| 67 | 4.25 | 3.95 | 3.94 | 3.51 | 2.98 | 2.46 |
| 68 | 4.27 | 3.99 | 3.97 | 3.53 | 2.99 | 2.48 |
| 69 | 4.29 | 4.01 | 3.99 | 3.54 | 3.00 | 2.50 |
| 70 | 4.31 | 4.02 | 4.02 | 3.57 | 3.01 | 2.51 |
| 71 | 4.33 | 4.04 | 4.03 | 3.59 | 3.03 | 2.53 |
| 72 | 4.35 | 4.05 | 4.04 | 3.61 | 3.05 | 2.55 |
| 73 | 4.35 | 4.07 | 4.06 | 3.62 | 3.06 | 2.57 |
| 74 | 4.38 | 4.08 | 4.07 | 3.64 | 3.07 | 2.57 |
| 75 | 4.39 | 4.10 | 4.08 | 3.66 | 3.09 | 2.59 |
| 76 | 4.41 | 4.12 | 4.10 | 3.67 | 3.10 | 2.60 |
| 77 | 4.43 | 4.14 | 4.12 | 3.68 | 3.11 | 2.62 |
| 78 | 4.44 | 4.14 | 4.14 | 3.70 | 3.12 | 2.64 |

General Notices/Errata

| | | | | | | |
|-----|------|------|------|------|------|------|
| 79 | 4.46 | 4.17 | 4.14 | 3.72 | 3.13 | 2.64 |
| 80 | 4.47 | 4.19 | 4.17 | 3.73 | 3.16 | 2.66 |
| 81 | 4.49 | 4.21 | 4.19 | 3.74 | 3.18 | 2.67 |
| 82 | 4.50 | 4.23 | 4.21 | 3.77 | 3.19 | 2.69 |
| 83 | 4.52 | 4.24 | 4.23 | 3.79 | 3.20 | 2.70 |
| 84 | 4.54 | 4.25 | 4.23 | 3.81 | 3.21 | 2.71 |
| 85 | 4.55 | 4.27 | 4.25 | 3.82 | 3.22 | 2.73 |
| 86 | 4.56 | 4.29 | 4.26 | 3.83 | 3.24 | 2.75 |
| 87 | 4.58 | 4.29 | 4.28 | 3.85 | 3.25 | 2.77 |
| 88 | 4.60 | 4.31 | 4.29 | 3.87 | 3.26 | 2.78 |
| 89 | 4.61 | 4.33 | 4.30 | 3.88 | 3.27 | 2.78 |
| 90 | 4.63 | 4.35 | 4.32 | 3.89 | 3.29 | 2.80 |
| 91 | 4.64 | 4.35 | 4.34 | 3.91 | 3.30 | 2.81 |
| 92 | 4.66 | 4.36 | 4.35 | 3.93 | 3.31 | 2.83 |
| 93 | 4.67 | 4.39 | 4.35 | 3.94 | 3.32 | 2.84 |
| 94 | 4.68 | 4.41 | 4.38 | 3.95 | 3.33 | 2.85 |
| 95 | 4.70 | 4.43 | 4.40 | 3.98 | 3.34 | 2.87 |
| 96 | 4.71 | 4.44 | 4.41 | 3.99 | 3.37 | 2.88 |
| 97 | 4.72 | 4.45 | 4.43 | 4.01 | 3.38 | 2.89 |
| 98 | 4.74 | 4.46 | 4.44 | 4.02 | 3.39 | 2.90 |
| 99 | 4.75 | 4.48 | 4.45 | 4.04 | 3.40 | 2.91 |
| 100 | 4.78 | 4.49 | 4.46 | 4.04 | 3.41 | 2.92 |
| 101 | 4.78 | 4.50 | 4.47 | 4.06 | 3.42 | 2.95 |
| 102 | 4.79 | 4.52 | 4.49 | 4.08 | 3.43 | 2.96 |
| 103 | 4.81 | 4.54 | 4.50 | 4.08 | 3.44 | 2.98 |
| 104 | 4.83 | 4.55 | 4.51 | 4.10 | 3.46 | 2.99 |
| 105 | 4.84 | 4.56 | 4.53 | 4.12 | 3.47 | 2.99 |
| 106 | 4.85 | 4.58 | 4.55 | 4.14 | 3.48 | 3.00 |
| 107 | 4.86 | 4.59 | 4.56 | 4.14 | 3.49 | 3.02 |
| 108 | 4.88 | 4.61 | 4.56 | 4.15 | 3.51 | 3.03 |
| 109 | 4.89 | 4.63 | 4.58 | 4.18 | 3.51 | 3.04 |
| 110 | 4.90 | 4.64 | 4.60 | 4.19 | 3.52 | 3.06 |
| 111 | 4.91 | 4.65 | 4.61 | 4.21 | 3.53 | 3.06 |
| 112 | 4.92 | 4.66 | 4.63 | 4.22 | 3.54 | 3.08 |
| 113 | 4.94 | 4.67 | 4.64 | 4.23 | 3.56 | 3.09 |
| 114 | 4.95 | 4.68 | 4.65 | 4.24 | 3.57 | 3.09 |
| 115 | 4.98 | 4.70 | 4.66 | 4.25 | 3.59 | 3.11 |
| 116 | 4.99 | 4.70 | 4.67 | 4.27 | 3.60 | 3.12 |
| 117 | 4.99 | 4.72 | 4.68 | 4.28 | 3.61 | 3.13 |
| 118 | 5.00 | 4.74 | 4.70 | 4.29 | 3.62 | 3.14 |
| 119 | 5.02 | 4.75 | 4.70 | 4.30 | 3.62 | 3.16 |
| 120 | 5.03 | 4.78 | 4.72 | 4.32 | 3.63 | 3.18 |

BOARD OF COUNSELING

Notice of Periodic Review of Regulations Request for Comment

Pursuant to Executive Order 25 and its Public Participation Guideline, the Board of Counseling is requesting comment on the following regulations:

18 VAC 115-20-10 et seq. Regulations Governing the Practice of Professional Counselors.

18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors.

18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.

18 VAC 115-50-10 et seq. Regulations Governing the Practice of Marriage and Family Therapy.

18 VAC 115-60-10 et seq. Regulations Governing the Practice of Licensed Substance Abuse Practitioners.

Goals for the review of regulations are as follows:

1. Complete a study of need for training for supervisors.
2. Complete a study of the adequacy of education for certified professions.
3. Provide for continuing competency and inactive licensure.
4. Provide greater consistency among rules that are common to all professions regulated by the board.

The board will consider whether the existing regulations are essential to protect the health, safety and welfare of the public and provide assurance that practitioners are competent to

practice. Alternatives to the current regulations or suggestions for clarification of the regulation will also be received and considered.

Contact: Public comment will be received from August 15, 2000, to September 15, 2000. Comment should be addressed to Janet Delorme, Board of Counseling, Department of Health Professions, 6606 West Broad Street, Richmond, VA 23230, e-mail jdelorme@dhp.state.va.us, or FAX (804) 662-9114. Regulations may be viewed on-line at www.townhall.state.va.us or copies will be sent upon request.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Meeting and Public Comment Regarding TMDL in Blacks Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria in Blacks Run. The stream is located in Rockingham County and is part of the Shenandoah River Basin. The segment is 10.70 miles in length: it begins at Blacks Run's headwaters and continues downstream to its confluence with Cooks Creek. The segment is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The first public meeting on the development of the fecal coliform bacteria TMDL for Blacks Run will be held on Wednesday, August 30, 2000, 7 p.m. at the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

The public comment period will end on September 15, 2000. A fact sheet on the development of the TMDL for fecal coliform bacteria on Blacks Run is available upon request. Questions or information requests should be addressed to Rod Bodkin. Written comments should include the name, address, and telephone number of the person submitting the comments and be sent to Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, Virginia 22801, telephone (540) 574-7801, FAX (540) 540-7878, or e-mail rvbodkin@deq.state.va.us.

Notice of Public Meeting and Public Comment Regarding TMDL in Mountain Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on a 7.58 mile segment of Mountain Run. This impaired segment is located in Culpeper County and begins at the confluence of Flat Run and extends to the

confluence with the Rappahannock River. Mountain Run is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria. This is an extension of the public comment period that ended May 24, 2000; stakeholders have requested additional time to evaluate the draft TMDL document.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The public comment period will end on September 13, 2000. A fact sheet on the development of the TMDL for fecal coliform bacteria on Mountain Run is available upon request. Questions or information requests should be addressed to Joan Crowther. Written comments should include the name, address, and telephone number of the person submitting the comments and sent to Ms. Joan Crowther, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193, telephone (703) 583-3828, FAX (703) 583-3841, or e-mail jcrowther@deq.state.va.us.

STATE LOTTERY BOARD

DIRECTOR'S ORDER NUMBER TWENTY (00)

VIRGINIA'S INSTANT GAME LOTTERY 182; "STINKIN' RICH," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 182, "Stinkin' Rich." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 30, 2000

DIRECTOR'S ORDER NUMBER TWENTY-ONE (00)

VIRGINIA'S INSTANT GAME LOTTERY 458; "VIRGINIA DRIVERS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 458, "Virginia Drivers." These rules amplify and conform to the duly adopted State Lottery

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Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 30, 2000

DIRECTOR'S ORDER NUMBER TWENTY-TWO (00)

VIRGINIA'S INSTANT GAME LOTTERY 450; "CARIBBEAN STUD POKER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 450, "Caribbean Stud Poker." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 30, 2000

DIRECTOR'S ORDER NUMBER TWENTY-THREE (00)

VIRGINIA'S INSTANT GAME LOTTERY 183; "HOT SLOTS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 183, "Hot Slots." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs

Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 30, 2000

DIRECTOR'S ORDER NUMBER TWENTY-FOUR (00)

VIRGINIA'S INSTANT GAME LOTTERY 184; "HEATWAVE 2000," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 184, "Heatwave 2000." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 30, 2000

DIRECTOR'S ORDER NUMBER TWENTY-FIVE (00)

VIRGINIA'S INSTANT GAME LOTTERY 313; "STAR SPANGLED BINGO," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 313, "Star Spangled Bingo." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 28, 2000

DIRECTOR'S ORDER NUMBER TWENTY-SIX (00)

VIRGINIA'S INSTANT GAME LOTTERY 186; "DOUBLE DOUBLER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 186, "Double Doubler." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 28, 2000

DIRECTOR'S ORDER NUMBER TWENTY-SEVEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 187; "LUCKY DOG," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 187, "Lucky Dog." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 8, 2000

DIRECTOR'S ORDER NUMBER TWENTY-EIGHT (00)

VIRGINIA'S INSTANT GAME LOTTERY 451; "\$100,000 JACKPOT," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 451, "\$100,000 Jackpot." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 8, 2000

DIRECTOR'S ORDER NUMBER THIRTY (00)

VIRGINIA'S INSTANT GAME LOTTERY 188; "7-11-21," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 188, "7-11-21." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 25, 2000

DIRECTOR'S ORDER NUMBER THIRTY-ONE(00)

VIRGINIA'S INSTANT GAME LOTTERY 190; "GOIN' NUTS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 190, "Goin' Nuts." These rules amplify and conform to the duly adopted State Lottery

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Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 25, 2000

DIRECTOR'S ORDER NUMBER THIRTY-TWO(00)

VIRGINIA'S INSTANT GAME LOTTERY 189; "CASH COW," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 189, "Cash Cow." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 25, 2000

DIRECTOR'S ORDER NUMBER THIRTY-THREE (00)

CERTAIN VIRGINIA INSTANT GAME LOTTERIES; END OF GAMES; REVISED.

In accordance with the authority granted by Sections 58.1-4006A and 9-6.14:4.1B(15) of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on Thursday, June 1, 2000:

Instant Game 120 - Let's Talk Money
Instant Game 146 - Feather Your Nest
Instant Game 150 - Slots of Money
Instant Game 154 - Roulette
Instant Game 155 - Couch Potato
Instant Game 157 - Extreme Sports
Instant Game 158 - Go For The Green
Instant Game 159 - Money Tree
Instant Game 161 - Joker Poker

Instant Game 163 - In the Chips
Instant Game 165 - Winner's Circle
Instant Game 170 - Jackpot
Instant Game 173 - Pot of Gold
Instant Game 310 - Beach Blanket Bingo
Instant Game 437 - Joker's Wild
Instant Game 441 - Pharaoh's Gold
Instant Game 453 - Happy Valentine's

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Friday, August 18, 2000. The last day to redeem winning tickets for any of these games will be Tuesday, November 28, 2000, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of November 28, 2000, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order supercedes Director's Order Number Twenty-Nine, issued May 15, 2000. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: May 30, 2000

DIRECTOR'S ORDER NUMBER THIRTY-FIVE (00)

VIRGINIA'S INSTANT GAME LOTTERY 191; "DEUCES WILD," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 191, "Deuces Wild." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: July 5, 2000

DIRECTOR'S ORDER NUMBER THIRTY-SIX (00)

VIRGINIA'S INSTANT GAME LOTTERY 192; "LUCKY ROLL DOUBLER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 192, "Lucky Roll Doubler." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: July 5, 2000

DIRECTOR'S ORDER NUMBER THIRTY-SEVEN (00)

VIRGINIA'S INSTANT GAME LOTTERY 194; "HIGH CARD DOUBLER," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 194, "High Card Doubler." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: July 5, 2000

DIRECTOR'S ORDER NUMBER THIRTY-EIGHT (00)

"ORDER & SELL" VIRGINIA LOTTERY RETAILER INCENTIVE PROGRAM RULES.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate rules for the "Order & Sell" Virginia Lottery Retailer Incentive Program that will be conducted from Monday, May 8, 2000 through Sunday, July 2, 2000. This program was adopted by the State Lottery Board on March 22, 2000.

These rules amplify and conform to the duly adopted State Lottery Department regulations and are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until July 31, 2000, unless otherwise extended by the Director.

/s/ Penelope W. Kyle
Director
Date: May 8, 2000

DEPARTMENT OF TRANSPORTATION

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulation meets the following goals:

1. To minimize the number of defaults by debtors.
2. To ensure VDOT complies with applicable state statutes concerning the collection of debt due VDOT.
3. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
4. To ensure that the regulation is clearly and understandably written.

Regulation Title: 24 VAC 30-160-10 et seq. Rules and Regulations to Comply with the Setoff Debt Collection Act.
Subject: Sets forth the policies and procedures VDOT will follow after being notified by the Virginia Department of Taxation that a debtor is entitled to a refund, so that VDOT may claim any part or all the refund pursuant to a hearing.

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APA Exemption: None

Contact: Comments may be submitted from August 14, 2000 to September 3, 2000, to G. Ray Colgin, Accountant, Virginia Department of Transportation, Fiscal Division, 1221 E. Broad St., Richmond, Virginia 23219, telephone (804) 786-7209, FAX (804) 786-3449, or e-mail colgin_gr@vdot.state.va.us.

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulation meets the following goals:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
2. To ensure the safety of operators of state-owned vehicles.
3. To ensure the efficient use of funds in administering the state-owned fleet of vehicles.
4. To obtain satisfactory audit reports on fleet operations.
5. To ensure that VDOT complies with applicable state statutes concerning management of the state-owned fleet.
6. To ensure that the regulation is clearly and understandably written.

Regulation Title: 24 VAC 30-170-10 et seq. Rules and Regulations Governing the Use, Operation, and Maintenance of State-Owned Fleet Vehicles.

Subject: Sets forth the policies and procedures VDOT will use in assigning fleet vehicles to state agencies, as well as the rules and regulations for their use.

APA Exemption: § 9-6.14:4.1 C 2

Contact: Comments may be submitted from August 14, 2000 to September 3, 2000, to William M. (Bill) Colavita, Fleet Manager, Virginia Department of Transportation, 2400 W. Leigh St., Richmond, Virginia 23219, telephone (804) 367-6525, FAX (804) 367-8987 or e-mail colavita_wm@vdot.state.va.us.

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to

determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulation meets the following goals:

1. To ensure traffic signs, signals, and control markers and devices are designed and installed in compliance with accepted state and agency requirements to preserve motorist safety and preserve the infrastructure of the road system.
2. To minimize the number and severity of work zone accidents and fatalities.
3. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
4. To ensure that the regulation is clearly and understandably written.

Regulation Title: 24 VAC 30-310-10 et seq. Virginia Supplement to the Manual on Uniform Traffic Control Devices.

Subject: Promulgates state standards for traffic control devices that exceed minimum federal requirements and presents pertinent traffic control device design, installation, and operation details not covered in the federal Manual on Uniform Traffic Control Devices (MUTCD), which was adopted by the Commonwealth Transportation Board (CTB) as the state standard for traffic signs, signals, markets, and control devices (24 VAC 30-561-10 et seq.).

APA Exemption: § 9-6.14:4.1 B 11

Contact: Comments may be submitted from August 14, 2000 to September 3, 2000, to Mansour Mahbanoozadeh, Transportation Engineer, Virginia Department of Transportation, Traffic Engineering Division, 1401 E. Broad St., Richmond, Virginia 23219, telephone (804) 786-7983, FAX (804) 225-4978, or e-mail mahban_me@vdot.state.va.us.

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required by statute or procedures established by the Registrar of Regulations.

VDOT seeks public comment to determine whether the regulation meets the following goals:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.

2. To ensure the efficient use of funds in administering the state-owned fleet of vehicles.
3. To obtain satisfactory audit reports on fleet operations.
4. To ensure VDOT complies with applicable state statutes concerning procurement of the state-owned fleet.
5. To ensure that the regulation is clearly and understandably written.

Regulation Title: 24 VAC 30-190-10 et seq. Rules and Regulations Governing the Purchase or Lease of Motor Vehicles With Public Funds.

Subject: Sets forth the policies and procedures VDOT will use when purchasing or leasing vehicles with public funds.

APA Exemption: § 9-6.14:4.1 B 2 and C 2

Contact: Comments may be submitted from August 14, 2000 to September 3, 2000, to William M. (Bill) Colavita, Fleet Manager, Virginia Department of Transportation, 2400 W. Leigh St., Richmond, Virginia 23219, telephone (804) 367-6525, FAX (804) 367-8987 or e-mail colavita_wm@vdot.state.va.us.

STATE WATER CONTROL BOARD

Enforcement Action Proposed Amended Consent Special Order Madison County School Board

The State Water Control Board (board) proposes to issue an amended Consent Special Order (order) to Madison County School Board regarding the Madison County School Board Elementary School, High School, and Primary School wastewater treatment plants (WWTPs) located in Madison County, Virginia.

The Madison County Elementary School, High School, and Primary School WWTPs are subject to VPDES Permit No. VA0062944, VA0020109, and VA0060836, respectively. The amended order extends the connection date of the schools' wastewater discharge to RSA-Madison sewage treatment plant until February 28, 2001 and provides the WWTPs with interim effluent limits for ammonia until that date. The county has agreed to the issuance of the amended order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the decree through September 13, 2000. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please address comments sent via e-mail to eacrosier@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3886, in order to obtain or examine a copy of the Consent Decree.

Enforcement Action Proposed Consent Special Order Chesterfield County School Board for Thomas Dale West School STP

The State Water Control Board proposes to issue a Consent Special Order to the Chesterfield County School Board for Thomas Dale West School Sewage Treatment Plant, located in Chester, Virginia. The proposed order requires Thomas Dale West School to either connect to public sewer service or upgrade the STP by January 1, 2003.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Cathie P. Franco, DEQ, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA, 23060. Comments may be submitted via electronic mail to cfranco@deq.state.va.us. Electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment. A copy of the proposed order may be obtained in person or by mail from the above office.

Enforcement Action Proposed Consent Special Orders Davis Boat Works, Inc. Tidewater Equipment Corporation

The State Water Control Board proposes to take enforcement actions against the facilities listed above.

The proposed enforcement action against Davis Boat Works, Inc., located at 99 Jefferson Avenue in Newport News, is a consent special order that will require the payment of a \$2,100 civil charge and the performance of corrective actions.

The proposed enforcement action against Tidewater Equipment Corporation, located at 104 Southern Branch Elizabeth River in Chesapeake, is a consent special order that will require the payment of a \$4,200 civil charge and the performance of corrective actions.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders from August 14, 2000 through September 14, 2000. Comments should be addressed to David S. Gussman, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia 23462 and should refer to the order specified above. The proposed orders may be examined at the above address and copies of the orders may be obtained in person or by mail.

Enforcement Action Proposed Consent Special Order Mr. Clyde Moyers

The State Water Control Board proposes to enter into a Consent Special Order with Mr. Clyde Moyers. The Parties have agreed to the terms of a Consent Special Order for

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settlement of violations of State Water Control Law on property owned by Mr. Clyde Moyers.

Mr. Clyde Moyers owns a residence and an auto repair shop located at 2283 North Lee Highway, Lexington, Virginia. Both the residence and shop are served by a septic tank/sand filter type sewage treatment system which is configured to discharge into an unnamed tributary of Mill Creek. Mr. Moyers does not have a permit from the board for this discharge. Mr. Moyers has access to the public sewage collection system of the Rockbridge Public Service Authority. Mr. Moyers has agreed to the schedule set forth in the proposed order requiring connection of his residence and shop to the public sewer system and requiring closure of the existing sewage treatment system.

The board will receive written comments relating to the proposed Consent Special Order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, Virginia 22801, and should refer to the Consent Special Order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Enforcement Action Proposed Consent Special Order South Anna Service Corporation

The State Water Control Board proposes to issue a consent special order to South Anna Service Corporation, to address apparent violations of the effluent limit for ammonia contained in its Virginia Pollutant Discharge Elimination System permit number VA0060232. The proposed order requires South Anna to pay a civil charge, to complete an upgrade of the wastewater treatment system and submit a plan for additional upgrades if the initial upgrades are unsuccessful.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments on the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Richard F. Weeks, Jr., Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060. Comments can also be faxed to (804) 527-5106 or e-mailed to rweeks@deq.state.va.us. A copy of the order may be obtained by mail, e-mail or in person.

Enforcement Action Proposed Special Order Town of Chilhowie Sewage Treatment Plant

The State Water Control Board proposes to take an enforcement action against the above listed facility. Under the terms of the proposed Special Order, the owner of this facility has agreed to be bound by the terms and conditions of a schedule of compliance contained in the appendix of the order. The requirements contained in the order bring the

facility into compliance with state law and protects water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the Special Order until September 14, 2000. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, Virginia 24212 and should refer to the Consent Special Order. Comments can also be sent by e-mail to drsizemore@deq.state.va.us. Anyone wishing to comment must include their name, address and phone number. All comments must be received before the end of the comment period.

The proposed order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia.

A copy of the order may be obtained in person at the above office or by mail by calling 540-676-4800.

VIRGINIA CODE COMMISSION

Change in Subscription Rate for the Virginia Register of Regulations

The Virginia Code Commission approved an increase of the annual subscription rate for the Virginia Register of Regulations to \$125 and an increase for single copy issues of the Register to \$5.00 per issue. The new rates will become effective with Volume 17, Issue 1, which will be published on September 25, 2000.

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

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-752-10 et seq. Pertaining to the Hampton Roads and Bayside Eastern Shore Blue Crab Management Areas.

Publication: 16:23 VA.R. 2890-2891 July 31, 2000.

Change to Final Regulation:

Add: Effective Date: July 1, 2000

CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

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 OF ACCOUNTANCY

October 16, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A meeting to 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, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail accountancy@dpor.state.va.us.

COMMONWEALTH COUNCIL ON AGING

† August 23, 2000 - 1 p.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting of the Legislative Committee.

Contact: Marsha Mucha, Administrative Staff Assistant, Commonwealth Council on Aging, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

† September 14, 2000 - 9 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting of the Public Relations Committee.

Contact: Bill Edwards, Education, Training and Research Coordinator, Commonwealth Council on Aging, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9314.

† September 14, 2000 - 10 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Marsha Mucha, Administrative Staff Assistant, Commonwealth Council on Aging, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Agricultural Council

† August 28, 2000 - 9 a.m. -- Open Meeting
† August 29, 2000 - 9 a.m. -- Open Meeting
Hampton Inn, 380 Arbor Drive, Christiansburg, Virginia  (Interpreter for the deaf provided upon request)

An annual meeting to act upon the financial and business affairs of the council. Field trips to various agricultural interest will begin at 1 p.m. on August 28 and resume August 29 at 9 a.m. until noon. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Fifth Floor, Room 509, Richmond, VA, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY 

Virginia Cotton Board

August 24, 2000 - 3 p.m. -- Open Meeting
Tidewater Agricultural Research and Extension Center, 6321 Holland Road, Suffolk, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet to approve minutes of the last meeting. In addition, the board will review financial reports and status reports on projects and contracts, discuss priorities for future funding initiatives and any other business that may come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the board at least five days before the meeting date so that suitable arrangements can be made.

Contact: Gail Moody Milteer, Program Director, Department of Agriculture and Consumer Services, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.

Virginia Horse Industry Board

† **September 27, 2000 - 10 a.m.** -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Board Room, Charlottesville, Virginia. 

A meeting to review the minutes of the last meeting, review end of fiscal year marketing projects and budgets, and consider revising the grant guidelines. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Program Director, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank St., Suite 1004, Richmond, VA, telephone (804) 786-5842, FAX (804) 371-7786.

Virginia Soybean Board

August 15, 2000 - 1 p.m. -- Open Meeting
2177 Mount Prospect Road, Laneview, Virginia. 

The board will discuss checkoff revenues and the financial status of the board following the end of the fiscal year ending June 30, 2000, and will hear and approve the minutes of the February 24, 2000, meeting. Reports will be heard from the Chairman, United Soybean Board representatives, and other committees. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the

meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

Virginia Sweet Potato Board

August 15, 2000 - 7 p.m. -- Open Meeting
Little Italy Restaurant, 10227 Rogers Drive, Nassawadox, Virginia.  (Interpreter for the deaf provided upon request)

The board will hear and approve minutes of the last meeting and the presentation of the board's financial statement. The board will discuss and consider programs (promotion, research, and education), the annual budget and other business that may be presented. 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 the board at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. William Mapp, Program Director, Department of Agriculture and Consumer Services, Virginia Sweet Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

STATE AIR POLLUTION CONTROL BOARD

† **August 28, 2000 - 7:30 p.m.** -- Public Hearing
City Hall, Council Chambers, 441 Market Street, Suffolk, Virginia. 

A public hearing to receive comments on a change to the one-hour significant ambient air concentration for acrylamide at Ciba Specialty Chemicals Water Treatments, Inc. located in Suffolk, Virginia.

Contact: Cathy Francis, State Air Pollution Control Board, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2004, e-mail cfrancis@deq.state.va.us.

September 7, 2000 - 9 a.m. -- Open Meeting
Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia. 

A public meeting to receive comment on the board's intent to modify 9 VAC 5-20-21 to update information related to technical documents incorporated by reference and maintain consistency with Title 40 of the Code of Federal Regulations.

The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal and (ii) the costs and benefits of alternatives. This public meeting is being held by the board to receive comments on and to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this

Calendar of Events

meeting is being held to discuss and exchange ideas and information relative to regulation development.

Contact: Karen Sabasteanski, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail kgsabastea@deq.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

August 16, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Professional Engineers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

August 23, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Land Surveyors Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

August 30, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Landscape Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The

department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

September 6, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

September 13, 2000 - 9 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 conduct business of the APELSCIDLA Board. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

BOARD FOR ASBESTOS AND LEAD

August 16, 2000 - 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. 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, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

VIRGINIA COUNCIL ON ASSISTIVE TECHNOLOGY

† **September 13, 2000 - 9 a.m.** -- Open Meeting
Virginia Foundation for Humanities, 145 Ednam Drive,
Charlottesville, Virginia.  (Interpreter for the deaf provided
upon request)

A quarterly meeting to conduct general business. This statewide consumer-driven advisory council provides oversight and direction to the Virginia Assistive Technology System.

Contact: Kenneth H. Knorr, Director, Virginia Assistive Technology System, P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-9990, (804) 662-9995, or toll-free 1-800-552-5019/TTY 

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

August 30, 2000 - 9 a.m. -- Open Meeting
September 27, 2000 - 9 a.m. -- Open Meeting
October 25, 2000 - 9 a.m. -- Open Meeting
† **November 29, 2000 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street,
Richmond, Virginia. (Interpreter for the deaf provided upon
request)

A meeting to provide for interagency programmatic and fiscal policies, oversee the administration of funds appropriated under the Act, and advise the Secretary of Health and Human Resources and the Governor.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23219, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

VIRGINIA AVIATION BOARD

† **August 23, 2000 - 9 a.m.** -- Open Meeting
† **August 25, 2000 - 9 a.m.** -- Open Meeting
The Sheraton Oceanfront, Atlantic Avenue and 36th Street,
Virginia Beach, Virginia. 

A regular bimonthly meeting of the board. Applications for state funding will be presented to the board and other matters of the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

Contact: Carolyn Toth, Department of Aviation, 5702 Gulfstream Road, Richmond International Airport, VA 23250-2455, telephone (804) 236-3937, FAX (804) 236-3635, toll-free 1-800-236-3657, or (804) 236-3624/TTY 

BOARD FOR BARBERS AND COSMETOLOGY

August 28, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY 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, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barbers@dpor.state.va.us.

BOARD FOR BRANCH PILOTS

August 21, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-20-05 et seq. Board for Branch Pilots Rules and Regulations.** The purpose of the proposed action is to clarify the regulations relating to chemical and physical impairments and testing thereof and make other changes which may be necessary pursuant to the board's periodic review of its regulations.

Statutory Authority: § 54.1-902 of the Code of Virginia.

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 

CEMETERY BOARD

August 23, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Regulatory Review Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2039, FAX (804) 367-2475, (804) 367-9753/TTY 

Calendar of Events

August 23, 2000 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. (Interpreter for
the deaf provided upon request)

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of
Professional and Occupational Regulation, 3600 W. Broad
St., Richmond, VA 23230, telephone (804) 367-2039, FAX
(804) 367-2475, (804) 367-9753/TTY ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **September 22, 2000 - 2 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James
Monroe Building, 17th Floor, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Policy Committee to review a draft
policy paper titled "Buffer Area Requirements and
Limitations on Development Activities." Persons
interested in observing should call the Chesapeake Bay
Local Assistance Department to verify meeting time,
location and schedule.

Contact: Shawn E. Smith, Principal Environmental Planner,
Chesapeake Bay Local Assistance Department, James
Monroe Building, 17th Floor, Richmond, VA 23219, telephone
(804) 225-3440, FAX (804) 225-3447, toll-free (800) 243-
7339, (800) 243-7229/TTY ☎, e-mail
ssmith@cblad.state.va.us.

VIRGINIA COLLEGE BUILDING AUTHORITY

† **October 13, 2000 - 1:30 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor,
Richmond, Virginia. ♿

A meeting to discuss the pooled bond program.

Contact: Evelyn R. Whitley, Manager, VCBA, Department of
the Treasury, Monroe Bldg., 101 N. 14th Street, 3rd Floor,
Richmond, VA 23219, telephone (804) 371-6006, FAX (804)
225-3187, e-mail evelyn.whitley@trs.state.va.us.

COMPENSATION BOARD

August 22, 2000 - 11 a.m. -- Open Meeting
† **September 26, 2000 - 11 a.m.** -- Open Meeting
Compensation Board, Ninth Street Office Building, Richmond,
Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant,
Compensation Board, P.O. Box 710, Richmond, VA 23218,
telephone (804) 786-0786, FAX (804) 371-0235, e-mail
cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Board on Conservation and Development of Public Beaches

† **September 11, 2000 - 11 a.m.** -- Open Meeting
Virginia Institute of Marine Science, Gloucester Point,
Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 16, 2000 - 11 a.m.** -- Open Meeting
College of William and Mary, Williamsburg, Virginia.

A regular business meeting.

Contact: Lee Hill, Environmental Engineer, Department of
Conservation and Recreation, 203 Governor St., Richmond,
VA 23219, telephone (804) 786-3998, FAX (804) 786-6141,
e-mail leehill@dcr.state.va.us.

Dam Safety Technical Advisory Committee

† **September 14, 2000 - 1 p.m.** -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa
Road, Suite 209, Richmond, Virginia. ♿ (Interpreter for the
deaf provided upon request)

A regular business meeting.

Contact: Joseph Haugh, Director, Division of Dam Safety,
Department of Conservation and Recreation, 203 Governor
St., Richmond, VA 23219, telephone (804) 786-1369, FAX
(804) 786-6141, e-mail jhaugh@dcr.state.va.us.

Steering Committee for the Trevillian Station Battlefield State Park Feasibility

† **August 22, 2000 - 4 p.m.** -- Open Meeting
Louisa County Office Building, Emergency Operation Center,
1 Woolfolk Avenue, Louisa, Virginia. ♿ (Interpreter for the
deaf provided upon request)

Continued discussion regarding the feasibility study.
Requests for an interpreter for the deaf should be made
two weeks prior to the meeting.

Contact: Stephen Donahue, Architect Senior, Department of
Conservation and Recreation, 101 N. 14th St., 11th Floor,
Richmond, VA 23219, telephone (804) 371-5270, FAX (804)
371-8500, e-mail svdonahue@dcr.state.va.us.

Virginia State Parks Foundation

† **October 12, 2000 - 9 a.m.** -- Open Meeting
Fairy Stone State Park, Stuart, 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, e-mail leonapp@dcr.state.va.us.

BOARD FOR CONTRACTORS

August 16, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 4W, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Tradesman Committee to consider items of interest relating to Tradesman/Backflow Prevention Device Workers/LPGs and Natural Gas Fitters. Other appropriate matters pertaining to the Tradesman Section of the Board for Contractors will be considered including review of the tradesman regulations.

Contact: Robert F. Tortolani, Administrator, Board for Contractors, 3600 W. Broad St, Richmond, VA 23230, telephone (804) 367-2607, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail tortolani@dpor.state.va.us.

† **August 30, 2000 - 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 regularly scheduled meeting of the board to address policy and procedural issues; review and render case decisions on matured complaints against licensees, and consider other matters which may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in closed meeting. The department fully complies with Americans with Disabilities Act. Persons desiring to participate in the meeting and who require special accommodations or interpreter services should contact Nancy T. Feldman.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

BOARD OF COUNSELING

August 24, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting of the Examination Committee to review the National Board for Certified Counselors examinations.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

August 24, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad St., 5th Floor, Conference Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Regulatory Committee to review a preliminary proposal to improve consistency among its regulations in areas where language is generic for all professions.

Contact: Janet Delorme, Deputy Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail jdelorme@dhp.state.va.us.

August 24, 2000 - 3:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Credentials Committee to review applicant credentials.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail coun@dhp.state.va.us.

August 25, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

A regular meeting to hear reports from standing committees. The Examination Committee will report on its comparison of the national counseling examinations with the board's licensure exam. The board will consider a preliminary Notice of Intended Regulatory Action to amend its regulations to improve consistency among its regulations where the language is generic to all professions. Meeting dates for 2001 will be scheduled.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

BOARD OF DENTISTRY

† **August 24, 2000 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 2, Fifth Floor, Richmond, Virginia. 

A meeting of the Ad Hoc Committee of Dentistry and Medicine to consider proposed legislation on the definition of dentistry and any other matters related to the practice of oral and maxillofacial surgery.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail mjm1@dhp.state.va.us.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

September 5, 2000 - 11 a.m. -- Open Meeting
Virginia Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Presentation Center, Richmond, Virginia. 

Calendar of Events

A meeting of the Board of Directors to discuss issues pertaining to the Virginia Economic Development Partnership.

Contact: Mara Hilliar, Office Manager, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8106 or FAX (804) 371-8112.

STATE BOARD OF EDUCATION

† **August 15, 2000 - 9 a.m.** -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Review Committee. All sessions will consist of work sessions and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† **August 22, 2000 - 9 a.m.** -- Open Meeting
† **November 6, 2000 - 9 a.m.** -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Management and Advisory Committee. All sessions will consist of work sessions, and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

September 28, 2000 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **October 19, 2000 - 9 a.m.** -- Open Meeting
Longwood College, 201 High Street, Farmville, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting of the board. Persons requesting services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, Post Office Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† **November 9, 2000 - 9 a.m.** -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the History SOL Task Force. All sessions will be work sessions and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **August 30, 2000 - 7 p.m.** -- Open Meeting
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.  (Interpreter for the deaf provided upon request)

The first public meeting on the development of the fecal coliform bacteria total maximum daily load for Blacks Run. Blacks Run is located in Rockingham County and is part of the Shenandoah River Basin.

Contact: Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 574-7878, e-mail rvbodkin@deq.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **September 6, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 W. Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **September 19, 2000 - 9 a.m.** -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to develop long- and short-term goals and objectives of the board. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **September 20, 2000 - 9 a.m.** -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A general board meeting and formal hearing to discuss new cemetery law and regulations. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

† **September 27, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Special Conference Committee to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

BOARD OF GAME AND INLAND FISHERIES

August 24, 2000 - 9 a.m. -- Public Hearing
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will propose amendments to regulations governing fish and fishing, and wildlife diversity (i.e., wildlife other than in the contexts of hunting, trapping, or fishing). This is the regular biennial review for these regulations. The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations. Under board procedures, regulatory actions occur over two sequential board meetings. The second board meeting in this regulatory review is scheduled for October 26, 2000. Further information on the biennial regulation review is provided in a separate announcement in the General Notices section of the Virginia Register. At the August 24 meeting the board also (i) will adopt 2000-2001 hunting seasons and bag limits for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service; (ii) will solicit and receive comments from the public during the public hearing portion of the meeting; (iii) may review possible proposals for legislation for the 2001 Session of the General Assembly; (iv) may discuss other general and administrative issues;

and (v) may hold an executive session before the public session begins. The board may also elect to hold a dinner Wednesday evening, August 23, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, e-mail regcomments@dgif.state.va.us.

DEPARTMENT OF HEALTH

† **August 25, 2000 - 1 p.m.** -- Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the State Emergency Medical Services Advisory Board.

Contact: Irene Hamilton, Executive Secretary to the State EMS Advisory Board, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail ihamilton@vdh.state.va.us.

BOARD FOR HEARING AID SPECIALISTS

† **September 26, 2000 - 8:30 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)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY 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, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **September 18, 2000 - 1 p.m.** -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

Monthly committee and council meetings.

Calendar of Events

Contact: Lee Ann Rung, Executive Assistant, State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

HISTORIC RESOURCES BOARD AND STATE REVIEW BOARD

† **September 13, 2000 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, Virginia. 

A quarterly meeting to consider completed and proposed reports for the National Register of Historic Places and the Virginia Landmarks Register, easements and highway markers.

Contact: Marc C. Wagner, National Register Manager, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221, telephone (804) 367-2323 ext. 115, FAX (804) 367-2391 or (804) 367-2386/TTY 

HOPEWELL INDUSTRIAL SAFETY COUNCIL

September 5, 2000 - 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 as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

August 15, 2000 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners. The Board of Commissioners will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider and, if appropriate, approve amendments to the authority's rules and regulations for administration of rent reduction tax credits; (iii) consider for approval and ratification mortgage loan commitments under its various programs; (iv) review the authority's operations for the prior month; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St.,

Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

September 27, 2000 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor, Conference Room B, Richmond, Virginia. 

A quarterly meeting of the State Advisory Council. The council will be discussing issues surrounding the state employee health benefits program.

Contact: Anthony Graziano, Director, Office of Health Benefit Programs, Department of Human Resource Management, 101 N. Fourteenth St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.

COUNCIL ON HUMAN RIGHTS

† **November 18, 2000 - 10 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 12th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Sandra D. Norman, Administration/Operations Manager, Council on Human Rights, Washington Bldg., 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.

VIRGINIA INFORMATION PROVIDERS NETWORK AUTHORITY

† **August 17, 2000 - 10 a.m.** -- Open Meeting
Department of Information Technology, 110 South 7th Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The Executive Board will meet for the purpose of setting the agenda for the August 24 full board meeting.

Contact: Conor Powell, Virginia Information Providers Network Authority, 110 S. 7th St., Suite 135, Richmond, VA, telephone (804) 786-4583, e-mail cpowell@vipnetboard.state.va.us.

† **August 24, 2000 - 1 p.m.** -- Open Meeting
Department of Information Technology, 110 South 7th St., Executive Conference Room, 3rd Floor, Suite 135, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Please note the change of venue. This month's meeting will be held in the Executive Conference Room on the 3rd floor of the DIT Building, not the large conference room at DMV.

Contact: Conor Powell, Virginia Information Providers Network Authority, 110 S. 7th St., Suite 135 Richmond, VA,

telephone (804) 786-4583, e-mail
cpowell@vipnetboard.state.va.us.

JAMESTOWN-YORKTOWN FOUNDATION

† **August 25, 2000 - Noon** -- Open Meeting
One James Center, 901 East Cary Street, 21st Floor,
Maymont Room, Richmond, Virginia. (Interpreter for the
deaf provided upon request)

A joint meeting of the Executive and Finance Committees
of the Board of Trustees. No public comment will be
heard.

Contact: Laura W. Bailey, Executive Assistant to the Board,
P.O. Box 1607, Williamsburg, VA 23187, telephone (757)
253-4840, FAX (757) 253-5299, (757) 253-7236/TTY, e-
mail lwbailey@jyf.state.va.us.

October 13, 2000 - 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 Library Board intends to
repeal regulations entitled: **17 VAC 15-30-10 et seq.
Archival Standards for Recording Deeds and Other
Writings by a Procedural Micrographic Process.** This
regulation is being incorporated into 17 VAC 5-20-10 et
seq.

Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The
Library of Virginia, 800 East Broad Street, Richmond, VA
23219, telephone (804) 692-3592, FAX (804) 692-3594 or
(804) 692-3976/TTY

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

September 21, 2000 - 10 a.m. -- Open Meeting
Chesterfield Technical Center, 10101 Courthouse Road,
Chesterfield, Virginia. (Interpreter for the deaf provided
upon request)

Agenda to be announced.

Contact: Beverley Donati, Assistant Program Manager,
Department of Labor and Industry, Powers-Taylor Bldg., 13 S.
13th St., Richmond, VA 23219, telephone (804) 786-2382,
FAX (804) 786-8418, (804) 786-2376/TTY, e-mail
bgd@doli.state.va.us.

October 13, 2000 - 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 Library Board intends to
repeal regulations entitled: **17 VAC 15-40-10 et seq.
Standards for Microfilming of Ended Law Chancery
and Criminal Cases of the Clerks of the Circuit
Courts Prior to Disposition.** This regulations is being
incorporated into 17 VAC 5-20-10 et seq.

Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The
Library of Virginia, 800 East Broad Street, Richmond, VA
23219, telephone (804) 692-3592, FAX (804) 692-3594 or
(804) 692-3976/TTY

LIBRARY BOARD

October 13, 2000 - 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 Library Board intends to
amend regulations entitled: **17 VAC 15-20-10 et seq.
Standards for Microfilming Public Records.** The
purpose of the proposed amendments is to establish
criteria necessary to ensure that microfilm copies of vital
and historical records meet archival requirements for
permanent retention. Reference standards are updated
and a section on resolution requirements for procedural
microfilm recording is added.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of
Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The
Library of Virginia, 800 East Broad Street, Richmond, VA
23219, telephone (804) 692-3592, FAX (804) 692-3594 or
(804) 692-3976/TTY

October 13, 2000 - 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 Library Board intends to
amend regulations entitled: **17 VAC 15-50-10 et seq.
Standards for Computer Output Microfilm (COM) for
Public Records.** The purpose of the proposed
amendments is to ensure that public records on
computer are transferred to microfilm that meets archival
requirements, and includes revisions that are minor and
technical in nature.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of
Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The
Library of Virginia, 800 East Broad Street, Richmond, VA
23219, telephone (804) 692-3592, FAX (804) 692-3594 or
(804) 692-3976/TTY

Calendar of Events

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

August 29, 2000 - 10 a.m. -- Open Meeting
701 East Franklin Street, Lower Level Conference Room,
Richmond, Virginia.  (Interpreter for the deaf provided upon
request)

A meeting to review the FY 2000 litter prevention and
recycling grants and funding splits for 2001. The board
will also discuss its current policy on carry forward grant
balances and the status of the noncompetitive grant
applications/awards.

Contact: Michael P. Murphy, Director, Environmental
Enhancement, Department of Environmental Quality, P.O.
Box 10009, Richmond, VA 23240-0009, telephone (804) 698-
4003, FAX (804) 698-4319, (804) 698-4021/TTY  or toll-free
1-800-592-5482, e-mail mpmurphy@deq.state.va.us.

COMMISSION ON LOCAL GOVERNMENT

September 25, 2000 - 10:30 a.m. -- Open Meeting
Timberville Town Council Chambers, 392 South Main Street,
Timberville, Virginia.  (Interpreter for the deaf provided upon
request)

Oral presentations regarding the Town of Timberville -
Rockingham County agreement defining annexation
rights.

Contact: Barbara W. Bingham, Administrative Assistant,
Commission on Local Government, 900 E. Main St.,
Richmond, VA 23219-3513, telephone (804) 786-6508, FAX
(804) 371-7999, (800) 828-1120/TTY , e-mail
bbingham@clg.state.va.us.

† **September 25, 2000 - 2 p.m.** -- Open Meeting
Timberville Town Council Chambers, 392 South Main Street,
Timberville, Virginia.  (Interpreter for the deaf provided upon
request)

A regular meeting to consider such matters as may be
presented. Persons desiring to participate in the meeting
and who require special accommodations should contact
the commission or the Virginia Relay Center.

Contact: Barbara W. Bingham, Administrative Assistant,
Commission on Local Government, 900 E. Main St.,
Richmond, VA 23219-3513, telephone (804) 786-6508, FAX
(804) 371-7999, (800) 828-1120/TTY , e-mail
bbingham@clg.state.va.us.

† **September 25, 2000 - 7 p.m.** -- Public Hearing
Timberville Town Council Chambers, 392 South Main Street,
Timberville, Virginia.  (Interpreter for the deaf provided upon
request)

A public hearing regarding the Town of Timberville -
Rockingham County agreement defining annexation
rights.

Contact: Barbara W. Bingham, Administrative Assistant,
Commission on Local Government, 900 E. Main St.,
Richmond, VA 23219-3513, telephone (804) 786-6508, FAX

(804) 371-7999, (800) 828-1120/TTY , e-mail
bbingham@clg.state.va.us.

MARINE RESOURCES COMMISSION

August 22, 2000 - 9:30 a.m. -- Open Meeting
September 26, 2000 - 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 beginning 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 beginning 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 

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

August 17, 2000 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Board Room, Richmond, Virginia. 

A meeting to conduct routine business of the Virginia
Medicaid Drug Utilization Review Board.

Contact: Marianne Rollings, DUR Board Coordinator,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 225-4268,
FAX (804) 786-1680, toll-free 1-800-343-0634/TTY , e-mail
mrollings@dmas.state.va.us.

September 11, 2000 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Richmond, Virginia. 

A meeting of the Virginia Medicaid Pharmacy Liaison
Committee to conduct routine business.

Contact: Marianne Rollings, R.Ph., Coordinator, Department
of Medical Assistance Services, 600 E. Broad St., Suite 1300,
Richmond, VA 23219, telephone (804) 225-4268, FAX (804)
786-1680, or toll-free 1-800-343-0634/TTY , e-mail
mrollings@dmas.state.va.us.

Calendar of Events

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled:

12 VAC 30-10-10 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.

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payments Rates; Other Types of Care.

12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.

These proposed regulations provide for Medicaid coverage of residential psychiatric treatment services for children and adolescents.

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

Public comments may be submitted until September 29, 2000, to Anita Cordill, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.** The proposed amendments provide for the expansion of health care services that can be rendered by employees of school divisions to special education children and be reimbursed by Medicaid.

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

Public comments may be submitted until September 29, 2000, to Jeff Nelson, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled:

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.

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

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care.

12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.

These proposed amendments provide for coverage by Medicaid of case management services for children who are receiving treatment foster care services.

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

Public comments may be submitted until September 29, 2000, to Anita Cordill, Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

October 13, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services.** This regulatory action proposes to cover Medicaid transportation as an administrative expense as permitted by federal regulations instead of as a medical expense. This would apply to nonemergency transportation services only. This change will permit the coordination of trips and a reduction in expenditures by broker contractors.

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

Public comments may be submitted until October 13, 2000, to Jeff Nelson, Analyst, Policy 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) 371-8854 or FAX (804) 371-4981.

Calendar of Events

BOARD OF MEDICINE

† **August 24, 2000 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 2, 5th Floor, Richmond, Virginia. 

A meeting of the Ad Hoc Committee of Dentistry and Medicine to consider proposed legislation on the definition of dentistry and any other matters related to the practice of oral and maxillofacial surgery.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 13, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia 
(Interpreter for the deaf provided upon request)

The Advisory Committee on Acupuncture will consider issues related to the licensure and regulation of acupuncturists. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 13, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The Advisory Committee on Radiological Technology will consider issues related to the licensure and regulation of radiologic technologists and radiologic technologists-limited. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 14, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The Advisory Board on Occupational Therapy will consider issues related to the licensure and regulation of occupational therapists. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 14, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia. 

The Advisory Board on Respiratory Therapy will consider issues related to the licensure and regulation of respiratory care practitioners. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 15, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The Advisory Board on Athletic Trainers will consider issues related to the certification and regulation of athletic trainers. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

† **September 15, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The Advisory Committee on Physician Assistants will consider issues related to the licensure and regulation of physician assistants. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

Informal Conference Committee

August 18, 2000 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. (Interpreter for the deaf provided upon request)

† **August 24, 2000 - 9 a.m.** -- Open Meeting
Wyndham Roanoke Hotel, 2801 Hershberger Road,
Roanoke, Virginia. (Interpreter for the deaf provided upon request)

† **September 7, 2000 - 9 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg,
Virginia. (Interpreter for the deaf provided upon request)

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 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎

VIRGINIA MILITARY INSTITUTE

August 25, 2000 - 10 a.m. -- Open Meeting
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. ♿

Board of Visitors standing committee meetings to discuss committee work to be reported to the full board on August 26.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7660.

August 26, 2000 - 8:30 a.m. -- Open Meeting
Virginia Military Institute, Preston Library, Turman Room, Lexington, Virginia. ♿

A meeting to elect a president, vice presidents and secretary and to receive committee reports. The Board of Visitors provides an opportunity for public comment at this meeting immediately after the superintendent's comments, at approximately 9 a.m.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board of Visitors, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206 or FAX (540) 464-7660.

STATE MILK COMMISSION

August 30, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

September 21, 2000 - 10:30 a.m. -- Open Meeting
The Farm of Judith Motley, Chatham, Virginia.

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendment, fiscal matters, and to review reports from staff of the agency. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

August 30, 2000 - 11 a.m. -- Open Meeting
General Assembly Meeting, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

A meeting to consider public comment on regulatory review of 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130 to determine if these regulations should be terminated, amended or retained in their current form. The open hearing is in accordance with 2 VAC 15-11-100 and will be conducted in accordance with 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

August 17, 2000 - 9:30 a.m. -- Open Meeting
Oxbow Center, St. Paul, Virginia. ♿ (Interpreter for the deaf provided upon request)

A combined meeting of the Permit Streamline and Regulatory Work Groups. Topics to be discussed by the Permit Streamline Work Group include mountain top removal/valley fills and environmental impact statement update, AOC guidelines, fill minimization, permit revision application requirements, and sediment pond location and permitting requirements. Topics for the Regulatory Work Group include ownership and control, experimental practice, land form grading, and 95-regulation review. Public comments will not be received at this meeting.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8156, FAX (540) 523-8163, toll-free 1-800-828-1120/TTY ☎, e-mail lsv@mme.state.va.us.

Governor's Mined Land Reclamation Advisory Committee

† **August 16, 2000 - 10 a.m.** -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the committee to discuss recent Interstate Mining Compact Commission (IMCC) issues with the coal industry. Public comments will not be received at this meeting.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer D, Big Stone Gap, VA 24219, telephone (540) 523-8156, FAX (540) 523-8163, (800) 828-1120/TTY ☎, e-mail lsv@mme.state.va.us.

Calendar of Events

VIRGINIA MUSEUM OF FINE ARTS

† **September 7, 2000 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting held for staff to brief the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Assistant to the Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

August 14, 2000 - 8:30 a.m. -- Open Meeting
August 30, 2000 - 8:30 a.m. -- Open Meeting
September 7, 2000 - 8:30 a.m. -- Open Meeting
September 25, 2000 - 8:30 a.m. -- Open Meeting
September 27, 2000 - 8:30 a.m. -- Open Meeting
September 28, 2000 - 8:30 a.m. -- Open Meeting
October 5, 2000 - 8:30 a.m. -- Open Meeting
October 10, 2000 - 8:30 a.m. -- Open Meeting
October 12, 2000 - 8:30 a.m. -- Open Meeting
October 16, 2000 - 8:30 a.m. -- Open Meeting
October 17, 2000 - 8:30 a.m. -- Open Meeting
October 26, 2000 - 8:30 a.m. -- Open Meeting
October 31, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

NOTE: CHANGE IN MEETING TIME AND LOCATION
† **August 29, 2000 - 11:30 a.m.** -- Open Meeting
Western State Hospital, 1301 Richmond Avenue, Jeffreys Building 123, Conference Room 94, Staunton, Virginia. 

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

† **September 15, 2000 - 11 a.m.** -- Open Meeting
Department of Social Services, Piedmont Regional Offices, Commonwealth of Virginia Building, 210 Church Avenue, S.W., Suite 100, Roanoke, Virginia. 

† **November 30, 2000 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA

23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

Ad Hoc Advisory Committee on Massage Therapy

August 16, 2000 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

The committee will conduct a periodic review of regulations for the certification of massage therapists as required by Executive Order 25 (98). Public comment will be received at the beginning of the meeting.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

Committee of the Joints Boards of Nursing and Medicine

† **August 30, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The committee will review applications for prescriptive authority for nurse practitioners and consider other business as may be presented. Public comment will be received at the beginning of the meeting.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

OLD DOMINION UNIVERSITY

August 14, 2000 - 3 p.m. -- Open Meeting
October 9, 2000 - 3 p.m. -- Open Meeting
† **November 13, 2000 - 3 p.m.** -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

September 14, 2000 - 2:30 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

August 25, 2000 - 9 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)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpreter services should contact the department at 804-367-8590 or 804-367-9753/TTY 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) 367-6295, (804) 367-9753/TTY , e-mail opticians@dpor.state.va.us.

September 29, 2000 - Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled: **18 VAC 100-20-10 et seq. Board for Opticians Regulations.** The purpose of the proposed amendments is to (i) establish a definitions section; (ii) clarify entry requirements for licensure; (iii) specify examination procedures and examination content for licensure and contact lens examinations; and (iv) modify the procedures and provisions regarding renewal, reinstatement, and the standards of practice and conduct.

Statutory Authority: § 54.1-201 and Chapter 17 (§ 54.1-1700 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295 or (804) 367-9753/TTY , e-mail opticians@dpor.state.va.us.

BOARD OF OPTOMETRY

† August 18, 2000 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 3, Fifth Floor, Richmond, Virginia. 

A meeting to receive an update from the Attorney General's office regarding an opinion on mercantile practice.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

† August 18, 2000 - 10 a.m. -- Open Meeting
Aldie Mill, Aldie, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation. Public input will be accepted after the regular business meeting.

Contact: Leslie H. Grayson, Virginia Outdoors Foundation, Aldie Mill, Aldie, VA, telephone (703) 327-6118.

† September 25, 2000 - 10 a.m. -- Open Meeting
† September 26, 2000 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation and to accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA, telephone (804) 225-2147.

Preservation Trust Fund Advisory Board-Region II

September 6, 2000 - 10 a.m. -- Open Meeting
Piedmont Environmental Council, Conference Room,
Warrenton, Virginia.

A meeting to review Region II Preservation Trust Fund Applications

Contact: Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Preservation Trust Fund Advisory Board-Region V

August 30, 2000 - 10:30 a.m. -- Open Meeting
Lynchburg Chamber of Commerce, Conference Room,
Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

Contact: Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Calendar of Events

BOARD OF PHARMACY

August 15, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Fifth Floor, Conference Room 2, Richmond, Virginia. 

A meeting to consider regulatory and disciplinary matters and take other business as may be presented. Public comment will be received at the beginning of the meeting as indicated on the agenda.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail erussell@dhp.state.va.us.

† August 16, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 W. Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The 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, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.

† October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Fifth Floor, Richmond, Virginia. 

The board will receive public comment on proposed regulation 18 VAC 110-40-10 et seq., Regulations Governing Collaborative Practice Agreements, jointly adopted with the Board of Medicine.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail erussell@dhp.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† September 25, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Debra L. Vought, Agency Management Analyst, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY 

BOARD OF PSYCHOLOGY

† August 25, 2000 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Examination Committee will discuss the examinations that will be given October 11, 2000. Public comment will be heard at the beginning of the meeting.

Contact: Arnice N. Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail acovington@dhp.state.va.us.

† September 19, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear possible violations of the laws and regulations governing the practice of psychology. No public comment will be heard.

Contact: Arnice Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail acovington@dhp.state.va.us.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

September 18, 2000 - 11 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Kimlah Hyatt, Administrative Staff Assistant, Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9318, FAX (804) 662-9354, (804) 662-9333/TTY , or e-mail: khyatt@vdh.state.va.us.

VIRGINIA RACING COMMISSION

August 16, 2000 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

A regular meeting to hear a report from Colonial Downs concerning the preparations for two live racing meetings in the fall, including a segment for public participation.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

REAL ESTATE BOARD

† **August 14, 2000 - 9 a.m.** -- Open Meeting
† **August 15, 2000 - 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 

BOARD OF REHABILITATIVE SERVICES

September 28, 2000 - 10 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.
 (Interpreter for the deaf provided upon request)

A quarterly business meeting. Public comments will be received at 10:15 a.m.

Contact: Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free (800) 552-5019, (804) 662-7000/TTY 

DEPARTMENT OF REHABILITATIVE SERVICES

Statewide Independent Living Council

† **September 14, 2000 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Executive Committee will discuss the State Plan for Independent Living—Spending Plan.

Contact: Jim Rothrock, SILC Staffperson, Department of Rehabilitative Services, 1802 Marroit Rd., Richmond, VA 232229, telephone (804) 673-0119, e-mail jarothrock@aol.com.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

Protection and Advocacy for Individuals with Mental Illness/PAIMI Advisory Council

† **August 23, 2000 - 10 a.m.** -- Open Meeting
Hampton Inn, 900 West Main Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Susan Jones, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th Street, 9th Floor, Richmond, VA 23219, telephone (804) 225-2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jonessm@drvd.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **August 16, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan Sherertz, Secretary to the Board, Department of Health, 1500 East Main Street, Room 115, Richmond, VA 23219, telephone (804) 371-4236 or FAX (804) 225-4003.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

August 22, 2000 - 10 a.m. -- Open Meeting
September 27, 2000 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and for general business of the board. Contact the authority for confirmation of meeting time.

Contact: Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.

STATE BOARD OF SOCIAL SERVICES

† **August 16, 2000 - 9 a.m.** -- Open Meeting
† **August 17, 2000 - 9 a.m.** -- Open Meeting
Comfort Suites, 4195 Main Street, Chincoteague, Virginia.
(Interpreter for the deaf provided upon request)

A formal business meeting. Public comment will be received beginning at 1:30 p.m. on August 16.

Calendar of Events

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1826.

September 1, 2000 - 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 adopt regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program.** The purpose of the proposed action is to implement the Virginia Employer Tax Credit.

Statutory Authority: §§ 58.1-439.9 and 63.1-25 of the Code of Virginia.

Contact: Thomas J. Steinhauser, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703.

† **September 5, 2000 - 10 a.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

Having received at least 25 request to submit additional comments on the final regulation 22 VAC 40-130-10 et seq., Minimum Standards for Licensed Child-Placing Agencies, the board is receiving additional public comment pursuant to § 9-6.14:7.1 K of the Code of Virginia. Speakers will be limited to a three-minute presentation. Written copies of presentations are requested. Speakers will be required to register and may do so at the hearing, beginning one-half hour before the hearing commences.

Contact: Doris Jenkins, Child Welfare Licensing, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **September 21, 2000 - 9 a.m.** -- Open Meeting
The Heritage Center, Pocahontas State Park, Chesterfield, 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, e-mail leonapp@dcr.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

August 16, 2000 - 2 p.m. -- Open Meeting
Department of Transportation Board Room, 1401 East Broad Street, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

August 17, 2000 - 10 a.m. -- Open Meeting
Department of Transportation Board Room, 1401 East Broad Street, Richmond, Virginia. 

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the Chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

TRANSPORTATION SAFETY BOARD

September 13, 2000 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss matters of interest regarding traffic safety.

Contact: Angelisa Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., P.O. Box 27412, Room 405, Richmond, VA 23269, telephone (804) 367-2026.

BOARD OF VETERINARY MEDICINE

† **August 22, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Fifth Floor, Richmond, Virginia. 

The board will begin its review of regulations, hold a formal hearing on a disciplinary matter, and conduct general board business. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.

Informal Conference Committee

August 23, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 W. Broad St., 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Informal conferences. These are public meetings, but public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY, e-mail tbehr@dhp.state.va.us.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

September 16, 2000 - 10 a.m. -- Open Meeting
Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, VR Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY, e-mail taylorjg@dvh.state.va.us.

STATE WATER CONTROL BOARD

† August 31, 2000 - 7 p.m. -- Public Hearing
School Board Administration Building Auditorium, Charles City County, 10900 Courthouse Road, Charles City, Virginia.

A public hearing to receive comments on the proposed reissuance of a Virginia Water Protection Permit for Weanack Limited Partnership.

Contact: Jennifer V. Palmore, State Water Control Board, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5058, FAX (804) 698-4346, e-mail jvpalmore@deq.state.va.us.

September 7, 2000 - 9 a.m. -- Open Meeting
September 20, 2000 - 9 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the advisory committee assisting the department in the development of General VWP Permits for Activities Impacting Wetlands regulations and in amendments to 9 VAC 25-210-10 et seq., Virginia Water Protection Permit Regulation.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, State Water Control Board, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4375, FAX (804) 698-4032, (804) 698-4021/TTY, e-mail egilinsky@deq.state.va.us.

† September 18, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed regulation to establish financial responsibility requirements for aboveground storage tanks and pipeline facilities.

Contact: Leslie Beckwith, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4123.

† September 18, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia.

October 13, 2000 - 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 25-640-10 et seq. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements.** The proposed regulation provides the criteria by which operators of aboveground storage tank and pipeline facilities can demonstrate that they have adequate financial resources to perform their responsibility to contain and clean up any oil discharges that may occur at their facilities.

Statutory Authority: § 62.1-44.34:16 of the Code of Virginia.

Contact: Leslie Beckwith, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4123 or FAX (804) 698-4021, e-mail ldbeckwith@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

September 7, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia.

A meeting of the Education Committee.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY, e-mail waterwasteoper@dpor.state.va.us.

Calendar of Events

NOTE: CHANGE IN MEETING DATE

September 21, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 W. Broad Street, Conference Room 5W, Richmond,
Virginia. 

A regular 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 23230, telephone (804) 367-8505, FAX
(804) 367-2475, (804) 367-9753/TTY , e-mail
waterwasteoper@dpor.state.va.us.

VIRGINIA WORKFORCE COUNCIL

† **August 24, 2000 - 10 a.m.** -- Open Meeting
Virginia Employment Commission, Central Office, 703 East
Main Street, Conference Room 303, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Continuous Improvement and
Evaluation Committee to consider an alternative formula
for 30% the WIA youth and adult funds for FY 2002 and
WIA incentives and sanctions for local performance.

Contact: Gail Robinson, Virginia Workforce Council Liaison,
Virginia Employment Commission, P.O. Box 1358, Richmond,
VA 23218-1358, telephone (804) 225-2070, FAX (804) 371-
8697 or (804) 828-1120/TTY 

INDEPENDENT

STATE CORPORATION COMMISSION

October 2, 2000 - 10 a.m. -- Public Hearing
State Corporation Commission, Tyler Building, 1300 East
Main Street, 2nd Floor Courtroom, Richmond, Virginia.

A public hearing on the adoption of rules governing the
filing of applications for approval pursuant to Chapter 4
(§ 56-76 et seq.) of Title 56 of the Code of Virginia
(Affiliate Rules).

Contact: Robert Dalton, State Corporation Commission,
Division of Public Utility Accounting, Tyler Bldg., 1300 E. Main
St., P.O. Box 1197, Richmond, VA 23218, telephone (804)
371-9206 or FAX (804) 371-9211.

STATE LOTTERY BOARD

† **September 13, 2000 - 9:30 a.m.** -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond,
Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be
received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and
Regulatory Coordinator, State Lottery Department, 900 E.

Main St., Richmond, VA 23219, telephone (804) 692-7105 or
FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

LEGISLATIVE

JOINT COMMITTEE STUDYING THE STATUS AND NEEDS OF AFRICAN-AMERICAN MALES IN VIRGINIA (HJR 231, 2000)

† **August 16, 2000 - 10 a.m.** -- Open Meeting
† **September 18, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. 
(Interpreter for the deaf
provided upon request)

A regular meeting. Questions regarding the agenda
should be directed to Brenda Edwards, Division of
Legislative Services, (804) 786-3591. Individuals
requiring interpreter services or other special assistance
should contact the committee operations office at least
10 days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of
Delegates, State Capitol, P.O. Box 406, Richmond, VA
23218, telephone (804) 698-1544 or (804) 786-2369/TTY 

VIRGINIA CODE COMMISSION

NOTE: CHANGE IN MEETING LOCATION

August 16, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor,
Speaker's Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

September 27, 2000 - 10 a.m. -- Open Meeting
September 28, 2000 - 10 a.m. -- Open Meeting
October 18, 2000 - 10 a.m. -- Open Meeting
October 19, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 6th Floor, Speaker's Conference
Room, Richmond, Virginia. 
(Interpreter for the deaf
provided upon request)

A regularly scheduled meeting. Public comment will be
received at the end of the meeting for a period not to
exceed 15 minutes.

Contact: Jane D. Chaffin, Registrar of Regulations, Division
of Legislative Services, General Assembly Building, 910
Capitol Street, 2nd Floor, Richmond, VA 23219, telephone
(804) 786-3591, FAX (804) 692-0625 or e-mail
jchaffin@leg.state.va.us.

JOINT SUBCOMMITTEE STUDYING THE RESPONSIBILITIES, POLICIES, AND ACTIVITIES OF THE STATE CORPORATION COMMISSION (SJR 173/HJR 187, 2000)

August 24, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write John McE. Garrett seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

LEGISLATIVE TRANSITION TASK FORCE OF THE VIRGINIA ELECTRICAL UTILITY RESTRUCTURING ACT (SB 1269, 1999)

August 21, 2000 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

HOUSE COMMITTEE ON FINANCE

† **August 21, 2000 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A joint meeting with the House Appropriations and Senate Finance Committees. Questions regarding the meeting should be addressed to Joan E. Putney, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

SENATE COMMITTEE ON GENERAL LAWS

August 21, 2000 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3rd Floor West, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of Subcommittee #3 to discuss overtime compensation for fire and law-enforcement employees (SB 200), and to discuss professions and occupations: pawnbrokers (SB 273). Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

August 22, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3rd Floor West, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of Subcommittee #2 to discuss the Public Procurement Act; payment of living wage (SB 103). Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

October 16, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3rd Floor West, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of Subcommittee #5 to discuss the Charitable Gaming Commission; volunteer fire departments and rescue squads (SB 426), and fraternal and veterans' organizations (SB 556). Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

December 6, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to consider legislation continued to the 2001 Session of the General Assembly.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY 

JOINT REAPPORTIONMENT COMMITTEE

September 11, 2000 - 2 p.m. -- Open Meeting
October 16, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A regular meeting. Questions regarding the meeting agenda should be directed to Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591.

Contact: Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING SATELLITE CHIP MILLS (HJR 730, 1999)

August 23, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Marty Farber or Nicole Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Barbara Regen at least 10 working days prior to the meeting.

Contact: Barbara Regen, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY ☎

COMMISSION ON VIRGINIA'S STATE AND LOCAL TAX STRUCTURE FOR THE 21ST CENTURY

August 22, 2000 - 9 a.m. -- Open Meeting
October 2, 2000 - 9 a.m. -- Open Meeting
October 31, 2000 - 9 a.m. -- Open Meeting
University of Virginia, Alumni Hall, Charlottesville, Virginia. ♿

A regular meeting of the commission devoted to the discussion and consideration of issues concerning the adequacy of Virginia's state and local tax structure to address the needs of the Commonwealth in the 21st Century.

Contact: Mich Wilkinson, Staff Director, or Rob Hodder, Deputy Staff Director, Commission on Virginia's State and Local Tax Structure for the 21st Century, Weldon Cooper Center for Public Service, 700 E. Franklin St., Suite 700, Richmond, VA 23219-2318, telephone (804) 786-4273, FAX (804) 371-0234, e-mail leisasteele@erols.com.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† **August 23, 2000 - 1 p.m.** -- Public Hearing
Applied Research Center, 12050 Jefferson Ave., Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of Advisory Committee 5 (UCITA). Please refer to the commission's website at <http://jcots.state.va.us> for more details.

Contact: John Jung, Staff Attorney, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

SENATE COMMITTEE ON TRANSPORTATION

† **September 15, 2000 - 9 a.m.** -- Open Meeting
Hampton City Council Chambers, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider carry over legislation for the 2000 legislative session. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE FUNDING REQUIREMENTS OF THE VIRGINIA UNEMPLOYMENT TRUST FUND

August 22, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Frank Munyan or Maureen Stinger, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Lois Johnson at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY ☎

JOINT SUBCOMMITTEE STUDYING THE FEASIBILITY OF DEVELOPING A CENTER FOR CONTINUING AND VOCATIONAL EDUCATION

August 15, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be directed to Senate Committee Operations.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

STATE WATER COMMISSION

August 14, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Dennis Walter or Marty Farber, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or special assistance should contact Lois Johnson at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY

CHRONOLOGICAL LIST

OPEN MEETINGS

August 14

Nursing, Board of
- Special Conference Committee
Old Dominion University
- Executive Committee
† Real Estate Board
Water Commission, State

August 15

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
- Virginia Sweet Potato Board
† Education, Board of
Housing Development Authority, Virginia
- Board of Commissioners
Pharmacy, Board of
† Real Estate Board
Vocational Education, Joint Subcommittee Studying the Feasibility of Developing a Center for Continuing and

August 16

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
- Professional Engineers Section
Asbestos and Lead, Board for
Code Commission, Virginia
Contractors, Board for
- Tradesman Committee
† Mines, Minerals and Energy, Department of
- Governor's Mined Land Reclamation Advisory Committee
Nursing, Board of
- Ad Hoc Advisory Committee on Massage Therapy
† Pharmacy, Board of
- Special Conference Committee
Racing Commission, Virginia
† Sewage Handling and Disposal Appeal Review Board
† Social Services, State Board of
Transportation Board, Commonwealth

August 17

† Information Providers Network Authority, Virginia
- Executive Board
Medical Assistance Services, Department of
Mines, Minerals and Energy, Department of
† Social Services, State Board of
Transportation Board, Commonwealth

August 18

Medicine, Board of
- Informal Conference Committee
† Optometry, Board of
† Outdoors Foundation, Virginia
- Board of Trustees

August 21

Electrical Utility Restructuring Act, Virginia
- Legislative Transition Task Force
General Laws, Senate Committee on

August 22

Compensation Board
† Conservation and Recreation, Department of
- Steering Committee for the Trevelian Station
Battlefield State Park
† Education, Board of
- Management and Advisory Committee
General Laws, Senate Committee on
Marine Resources Commission
Small Business Financing Authority, Virginia
Tax Structure for the 21st Century, Commission on
Virginia's State and Local
Unemployment Trust Fund, Joint Subcommittee Studying the Funding Requirements of the Virginia
† Veterinary Medicine, Board of

August 23

† Aging, Commonwealth Council on
- Legislative Committee
- Planning and Development Committee
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
- Land Surveyors Section
Cemetery Board
- Regulatory Review Committee
† Rights of Virginians with Disabilities, Department for
- PAIMI Advisory Council
Satellite Chip Mills, Joint Subcommittee Studying
† Technology and Science, Joint Commission on
Veterinary Medicine, Board of

August 24

Agriculture and Consumer Services, Department of
- Virginia Cotton Board
Corporation Commission, Joint Subcommittee Studying the Responsibilities, Policies, and Activities of the State
Counseling, Board of
- Credentials Committee
- Examination Committee
- Regulatory Committee
† Dentistry, Board of
- Ad Hoc Committee of Dentistry and Medicine
Game and Inland Fisheries, Board of

Calendar of Events

- † Information Providers Network Authority, Virginia
- † Medicine, Board of
 - Ad Hoc Committee of Dentistry and Medicine
 - Informal Conference Committee
- † Workforce Council, Virginia
 - Continuous Improvement and Evaluation Committee

August 25

- † Aviation Board, Virginia
- Counseling, Board of
- † Health, Department of
 - State Emergency Medical Services Advisory Board
- † Jamestown-Yorktown Foundation
 - Executive and Finance Committees
- Military Institute, Virginia
 - Board of Visitors
- Opticians, Board for
- † Psychology, Board of
 - Examination Committee

August 26

- Military Institute, Virginia
 - Board of Visitors

August 28

- † Virginia Agricultural Council
- Barbers and Cosmetology, Board for

August 29

- † Virginia Agricultural Council
- Litter Control and Recycling Fund Advisory Board
- † Nursing, Board of

August 30

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
 - Landscape Architects Section
- At-Risk Youth and Their Families, Comprehensive Services for
 - State Executive Council
- † Contractors, Board for
- † Environmental Quality, Department of
- Milk Commission, State
- † Nursing, Board of
 - Joint Boards of Nursing and Medicine
 - Special Conference Committee
- Outdoors Foundation, Virginia

September 5

- Economic Development Partnership, Virginia
 - Board of Directors
- Hopewell Industrial Safety Council
- † Social Services, State Board of

September 6

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
 - Certified Interior Designers Section
- † Funeral Directors and Embalmers, Board of
- Outdoors Foundation, Virginia

September 7

- Air Pollution Control Board, State

- † Medicine, Board of
 - Informal Conference Committee
- † Museum of Fine Arts, Virginia
 - Executive Committee
- Nursing, Board of
 - Special Conference Committee
- Water Control Board, State
- Waterworks and Wastewater Works Operators, Board for
 - Education Committee

September 11

- † Conservation and Recreation, Department of
 - Board on Conservation and Development of Public Beaches
- Medical Assistance Services, Department of
 - Virginia Medicaid Pharmacy Liaison Committee
- Reapportionment Committee, Joint

September 13

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
- † Assistive Technology, Virginia Council on
- † Historic Resources Board and State Review Board
- † Lottery Board, State
- † Medicine, Board of
 - Advisory Committee on Acupuncture
 - Advisory Committee on Radiological Technology
- Transportation Safety Board

September 14

- † Aging, Commonwealth Council on
 - Public Relations Committee
- † Conservation and Recreation, Department of
 - Dam Safety Technical Advisory Committee
- † Medicine, Board of
 - Advisory Board of Occupational Therapy
 - Advisory Committee on Radiological Technology
 - Advisory Board on Respiratory Therapy
- Old Dominion University
 - Board of Visitors
- † Rehabilitative Services, Department of
 - Statewide Independent Living Council Executive Committee

September 15

- † Medicine, Board of
 - Advisory Board on Athletic Trainers
 - Advisory Committee on Physician Assistants
- † Nursing, Board of
 - Special Conference Committee
- † Transportation, Senate Committee on

September 16

- Visually Handicapped, Department for the
 - Statewide Rehabilitation Council for the Blind

September 18

- † Higher Education for Virginia, State Council of Public Guardian and Conservator Advisory Board, Virginia

September 19

- † Funeral Directors and Embalmers, Board of
- † Psychology, Board of

September 20

† Funeral Directors and Embalmers, Board of
Water Control Board, State

September 21

Labor and Industry, Department of
- Virginia Apprenticeship Council
Milk Commission, State
† Soil and Water Conservation Board, Virginia
Waterworks and Wastewater Works Operators, Board for

September 22

† Chesapeake Bay Local Assistance Board
- Policy Committee

September 25

Local Government, Commission on
Nursing, Board of
- Special Conference Committee
† Outdoors Foundation, Virginia
- Board of Trustees
† Professional and Occupational Regulation, Board of

September 26

† Compensation Board
† Hearing Aid Specialists, Board for
Marine Resources Commission
† Outdoors Foundation, Virginia
- Board of Trustees

September 27

† Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council
Code Commission, Virginia
† Funeral Directors and Embalmers, Board of
- Special Conference Committee
Human Resource Management, Department of
Nursing, Board of
- Special Conference Committee
Small Business Financing Authority, Virginia

September 28

Code Commission, Virginia
† Education, State Board of
Nursing, Board of
- Special Conference Committee
Rehabilitative Services, Board of

October 2

Tax Structure for the 21st Century, Commission on
Virginia's State and Local

October 5

Nursing, Board of
- Special Conference Committee

October 9

Old Dominion University
- Board of Visitors Executive Committee

October 10

Nursing, Board of
- Special Conference Committee

October 12

† Conservation and Recreation, Department of
- Virginia State Parks Foundation
Nursing, Board of
- Special Conference Committee

October 13

† Treasury, Department of the
- Virginia College Building Authority

October 16

Accountancy, Board of
† Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
General Laws, Senate Committee on
Nursing, Board of
- Special Conference Committee
Reapportionment Committee, Joint

October 17

Nursing, Board of
- Special Conference Committee

October 18

Code Commission, Virginia

October 19

Code Commission, Virginia
† Education, State Board of

October 25

At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council

October 26

Nursing, Board of
- Special Conference Committee

October 31

Nursing, Board of
- Special Conference Committee
Tax Structure for the 21st Century, Commission on
Virginia's State and Local

November 6

† Education, Board of

November 9

† Education, Board of

November 13

† Old Dominion University
- Board of Visitors' Executive Committee

November 18

† Human Rights, Council on

November 29

† At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council

November 30

† Nursing, Board of
- Special Conference Committee

Calendar of Events

December 16

General Laws, Senate Committee on

PUBLIC HEARINGS

August 23

† Technology and Science, Joint Commission on

August 28

† Air Pollution Control Board

August 31

† Water Control Board, State

September 18

† Water Control Board, State

September 25

† Local Government, Commission on

October 2

Corporation Commission, State

October 10

† Pharmacy, Board of