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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2000 VAC Supplement includes final regulations published through *Virginia Register* Volume 16, Issue 24, dated August 14, 2000). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-330-30	Amended	17:8 VA.R. 1192	2/5/01
2 VAC 5-430-10 et seq.	Repealed	17:8 VA.R. 1192	1/31/01
2 VAC 5-600-10	Amended	17:9 VA.R. 1293	12/14/00
2 VAC 15-20-81	Amended	17:14 VA.R. 2179	3/1/01
Title 3. Alcoholic Beverages			
3 VAC 5-10-70	Amended	17:10 VA.R. 1528	2/28/01
3 VAC 5-10-240	Amended	17:10 VA.R. 1528	2/28/01
3 VAC 5-70-170	Amended	17:10 VA.R. 1530	2/28/01
3 VAC 5-70-210	Added	17:10 VA.R. 1529	2/28/01
Title 4. Conservation and Natural Resources			
4 VAC 15-20-50	Amended	17:6 VA.R. 919	1/1/01
4 VAC 15-20-130	Amended	17:6 VA.R. 920	1/1/01
4 VAC 15-30-40	Amended	17:6 VA.R. 921	1/1/01
4 VAC 15-250-30	Amended	17:6 VA.R. 923	1/1/01
4 VAC 15-320-30	Amended	17:6 VA.R. 924	1/1/01
4 VAC 15-320-100	Amended	17:6 VA.R. 925	1/1/01
4 VAC 15-320-120	Amended	17:6 VA.R. 925	1/1/01
4 VAC 15-320-170	Added	17:6 VA.R. 925	1/1/01
4 VAC 15-330-30	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-50	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-60	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-100	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-120	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-160	Amended	17:6 VA.R. 927	1/1/01
4 VAC 15-330-190	Amended	17:6 VA.R. 927	1/1/01
4 VAC 15-360-10	Amended	17:6 VA.R. 928	1/1/01
4 VAC 15-360-60	Amended	17:6 VA.R. 928	1/1/01
4 VAC 20-110-10	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-15	Added	17:5 VA.R. 698	10/30/00
4 VAC 20-110-20 through 4 VAC 20-110-50	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-55	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-110-60	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-110-65	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-252-30	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-252-70	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-90	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-100	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-110	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-252-140	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-270-40	Amended	17:14 VA.R. 2179	3/1/01
4 VAC 20-337-10 through 4 VAC 20-337-30	Added	17:5 VA.R. 700-702	11/1/00
4 VAC 20-490-20	Amended	17:3 VA.R. 386	10/15/00
4 VAC 20-490-40	Amended	17:3 VA.R. 387	10/15/00
4 VAC 20-490-60	Amended	17:3 VA.R. 387	10/15/00

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4 VAC 20-540-30	Amended	17:5 VA.R. 702	1/1/01
4 VAC 20-540-40	Amended	17:5 VA.R. 702	1/1/01
4 VAC 20-560-40	Amended	17:7 VA.R. 1035	12/1/00
4 VAC 20-560-50	Amended	17:7 VA.R. 1035	12/1/00
4 VAC 20-620-30	Amended	17:10 VA.R. 1530	1/1/01
4 VAC 20-620-30	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-40	Amended	17:5 VA.R. 703	10/30/00
4 VAC 20-620-40	Amended	17:10 VA.R. 1531	1/1/01
4 VAC 20-620-50	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-620-70	Amended	17:14 VA.R. 2180	3/1/01
4 VAC 20-670-30	Amended	17:10 VA.R. 1532	1/1/01
4 VAC 20-670-40	Amended	17:10 VA.R. 1532	1/1/01
4 VAC 20-720-20	Amended	17:3 VA.R. 387	10/1/00
4 VAC 20-720-40	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-50	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-60	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-70	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-80	Amended	17:3 VA.R. 390	10/1/00
4 VAC 20-754-30	Amended	17:3 VA.R. 393	10/1/00
4 VAC 20-755-10	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-20	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-30	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-890-20	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-890-25	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-30	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-40	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-900-10 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25	Amended	17:1 VA.R. 63	9/1/00
4 VAC 20-900-25 emer	Amended	17:5 VA.R. 832	10/20/00-11/19/00
4 VAC 20-900-25	Amended	17:7 VA.R. 1036	11/17/00
4 VAC 20-900-25	Amended	17:10 VA.R. 1533	1/1/01
4 VAC 20-900-30	Amended	17:10 VA.R. 1533	1/1/01
4 VAC 20-900-35	Amended	17:10 VA.R. 1534	1/1/01
4 VAC 20-910-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-910-45	Amended	17:3 VA.R. 393	11/1/00
4 VAC 20-950-10	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-950-30	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-950-45	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-950-45	Amended	17:14 VA.R. 2181	3/1/01
4 VAC 20-995-20	Amended	17:5 VA.R. 705	10/30/00
4 VAC 20-995-20	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-995-20	Amended	17:14 VA.R. 2182	3/1/01
4 VAC 20-995-30	Amended	17:5 VA.R. 706	10/30/00
4 VAC 25-30 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-30 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-40 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-40 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-90 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-100 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-130 (Forms)	Amended	17:4 VA.R. 614	--
4 VAC 25-130 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-170 (Forms)	Amended	17:8 VA.R. 1203	--
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10 through 6 VAC 20-190-200	Amended	17:3 VA.R. 395-398	11/23/00
6 VAC 20-190 (Forms)	Added	17:8 VA.R. 1204	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 8. Education			
8 VAC 20-21-10	Amended	17:8 VA.R. 1193	1/31/01
8 VAC 20-21-50	Amended	17:8 VA.R. 1194	1/31/01
8 VAC 20-21-80	Amended	17:8 VA.R. 1195	1/31/01
8 VAC 20-21-260	Amended	17:8 VA.R. 1196	1/31/01
8 VAC 20-80-10	Amended	17:5 VA.R. 707	1/1/01
8 VAC 20-80-10	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-20	Repealed	17:5 VA.R. 717	1/1/01
8 VAC 20-80-30	Amended	17:5 VA.R. 717	1/1/01
8 VAC 20-80-30	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-40	Amended	17:5 VA.R. 721	1/1/01
8 VAC 20-80-40	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-45	Added	17:5 VA.R. 722	1/1/01
8 VAC 20-80-45	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-50	Amended	17:5 VA.R. 725	1/1/01
8 VAC 20-80-52	Added	17:5 VA.R. 727	1/1/01
8 VAC 20-80-54	Added	17:5 VA.R. 728	1/1/01
8 VAC 20-80-54	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-56	Added	17:5 VA.R. 731	1/1/01
8 VAC 20-80-56	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-58	Added	17:5 VA.R. 735	1/1/01
8 VAC 20-80-60	Amended	17:5 VA.R. 736	1/1/01
8 VAC 20-80-62	Added	17:5 VA.R. 738	1/1/01
8 VAC 20-80-62	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-64	Added	17:5 VA.R. 746	1/1/01
8 VAC 20-80-65	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-66	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-68	Added	17:5 VA.R. 752	1/1/01
8 VAC 20-80-70	Amended	17:5 VA.R. 756	1/1/01
8 VAC 20-80-70	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-72	Added	17:5 VA.R. 765	1/1/01
8 VAC 20-80-74	Added	17:5 VA.R. 767	1/1/01
8 VAC 20-80-76	Added	17:5 VA.R. 768	1/1/01
8 VAC 20-80-76	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-78	Added	17:5 VA.R. 776	1/1/01
8 VAC 20-80-80 through 8 VAC 20-80-150	Amended	17:5 VA.R. 778-786	1/1/01
8 VAC 20-80-80	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-152	Added	17:5 VA.R. 786	1/1/01
8 VAC 20-80-152	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-155	Added	17:5 VA.R. 787	1/1/01
8 VAC 20-80-160	Amended	17:5 VA.R. 787	1/1/01
8 VAC 20-80-160	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-170	Repealed	17:5 VA.R. 788	1/1/01
8 VAC 20-80-180	Repealed	17:5 VA.R. 789	1/1/01
8 VAC 20-80-190	Amended	17:5 VA.R. 790	1/1/01
8 VAC 20-80-200	Repealed	17:5 VA.R. 790	1/1/01
8 VAC 20-80 Appendix A	Erratum	17:8 VA.R. 1217	--
8 VAC 20-110-10	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-20	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-40	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-50	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-60	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-70	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-140	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-131-10 through 8 VAC 20-131-150	Amended	16:25 VA.R. 3228-3237	9/28/00
8 VAC 20-131-170	Amended	16:25 VA.R. 3237	9/28/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-131-180	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-210	Amended	16:25 VA.R. 3238	9/28/00
8 VAC 20-131-220	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-240	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-250	Repealed	16:25 VA.R. 3240	9/28/00
8 VAC 20-131-260 through 8 VAC 20-131-320	Amended	16:25 VA.R. 3240-3249	9/28/00
8 VAC 20-131-325	Added	16:25 VA.R. 3249	9/28/00
8 VAC 20-131-340	Amended	16:25 VA.R. 3250	9/28/00
8 VAC 20-570-10 et seq.	Repealed	17:5 VA.R. 706	1/1/01
8 VAC 20-640-10	Added	17:8 VA.R. 1198	1/31/01
8 VAC 20-650-10 through 8 VAC 20-650-20 emer	Added	17:14 VA.R. 2202	3/7/01-3/6/02
8 VAC 35-10-20	Amended	17:10 VA.R. 1534	12/22/00
8 VAC 35-10-30	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-50	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-60	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-80	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-90	Amended	17:10 VA.R. 1536	12/22/00
8 VAC 35-20-10 et seq.	Repealed	17:10 VA.R. 1536	12/22/00
8 VAC 35-21-10 through 8 VAC 35-21-360	Added	17:10 VA.R. 1536-1547	12/22/00
Title 9. Environment			
9 VAC 5-50-400	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-60	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-90	Amended	17:15 VA.R. 2248	6/1/01
9 VAC 5-60-100	Amended	17:15 VA.R. 2249	6/1/01
9 VAC 5-60-120 through 9 VAC 5-60-180	Added	17:4 VA.R. 585	1/1/01
9 VAC 5-60-150	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-50 through 9 VAC 5-80-120	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-180 through 9 VAC 5-80-300	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-305	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-310 through 9 VAC 5-80-350	Amended	17:4 VA.R. 585	*
9 VAC 5-80-355	Repealed	17:4 VA.R. 585	*
9 VAC 5-80-360 through 9 VAC 5-80-380	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-400 through 9 VAC 5-80-460	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-480	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-490	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-510	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-540 through 9 VAC 5-80-570	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-610	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-620	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-650	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-660	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-680	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-700	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-705	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-720	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-90-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-100-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-121-10 et seq.	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 20-60-18	Amended	17:2 VA.R. 220	11/8/00
9 VAC 20-170-10 through 9 VAC 20-170-410	Added	17:9 VA.R. 1297-1327	**
9 VAC 25-31-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-10	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-30	Amended	16:25 VA.R. 3252	9/27/00

* Regulatory process suspended in 17:9 VA.R. 1297.

** Regulatory process suspended in 17:13 VA.R. 2076.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-30	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-40	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-50	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-100	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-100	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-110	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-120	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-120	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-121 (renumbered from 9 VAC 25-31-125)	Added	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-190	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-200	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-220	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-230	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-340	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-370	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-390	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-390	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-410	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-500	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-570	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-580	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-590	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-620	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-660	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-670	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-710	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-720	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-750	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-770	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-780	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-800	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-810	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-840	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-50	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Erratum	17:3 VA.R. 433	--
9 VAC 25-400-10	Amended	16:25 VA.R. 3255	9/27/00
9 VAC 25-630-10 through 9 VAC 25-630-60	Amended	17:3 VA.R. 399-409	12/1/00
9 VAC 25-630-30	Erratum	17:7 VA.R. 1112	--
9 VAC 25-630-50	Erratum	17:7 VA.R. 1112	--
9 VAC 25-630 (Forms)	Amended	17:8 VA.R. 1207	--
9 VAC 25-640-10 through 9 VAC 25-640-250	Added	17:10 VA.R. 1548-1556	3/2/01
9 VAC 25-640 Appendices I through IX	Added	17:10 VA.R. 1556-1566	3/2/01
9 VAC 25-650-10 through 9 VAC 25-650-210 emer	Added	17:9 VA.R. 1370-1383	12/14/00-12/13/01
9 VAC 25-730-10 through 9 VAC 25-730-40	Added	17:9 VA.R. 1328	2/16/01
Title 11. Gaming			
11 VAC 10-60 (Forms)	Amended	17:15 VA.R. 2259	--
11 VAC 10-100-30	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-110	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-170	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-100-210	Amended	16:25 VA.R. 3262	8/8/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-110-30	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-90	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-230	Added	16:25 VA.R. 3263	8/8/00
11 VAC 10-120-50	Amended	16:26 VA.R. 3507	8/14/00
11 VAC 10-120-80	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-120-90	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-130-10	Amended	17:4 VA.R. 586	10/16/00
11 VAC 10-130-20	Amended	17:4 VA.R. 587	10/16/00
11 VAC 10-130-40	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-60	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-70	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-76	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-77	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-80	Amended	17:4 VA.R. 590	10/16/00
11 VAC 10-150-10	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-20	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-30	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-40	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-80	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-90	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-120	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-130	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-170	Amended	16:26 VA.R. 3511	8/14/00
Title 12. Health			
12 VAC 5-90-185 emer	Added	17:11 VA.R. 1670	1/17/01-1/16/02
12 VAC 5-120-10 through 12 VAC 5-120-120 emer	Added	17:11 VA.R. 1671-1672	1/12/01-1/11/02
12 VAC 5-185-10 through 12 VAC 5-185-110	Added	17:9 VA.R. 1329-1331	2/14/01
12 VAC 5-371-150	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-371-260	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-410-220	Amended	17:1 VA.R. 65	10/27/00
12 VAC 5-475-10 through 12 VAC 5-475-100 emer	Added	17:11 VA.R. 1673-1675	1/17/01-1/16/02
12 VAC 5-507-10 through 12 VAC 5-507-290 emer	Added	17:11 VA.R. 1675-1681	1/17/01-1/16/02
12 VAC 5-508-10 through 12 VAC 5-508-280 emer	Added	17:11 VA.R. 1687-1692	1/23/01-1/22/02
12 VAC 5-510-10 emer	Amended	17:11 VA.R. 1681	1/17/01-1/16/02
12 VAC 5-510-10.1 emer	Added	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-20 emer	Amended	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-30 emer	Amended	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-50 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-60 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-70 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-80 through 12 VAC 5-510-290 emer	Added	17:11 VA.R. 1684-1687	1/17/01-1/16/02
12 VAC 5-520-10 emer	Amended	17:11 VA.R. 1693	1/12/01-1/11/02
12 VAC 5-520-20 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-30 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-40 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-50 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-60 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-70 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-80 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-90 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-110 emer	Repealed	17:11 VA.R. 1695	1/12/01-1/11/02
12 VAC 5-520-120 emer	Repealed	17:11 VA.R. 1695	1/12/01-1/11/02
12 VAC 5-520-130 through 12 VAC 5-520-210 emer	Added	17:11 VA.R. 1695-1697	1/12/01-1/11/02
12 VAC 30-10-150	Amended	17:5 VA.R. 791	1/1/01
12 VAC 30-10-160	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-20-80	Amended	17:13 VA.R. 2077	4/11/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-30-10	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-20	Amended	17:13 VA.R. 2081	4/11/01
12 VAC 30-30-40	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-30-50	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-40-80	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-40-100	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-240	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-250	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-280	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-290	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-345	Amended	17:3 VA.R. 410	11/22/00
12 VAC 30-40-350	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-50-30	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-70	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-130	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-229.1	Amended	17:5 VA.R. 798	1/1/01
12 VAC 30-50-250	Amended	17:5 VA.R. 793	1/1/01
12 VAC 30-50-300	Amended	17:12 VA.R. 2026	6/1/01***
12 VAC 30-50-480	Amended	17:5 VA.R. 801	1/1/01
12 VAC 30-50-530	Amended	17:12 VA.R. 2026	6/1/01***
12 VAC 30-60-170	Amended	17:5 VA.R. 802	1/1/01
12 VAC 30-80-21	Added	17:5 VA.R. 793	1/1/01
12 VAC 30-80-111	Added	17:5 VA.R. 803	1/1/01
12 VAC 30-90-19 emer	Added	17:10 VA.R. 1572	1/8/01-1/7/02
12 VAC 30-110-630	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-650	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-660	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-670	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-700	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-710	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-720	Amended	17:13 VA.R. 2088	4/11/01
12 VAC 30-110-730	Amended	17:13 VA.R. 2090	4/11/01
12 VAC 30-110-740	Repealed	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-741	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-744	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-747	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-751	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-760	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-780	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-790	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-800	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-810	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-813	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-815	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-820	Repealed	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-830	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-840	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-850	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-853	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-856	Added	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-860	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-870	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-880	Amended	17:13 VA.R. 2093	4/11/01

*** Effective date changed in 17:14 VA.R. 2183.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-110-890	Repealed	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-900	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-910	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-920	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-921	Added	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-930	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-940	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-950	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-960	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-970	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-980	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-990	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1010	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1011	Added	17:13 VA.R. 2095	4/11/01
12 VAC 30-130-850 through 12 VAC 30-130-890	Added	17:5 VA.R. 794-796	1/1/01
12 VAC 30-130-880	Erratum	17:6 VA.R. 932	--
12 VAC 30-130-900 through 12 VAC 30-130-950	Added	17:5 VA.R. 803-806	1/1/01
Title 13. Housing			
13 VAC 5-51-71	Amended	17:7 VA.R. 1036	1/17/01
13 VAC 5-51-81	Amended	17:7 VA.R. 1037	1/17/01
13 VAC 5-51-130	Amended	17:7 VA.R. 1038	1/17/01
13 VAC 5-51-150	Amended	17:7 VA.R. 1038	1/17/01
13 VAC 5-51-170	Amended	17:7 VA.R. 1040	1/17/01
13 VAC 10-160-10	Amended	16:26 VA.R. 3512	9/1/00
13 VAC 10-160-30	Amended	16:26 VA.R. 3513	9/1/00
13 VAC 10-160-41	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-51	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-55 through 13 VAC 10-160-90	Amended	16:26 VA.R. 3515-3518	9/1/00
Title 14. Insurance			
14 VAC 5-200-20 through 14 VAC 5-200-60	Amended	17:4 VA.R. 594-597	12/1/00
14 VAC 5-200-65	Added	17:4 VA.R. 597	12/1/00
14 VAC 5-200-70	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-90	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-110	Amended	17:4 VA.R. 599	12/1/00
14 VAC 5-200-120	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-150	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-155	Added	17:4 VA.R. 602	12/1/00
14 VAC 5-200-170	Amended	17:4 VA.R. 602	12/1/00
14 VAC 5-200-175	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-180	Repealed	17:4 VA.R. 603	12/1/00
14 VAC 5-200-185	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-187	Added	17:4 VA.R. 605	12/1/00
14 VAC 5-200-200	Amended	17:4 VA.R. 606	12/1/00
14 VAC 5-350 (Forms)	Amended	17:11 VA.R. 1698-1700	
14 VAC 5-370-20	Amended	16:25 VA.R. 3264	9/30/00
14 VAC 5-370-100	Amended	16:25 VA.R. 3264	9/30/00
Title 16. Labor and Employment			
16 VAC 15-30-20	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-200	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-210	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-220	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-230	Added	17:1 VA.R. 69	10/25/00
16 VAC 25-120-1917.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.3	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.23	Amended	16:25 VA.R. 3265	10/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-120-1917.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.26	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.27	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.30	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.50	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.71	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.73	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.92	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.95	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.112	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.124	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.151	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.152	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.153	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.156	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120 Appendix I	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.24	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.37	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.41	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.42	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.43	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.51	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.52	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.54	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.61	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.62	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.65	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.66	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.69	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.85	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.86	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.94	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.97	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.98	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.100	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.102	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.105	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix II	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix IV	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 30-100-10 through 16 VAC 30-100-80	Added	17:9 VA.R. 1331-1334	2/14/01
Title 17. Libraries and Cultural Resources			
17 VAC 15-20-20 through 17 VAC 15-20-50	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-70 through 17 VAC 15-20-120	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-20-150 through 17 VAC 15-20-170	Amended	17:14 VA.R. 2183	5/1/01
17 VAC 15-30-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-40-10 et seq.	Repealed	17:14 VA.R. 2183	5/1/01
17 VAC 15-50-20 through 17 VAC 15-50-50	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-70	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-90 through 17 VAC 15-50-110	Amended	17:14 VA.R. 2184	5/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
17 VAC 15-50-130	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-140	Repealed	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-150	Amended	17:14 VA.R. 2184	5/1/01
17 VAC 15-50-160	Amended	17:14 VA.R. 2184	5/1/01
Title 18. Professional and Occupational Licensing			
18 VAC 5-20-10 et seq.	Repealed	17:14 VA.R. 2184	4/25/01
18 VAC 5-21-10 through 18 VAC 5-21-170	Amended	17:14 VA.R. 2184-2198	4/25/01
18 VAC 45-20-5	Added	17:7 VA.R. 1041	2/1/01
18 VAC 45-20-10	Amended	17:7 VA.R. 1041	2/1/01
18 VAC 45-20-20	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-30	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-40	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-50	Added	17:7 VA.R. 1043	2/1/01
18 VAC 85-20-131 emer	Amended	17:4 VA.R. 610	10/13/00-10/12/01
18 VAC 85-20-140	Amended	17:8 VA.R. 1198	1/31/01
18 VAC 85-31-10 through 18 VAC 85-31-160	Repealed	16:25 VA.R. 3266-3270	9/27/00
18 VAC 85-40-61	Added	17:13 VA.R. 2097	4/11/01
18 VAC 85-50-58	Added	17:13 VA.R. 2098	4/11/01
18 VAC 85-110-100 emer	Amended	17:7 VA.R. 1091	11/17/00-11/16/01
18 VAC 90-20-36 emer	Added	17:2 VA.R. 221	9/19/00-9/18/01
18 VAC 90-30-50	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-110	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-120	Amended	17:7 VA.R. 1047	1/17/01
18 VAC 90-40-60	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-40-70	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-50-30	Amended	17:11 VA.R. 1669	3/14/01
18 VAC 90-50-80	Amended	17:11 VA.R. 1669	3/14/01
18 VAC 100-20-5	Added	17:9 VA.R. 1334	3/1/01
18 VAC 100-20-10	Amended	17:9 VA.R. 1334	3/1/01
18 VAC 100-20-20	Repealed	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-30	Repealed	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-40	Repealed	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-50	Amended	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-54	Added	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-55	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-56	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-60	Amended	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-65	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-70	Amended	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-80	Repealed	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-81	Added	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-85	Added	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-87	Added	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-90	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-100	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-110	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-120	Added	17:9 VA.R. 1339	3/1/01
18 VAC 100-20-130	Added	17:9 VA.R. 1339	3/1/01
18 VAC 110-20-10	Amended	17:7 VA.R. 1047	1/17/01
18 VAC 110-20-20	Amended	17:7 VA.R. 1050	1/17/01
18 VAC 110-20-20 emer	Amended	17:10 VA.R. 1573	1/10/01-1/9/02
18 VAC 110-20-425	Added	17:7 VA.R. 1050	1/17/01
18 VAC 110-30-10	Amended	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-15	Added	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-20	Amended	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-30	Amended	17:7 VA.R. 1059	1/17/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-30-35	Added	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-50	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-60	Repealed	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-80	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-90	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-100	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-110	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-160	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-170	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-190	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-200	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-210	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-220	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-240	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-255	Added	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-260	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-270	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-40-10 through 18 VAC 110-40-70	Added	17:7 VA.R. 1066-1067	1/17/01
18 VAC 112-10-10 through 18 VAC 112-10-120 emer	Added	17:4 VA.R. 611-612	10/17/00-10/16/01
18 VAC 112-20-10 through 18 VAC 112-20-150	Added	16:25 VA.R. 3266-3270	9/27/00
18 VAC 125-20-10	Amended	17:12 VA.R. 2026	3/28/01
18 VAC 125-20-30	Amended	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-43	Added	17:12 VA.R. 2027	3/28/01
18 VAC 140-20-100	Amended	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-105	Added	17:14 VA.R. 2198	4/25/01
18 VAC 140-20-106	Added	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-110	Amended	17:14 VA.R. 2199	4/25/01
18 VAC 140-20-160	Amended	17:14 VA.R. 2199	4/25/01
18 VAC 160-20-10	Amended	17:9 VA.R. 1342	2/15/01
18 VAC 160-20-20 through 18 VAC 160-20-70	Repealed	17:9 VA.R. 1343-1345	2/15/01
18 VAC 160-20-74	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-76	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-80	Amended	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-85	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-90	Amended	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-100	Repealed	17:9 VA.R. 1349	2/15/01
18 VAC 160-20-102	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-104	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-106	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-109	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-110	Repealed	17:9 VA.R. 1351	2/15/01
18 VAC 160-20-120	Added	17:9 VA.R. 1351	2/15/01
18 VAC 160-20-130	Added	17:9 VA.R. 1352	2/15/01
18 VAC 160-20-140	Added	17:9 VA.R. 1353	2/15/01
18 VAC 160-20-160	Amended	17:9 VA.R. 1353	2/15/01
Title 19. Public Safety			
19 VAC 30-20-80	Amended	17:10 VA.R. 1567	3/14/01
19 VAC 30-40-30	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-160	Amended	17:15 VA.R. 2252	5/9/01
19 VAC 30-70-530	Amended	17:15 VA.R. 2255	5/9/01
19 VAC 30-150-5	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-10	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-150-50	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-5	Added	17:15 VA.R. 2257	5/9/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-160-20	Repealed	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-30	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-40	Amended	17:15 VA.R. 2257	5/9/01
19 VAC 30-160-45	Added	17:15 VA.R. 2257	5/9/01
19 VAC 30-165-10 et seq.	Amended	17:15 VA.R. 2258	5/9/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-200-21	Amended	16:25 VA.R. 3274	7/28/00
20 VAC 5-200-30	Amended	16:25 VA.R. 3296	7/28/00
20 VAC 5-200 Appendix	Amended	16:25 VA.R. 3298	7/28/00
20 VAC 5-202-10 through 20 VAC 5-202-50	Added	17:5 VA.R. 819-824	10/20/00
20 VAC 5-309-10	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-15	Added	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-20	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-30	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-40	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-50	Amended	17:9 VA.R. 1367	7/1/01
20 VAC 5-309-70	Amended	17:9 VA.R. 1367	7/1/01
20 VAC 5-309-90 through 20 VAC 5-309-220	Added	17:9 VA.R. 1367-1369	7/1/01
Title 22. Social Services			
22 VAC 30-20-10 through 22 VAC 30-20-60	Amended	17:7 VA.R. 1067-1076	1/17/01
22 VAC 30-20-80 through 22 VAC 30-20-130	Amended	17:7 VA.R. 1076-1086	1/17/01
22 VAC 30-20-150	Amended	17:7 VA.R. 1086	1/17/01
22 VAC 30-20-160	Amended	17:7 VA.R. 1087	1/17/01
22 VAC 30-20-170	Amended	17:7 VA.R. 1088	1/17/01
22 VAC 30-20-181	Amended	17:7 VA.R. 1088	1/17/01
22 VAC 30-20-200	Amended	17:7 VA.R. 1090	1/17/01
22 VAC 40-35-10	Amended	17:5 VA.R. 825	12/20/00
22 VAC 40-35-10	Amended	17:10 VA.R. 1567	2/28/01
22 VAC 40-35-90	Amended	17:10 VA.R. 1570	2/28/01
22 VAC 40-35-125	Amended	17:5 VA.R. 827	12/20/00
22 VAC 40-35-126	Added	17:5 VA.R. 827	12/20/00
22 VAC 40-35-127	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-35-128	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-60 (Forms)	Amended	17:1 VA.R. 72	--
22 VAC 40-170 (Forms)	Amended	17:5 VA.R. 833	--
22 VAC 40-180 (Forms)	Amended	16:25 VA.R. 3331-3332	--
22 VAC 40-600-10	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-50	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-70	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-90	Repealed	17:1 VA.R. 71	10/25/00
22 VAC 40-600-130	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-140	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-170	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-200	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-210	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-680-10	Amended	17:5 VA.R. 830	12/20/00
22 VAC 40-680-20	Amended	17:5 VA.R. 830	12/20/00
22 VAC 40-730-10 emer	Amended	17:13 VA.R. 2103	4/1/01-3/31/02
22 VAC 40-730-40 through 22 VAC 40-730-100 emer	Amended	17:13 VA.R. 2103-2104	4/1/01-3/31/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-280-10	Amended	17:13 VA.R. 2099	2/15/01
24 VAC 30-280-20 through 24 VAC 30-280-70	Added	17:13 VA.R. 2099-2102	2/15/01
24 VAC 30-380-10	Amended	16:26 VA.R. 3518	8/23/00
24 VAC 30-440-10 et seq.	Repealed	17:14 VA.R. 2200	3/6/01
24 VAC 30-450-10 et seq.	Amended	17:14 VA.R. 2200	3/6/01
24 VAC 30-460-10	Repealed	17:14 VA.R. 2201	3/6/01

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-360-10 et seq. Rules and Regulations for the Enforcement of the Virginia Commercial Feed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including compatibility with changes to the Commercial Feed Law enacted by the General Assembly. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

Public comments may be submitted until May 1, 2001.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476 or FAX (804) 786-1571.

VA.R. Doc. No. R01-109; Filed January 25, 2001, 2:13 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-440-10 et seq. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the effectiveness and clarity of language relating to penalties, exemptions, and reporting and filing deadlines. VDACS also recommends the current regulation be amended to allow liens to be placed on the cotton crops of those producers who do not pay their fees in lieu of destruction of crops. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-188.23 of the Code of Virginia.

Public comments may be submitted until May 1, 2001.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515 or FAX (804) 371-7793.

VA.R. Doc. No. R01-110; Filed January 25, 2001, 2:13 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 Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-580-10 et seq. Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the abolishment of the current regulation and at the same time, adoption of the Food Code to bring Virginia's regulations pertaining to food safety in retail food stores into alignment with the regulations of other states that have adopted the Food Code and to support the FDA's efforts to promote uniform, nationwide sanitary requirements for all food handling establishments. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-364 and 3.1-398 of the Code of Virginia.

Public comments may be submitted until May 14, 2001.

Contact: James A. Morano, Review and Compliance Officer, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-8899 or FAX (804) 371-7792.

VA.R. Doc. No. R01-120; Filed February 12, 2001, 2:57 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

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 Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** Several legislative and statutory changes have occurred that require specific revisions to be made to keep the licensure regulations in line with current laws as well as with the standards expected of Virginia's teachers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public comments may be submitted until April 25, 2001.

Contact: Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2522 or FAX (804) 225-2524.

Notices of Intended Regulatory Action

VA.R. Doc. No. R01-135; Filed March 7, 2001, 9:54 a.m.

TITLE 9. ENVIRONMENT

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 25-32-10 et seq. Virginia Pollution Abatement (VPA) Permit Regulation.** The purpose of the proposed action is to bring the regulation up to date with current state law requirements and to clarify the intent of certain other provisions. Under Executive Order 25(98), agencies must review the effects, burdens and consequences of their regulations every three years. This rulemaking will also accomplish the mandated regulatory review. (See 17:14 VA.R. 2144 March 26, 2001, for more detailed information.)

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

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

Public comments may be submitted until May 4, 2001.

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

VA.R. Doc. No. R01-133; Filed March 7, 2001, 8:44 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 Water Control Board intends to consider amending regulations entitled: **9 VAC 25-180-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Sites.** The purpose of the proposed action is to amend the existing storm water construction general permit, which expires on June 30, 2004, to add coverage for small construction activity (construction activity disturbing between one and five acres of land).

Need: The EPA Phase 2 storm water regulations, published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) effective September 27, 2000, require small construction activities to apply for VPDES permit coverage. Small construction activities include clearing, grading, and excavation that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

This proposed regulatory action is needed in order to allow small construction activities to apply for permit coverage by the regulatory deadline of March 10, 2003.

Substance: This is an amendment of an existing general permit. The amendment would allow small construction activities to be covered under this general permit. All other requirements and provisions would remain the same. Further amendments may be identified following the submittal of public comments on this notice.

Alternatives: There are two alternatives for compliance with the federal and state requirements to permit storm water discharges from small construction activities. One is to issue individual VPDES permits to each construction activity. The other is to amend the existing construction activity general VPDES permit to cover this category of discharger. Due to the magnitude of construction activity sites that are required to be permitted, it is not practical to issue individual permits to each of these facilities. Individual permits will only be issued to those sites that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, FAX, or e-mail to Burt Tuxford, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4086, FAX (804) 698-4032, e-mail brtuxford@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by May 23, 2001.

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

The board is forming a technical advisory committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by May 23, 2001.

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

Public comments may be submitted until May 23, 2001.

Contact: Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086 or FAX (804) 698-4032.

VA.R. Doc. No. R01-162; Filed April 4, 2001, 10:37 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: **9 VAC 25-194-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Car Wash Facilities.** The

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purpose of the proposed action is to reissue the existing general permit that expires on October 15, 2002. This general permit regulation governs the discharge of wastewater from car wash facilities to surface waters.

Need: This proposed regulatory action is needed in order to establish appropriate and necessary permitting requirements for discharges of wastewater from car wash operations. These discharges are considered to be point sources of pollutants and thus are subject to regulation under the VPDES permit program. The existing general permit expires on October 15, 2002. The general permit is being reissued in order to continue making it available for car washes after that date.

Substance: This is a reissuance of an existing general permit and there are no proposed changes. Amendments may be identified following the submittal of public comments on this notice.

Alternatives: There are two alternatives for compliance with federal and state requirements to permit discharges from car washes. One is to issue individual VPDES permits to each establishment. The other is to reissue the general VPDES permit to cover this category of discharger.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, FAX, or e-mail to George Cosby, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4067, FAX (804) 698-4032, e-mail gecosby@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by May 23, 2001.

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

The board will form a technical advisory committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by May 23, 2001.

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

Public comments may be submitted until May 23, 2001.

Contact: George Cosby, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067 or FAX (804) 698-4032.

VA.R. Doc. No. R01-161; Filed April 4, 2001, 10:38 a.m.

† Notice of Intended Regulatory Action Extension of Public Comment Period

The State Water Control Board is extending the comment period on the Notice of Intended Regulatory Action for the

triennial review of **9 VAC 25-260-5 et seq. Water Quality Standards** published in 17:10 VA.R. 1442-1445 January 29, 2001. Comments will be accepted until June 22, 2001.

Anyone wishing to submit written comments for the public comment file may do so by mail or by e-mail to emdaub@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by June 22, 2001. All comments received since January 29, 2001, will be considered by the board in the development of the proposal. Written comments may be submitted to Eleanore Daub, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

VA.R. Doc. No. R01-78; Filed April 4, 2001, 10:41 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 promulgating regulations entitled: **9 VAC 25-740-10 et seq. Regulation for the Reuse of Reclaimed Wastewater**. The purpose of the proposed action is to establish requirements for the reclamation and reuse of wastewater and processes for acting on requests for reclamation and reuse of wastewater. (See 17:14 VA.R. 2145-2146 March 26, 2001, for more detailed information.)

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

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

Public comments may be submitted until May 4, 2001.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054.

VA.R. Doc. No. R01-134; Filed March 7, 2001, 8:44 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 Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-750-10 et seq. General VPDES Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems**. The purpose of the proposed action is to adopt a VPDES general permit for storm water discharges from small municipal separate storm sewer systems (small MS4s).

Need: The EPA Phase 2 storm water regulations, published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (9 VAC 25-31-10 et seq.) effective September 27, 2000, require small MS4s in urbanized areas to apply for VPDES permit coverage. Small MS4s include systems owned or operated by municipalities, federal facilities (such as military bases), state facilities (such as VDOT, prisons, large hospitals, etc.), and universities. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Notices of Intended Regulatory Action

VA.R. Doc. No. R01-163; Filed April 4, 2001, 10:37 a.m.

This proposed regulatory action is needed in order to allow regulated small MS4s to apply for permit coverage by the regulatory deadline of March 10, 2003.

Substance: This general permit regulation will establish standard language for control of storm water discharges from small MS4s through the development, implementation and enforcement of a storm water management program to reduce the impacts of the storm water discharges on the receiving streams to the maximum extent practicable. The storm water management program will require that the small MS4 identify best management practices (BMPs) to control storm water discharges, and measurable goals for each identified BMP for each of the following six minimum control measures: (i) public education and outreach on storm water impacts, (ii) public involvement/participation, (iii) illicit discharge detection and elimination, (iv) construction site storm water runoff control, (v) post-construction storm water management in new development and redevelopment, and (vi) pollution prevention/good housekeeping for municipal operations.

Alternatives: There are two alternatives for compliance with the federal and state requirements to permit storm water discharges from small MS4s. One is to issue individual VPDES permits to each regulated small MS4. The other is to adopt a VPDES general permit to cover this category of discharger. Due to the magnitude of small MS4s that are required to be permitted, it is not practical to issue individual permits to each of these facilities. Individual permits will be issued on a case-by-case basis to those small MS4s that specifically request to be covered under an individual permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, FAX, or e-mail to Burt Tuxford, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4086, FAX (804) 698-4032, e-mail brtuxford@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by May 23, 2001.

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

The board is forming a technical advisory committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by May 23, 2001.

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

Public comments may be submitted until May 23, 2001.

Contact: Burt Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086 or FAX (804) 698-4032.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

† 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 Motor Vehicles intends to consider amending regulations entitled: **24 VAC 20-120-10 et seq. Commercial Driver Training School Regulations**. The purpose of the proposed action is to provide appropriate oversight of the driver training schools that are issued Class B licenses by the Department of Motor Vehicles. A Class B licensed school provides training in the operation of any type of motor vehicle other than commercial motor vehicles as defined in § 46.2-341.4 of the Code of Virginia.

Through this regulation, DMV's oversight activities are intended to ensure that graduates of these schools are adequately prepared to safely and independently operate an automobile on the public roadways. The main goals of the proposed regulation are as follows:

1. Strengthen certain DMV training school standards and develop additional standards to ensure that the instruction provided by Class B driver training schools is uniform and meets the requirements established in state law and the Department of Education's Curriculum Guide for Driver Education in Virginia;
2. Strengthen certain components of DMV's oversight process to ensure that reviews of training documentation are consistent, evaluation of school curricula are expanded, and audits of driver training schools' vehicles are more comprehensive; and
3. Implement additional changes intended to ensure that consistently high quality instruction is provided across the driver training school system and that the learning environment for younger students is safe, secure and peer-oriented.

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

Statutory Authority: §§ 46.2-203 and 46.2-1703 of the Code of Virginia.

Public comments may be submitted until May 25, 2001.

Contact: Ronnie Hall, Deputy Director, Department of Motor Vehicles, P.O. Box 27412, Room 301, Richmond, VA 23269-0001, telephone (804) 367-2240, FAX (804) 367-0363, toll-free 1-800-435-5137 or 1-800-272-9268/TTY ☎

VA.R. Doc. No. R01-159; Filed April 3, 2001, 2:44 p.m.

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 8. EDUCATION

STATE BOARD OF EDUCATION

REPROPOSED

REGISTRAR'S NOTICE: The Board of Education, at its meeting on March 22, 2001, approved a second draft of proposed revisions to 8 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts for release for an additional 30-day public comment period. The first draft was published in 16:25 VA.R. 3193-3195 August 28, 2000.

Differences from the first proposed draft are shown in brackets.

Written comments on the new proposed revisions may be submitted until May 22, 2001, to Vernon Wildy, Director of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120. For additional information, contact Mr. Wildy at (804) 225-2877 or FAX (804) 225-2524.

Title of Regulation: 8 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts (amending [8 VAC 20-160-10,] 8 VAC 20-160-30 [and 8 VAC 20-160-40]).

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

Public Hearing Date: N/A - Public comments may be submitted until May 22, 2001.

(See Calendar of Events section for additional information)

Agency Contact: Copies of the proposed amendment are available from Vernon Wildy, Director of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2877 or FAX (804) 225-2524.

Reason for Reproposal: On September 28, 2000, the State Board of Education conducted a public hearing on the Secondary School Transcripts regulations. One speaker offered public comment as follows: Accreditation status of the high school and the individual student's Standards of Learning test scores should not be excluded from transcripts sent to colleges, universities or employers. Exclusion of these two items suggests a weakening of the accountability effort that has become a hallmark of education reform efforts in Virginia.

1. "Passing scores" should be deleted as a requirement for transcripts. Since this term is not defined in the definitions section, nor are any details provided for what is meant by "passing scores," this requirement seems meaningless and should be deleted.

2. The added requirement that the total number of verified credits earned is to be included on the transcript seems to be highly related to individual Standards of Learning test scores and to the type of diploma or certificate for which the individual would or would not be eligible. Thus, it appears to be a way to clarify that a student has met graduation and specific diploma requirements.

Also, in compliance with Executive Order 25(98), the proposed regulatory packet was submitted to the Department of Planning and Budget and to the Office of the Secretary of Education. As part of this review process, two concerns were expressed relative to the proposed regulations. The concerns are as follows:

1. SOL test scores should be reflected on high school transcripts beginning Spring 2004, consistent with the Governor's press statement in January 1999.
2. The transcript should show the highest SOL test score for each test if taken more than once.

In addition to the above public comment, the statement, "The accreditation status of a high school shall not be included on the school profile data sheet," has been added to 8 VAC 20-160-40. This change is necessary because Chapter 673 of the 2001 Acts of Assembly prevents the governing body of every higher educational institution from considering the accreditation status of a Virginia public high school when making admissions determinations for students who have earned a diploma pursuant to requirements established by the Board of Education.

Basis: Article VIII, § 4 of the Virginia Constitution vests general supervisory authority for the public schools in the Virginia Board of Education.

Additionally, the Code of Virginia authorizes the board to promulgate regulations necessary to carry out those powers and duties given to it. Section 22.1-253.13:3 B of the Code of Virginia authorizes the board to promulgate Standards of Accreditation which include student outcome measures, course and credit requirements for graduation from high school and assessments to measure student progress.

Further, § 22.1-253.13:4 authorizes the board to prescribe requirements for completion of high school programs.

Purpose: In June 1995, the Board of Education adopted new Standards of Learning in the core subject areas of mathematics, science, English, and history and social sciences. The new standards raised the academic expectations for all students in Virginia's public schools. Subsequently, the Board of Education adopted revised Standards of Accreditation. Thus, the Regulations Governing Secondary School Transcripts need to be revised to require that verified units earned by students be recorded on the students' transcripts.

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The high school transcript forms a perpetual record of the students' academic progress. Therefore, the proposed revisions are important to the public's welfare in order to ensure that all students' transcripts are complete and accurate and provide the documentation necessary to affirm that students have met the requisite academic requirements for earning the high school diploma.

Substance: The Standards of Accreditation require that students earn *verified units of credit* in addition to the standard unit of credit. A *verified unit of credit* is awarded when, in addition to successfully completing a 140-hour course, the student passes the associated Standards of Learning test. Beginning with the ninth graders in 2000-01, a student must earn verified units of credit in order to graduate. That is, for the Standard diploma a student must earn 22 units of credit and six verified units of credit. For the Advanced Studies diploma, a student must earn 24 units of credit and nine verified units of credit.

SOL tests have been developed for the following specific high school courses:

English	Grade 9-11 SOL—there are two tests: a reading, literature, and research multiple choice test and a writing test made up of an essay and multiple-choice items.
Math	Algebra I Algebra II Geometry
History	World History to 1000 A.D. plus World Geography World History from 1000 A.D. to Present plus World Geography U.S. History World Geography
Science	Earth Science Biology Chemistry

In high school, the tests are given for certain high school courses and are given each year in the fall, spring, and summer. If a student does not pass a SOL test that is needed for the verified credit for a diploma, then the student needs to retake the test until he passes it in order to qualify to earn either the Standard or Advanced Studies Diploma.

The proposed substantive change in the regulations is the provision that the total verified credits earned will be recorded on the student transcript. This provision is not contained in the current regulations, and the change is proposed in order to indicate whether a student has met all requirements for graduation, which includes earning verified units as specified in the Standards of Accreditation. In addition, the SOL test scores will be reflected on the high school transcripts beginning Spring 2004.

Issues: The Board of Education's analysis of the proposed revision indicates no disadvantages to the public or to the Commonwealth. The advantage is that the proposed revisions, once implemented, would create changes in the high school transcript. These changes would provide information to schools, colleges, potential employers, military recruiters, and other persons and entities that have legitimate

access to the student transcript. Such persons and entities would be able to determine readily that the student has met all requirements for graduation, including the requirements of the Standards of Accreditation related to verified credits.

Summary:

The Regulations Governing Secondary School Transcripts standardize the manner in which schools record and report the courses each student has taken and the student's academic performance in high school.

The Board of Education's Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.) contain graduation requirements for students earning high school diplomas in Virginia. The Standards of Accreditation require that beginning with the ninth grade class of 2000-2001 (graduating class of 2004), students will be required to earn a prescribed number of verified units. This requirement for verified units affects students who are currently taking high school credit-bearing courses in grade 7 or earlier. Each student in middle and secondary schools shall take all applicable end-of-course Standards of Learning tests following course instruction. Students who achieve a passing score on an end-of-course Standards of Learning test and receive a passing grade in the course will be awarded a verified unit of credit in that course. In keeping with the changes in the Standards of Accreditation, a revision to the Board of Education's Regulations governing Secondary School Transcripts is necessary to account for and exhibit verified units of credit on the students' transcripts.

Changes since publication of the original proposal are a result of executive review and comments made by the public. The definition of "secondary school transcript" is amended to provide that secondary school transcripts exclude those courses purged from middle school records in accordance with 8 VAC 20-131-10 et seq. A new provision requires SOL test scores to be reflected on high school transcripts beginning in Spring 2004 and that the transcript show the highest SOL test score if a test is taken more than once. In compliance with Chapter 673 of the 2001 Acts of Assembly, language was added to prohibit including the accreditation status of a high school on the school profile data sheet.

CHAPTER 160.

REGULATIONS GOVERNING SECONDARY SCHOOL
~~TRANSCRIPT~~ TRANSCRIPTS.

[8 VAC 20-160-10. Definitions.

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

"Accelerated course" means a course that can be completed in less than the normal amount of time; the process of progressing through the school grades at a rate faster than that of the average student, either by skipping grades or by rapidly mastering the work of one course and moving on to the next higher course.

"Advanced course" means a course that presents material and concepts beyond the introductory or the elementary; a

course that carries on from an introductory or elementary course given in the same school.

"*Advanced placement (AP) course*" means a course with a syllabus equivalent to the relevant advanced placement syllabus disseminated by the Educational Testing Service.

"*Assessment component*" means any of the means by which one obtains information on the progress of the learner and the effectiveness of instruction; quantitative data, objective measures, subjective impressions, tests, and observations may all serve as instruments for deciding whether instructional objectives have been attained.

"*Credit*" means official certification of the completion of a course of study; a unit for expressing quantitatively the amount of content of a course of instruction, especially with reference to the value of the course in relation to the total requirements for a degree or certificate.

"*Curriculum*" means an official guide prepared for use by administrators, supervisors, and teachers of a particular school or school system as an aid to teaching in a given subject or area of study for a given grade; includes the goals and objectives of the course, the expected outcomes, assessment component, and the scope and nature of the materials to be studied.

"*Grade point average*" means a measure of average scholastic success in all school subjects taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by hours of course work taken.

"*Honors course*" means a course, at the high school level, that limits enrollment to exceptionally capable students; provides for independent or tutorial work, places the responsibility for student progress more on the student than on the teachers, emphasizes reading and self-instruction.

"*Secondary school profile data*" means information given in a summary format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class, graduation requirements, and explanation of advanced, accelerated, advanced placement, honors courses.

"*Secondary course*" means a course of study planned especially for people of ages approximately 12 to 17, in which the emphasis tends to shift from mastery of basic tools of learning, expression, and understanding to the use and extension of the tools in exploring areas of thought and living, and in exploring and acquiring information, concepts, intellectual skills, attitudes, social, physical, and intellectual ideas, and habits, understanding, and appreciation.

"*Secondary school transcript*" means an official list of all secondary courses taken by a student, *except those purged from a middle school record in accordance with 8 VAC 20-131-10 et seq., Regulations Establishing Standards for Accrediting Public Schools in Virginia*, showing the final grade received for each course, with definitions of the various grades given.

"Weighted course" means advanced placement, advanced or honors level courses in which credit is increased usually by reason of quality of work accomplished.]

8 VAC 20-160-30. Format options.

Localities have two options for the secondary school transcript format. They may use the Department of Education model or develop their own following board regulations. Transcripts developed locally shall be approved by the Department of Education. No standard format is required. *The accreditation status of a high school shall not be included on the student transcript provided to colleges, [university universities,] or employers.*

The required information is as follows:

1. Name of school division;
2. Student legal name;
3. Student number;
4. Birthdate;
5. Sex;
6. Home address;
7. Home telephone number;
8. Graduation date;
9. Type of diploma;
10. Name of schools student attended each year;
11. Number of days absent within given school year;
12. Course work listed by year with grades;
13. Total credits earned by year;
14. *Total verified credits earned;*
- ~~14-15.~~ 15. Credits to date;
- ~~15-16.~~ 16. Grade point average;
- ~~16-17.~~ 17. Credit summary for entire school experience;
- ~~17-18.~~ 18. Key to symbols and abbreviations used to denote accelerated, advanced, advanced placement, honors, and summer school courses;
- ~~18.~~ ~~Passing score;~~
19. Rank in class with given number of semesters used for computation;
20. Final driver education grade;
21. Test record, to include results on college performance-related standardized tests such as College Entrance Examination Board or equivalent, *excluding Standards of Learning (SOL) test scores [. Beginning Spring 2004, the transcript shall show the scores for SOL end-of-course tests. The transcript shall show only the highest SOL test score for each test if taken more than once] ;*
22. Signature and title of school official;
23. Date of school official signature;

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24. School name;
25. Telephone number of school;
26. Department of Education code number.

[8 VAC 20-160-40. Profile data sheet.

A secondary school profile data sheet, that includes the required information, shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. *The accreditation status of a high school shall not be included on the school profile data sheet.* No standard format is required. The required information is as follows:

1. Name of guidance director or counselor;
2. Name, address, and telephone number of school;
3. Description - school/community;
4. Achievement data to include College Entrance Examination Board/Scholastic Aptitude Test code, mean Scholastic Aptitude Test score for the graduating class, average Scholastic Aptitude Test/American College Test scores for the school in comparison with Virginia and nation;
5. Definition of curriculum;
6. Grading scale;
7. Grade distribution;
8. Explanation of advanced placement, advanced, accelerated, and honors courses;
9. Weighted grades, explanation of weighting courses and the computation;
10. Rank in class:
 - a. List courses excluded from computation;
 - b. Explanation of computation of pass/fail courses;
 - c. Student groups included/excluded from ranking in class;
11. Graduation requirements.]

VA.R. Doc. No. R99-185; Filed April 4, 2001, 12:14 p.m.

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

Division of Securities and Retail Franchising

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: **Securities Act Regulations.**

21 VAC 5-10-10 et seq. General Administration--Securities Act (amending forms list).

21 VAC 5-20-10 et seq. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports (amending 21 VAC 5-20-10, 21 VAC 5-20-30, 21 VAC 5-20-40, 21 VAC 5-20-60 through 21 VAC 5-20-90, 21 VAC 5-20-120, 21 VAC 5-20-130, 21 VAC 5-20-220, 21 VAC 5-20-240, 21 VAC 5-20-280, and 21 VAC 5-20-290; adding 21 VAC 5-20-85 and 21 VAC 5-20-155).

21 VAC 5-30-10 et seq. Securities Registration (amending 21 VAC 5-30-80 and 21 VAC 5-30-90; repealing 21 VAC 5-30-30 and 21 VAC 5-30-60).

21 VAC 5-80-10 et seq. Investment Advisors (amending 21 VAC 5-80-10, 21 VAC 5-80-30 through 21 VAC 5-80-70, 21 VAC 5-80-90 through 21 VAC 5-80-110, 21 VAC 5-80-160, 21 VAC 5-80-200, and 21 VAC 5-80-210).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

NOTICE TO INTERESTED PERSONS

The VIRGINIA STATE CORPORATION COMMISSION is considering amendments to its SECURITIES ACT regulations and forms. The purpose of the proposed amendments are to implement investment advisor registration on the NASDR's IARD system, to require all applicants who are NASD members to register and renew on the NASDR's CRD system, to adopt versions of certain rules proposed by the North American Securities Administrators Association, and to make minor and technical changes to the regulations and forms.

Summary:

Areas of proposed changes include the requirement that all applications and fees for registration and renewal of broker-dealers and agents that are NASD members be filed with the NASDR's CRD system and repeals the requirement for certain paper filings with the commission; the adoption of NASAA's proposal for limited registration of Canadian broker-dealers and their agents; the repeal of the requirement for broker-dealer and investment advisor Y2K

disclosures; the repeal of the provision for refund of fees paid by unit investment trusts; the repeal of the requirement for renewal applications filed pursuant to § 13.1-512 of the Securities Act; the repeal of the provision for consent to Service of Process on Form S.A.14.; the change of the term corporate to company to the term SCOR offering; the clarification that the examination waiver is being only applicable to examination waivers for SCOR offerings; and the repeal of the rule for failure of paying fee required by this rule; the adoption of the NASAA proposal for the application and fees for registration and renewal of investment advisor, federal covered investment advisor and representatives to be filed with the NASDR's IARD system; the investment advisor or federal covered advisor filing of Form ADV-W with the IARD system for termination of registration or notice of filing; the removal for filing of an agreement with the commission for inspection and production of records and the creation of a rule instituting the requirement to immediately allow inspection or production of records by broker-dealers and investment advisors; the addition of reorganization to mergers and consolidations as a basis for a new or surviving entity filing a new application or notice filing and fees for broker-dealers, investment advisors or federal covered advisors; and the definition of when a certified public accountant is not considered an investment advisor.

Agency Contact: Copies of the proposed amendment are available from the commission's Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, Virginia 23218-1197, telephone (804) 371-9187 or FAX (804) 371-9911 and can be downloaded from the commission's website at <http://www.state.va.us/scc/division/srf/webpages/rules.htm>. The division's contact person is Don Gouldin (804) 371-9755.

Comments and requests for a hearing must be sent in writing to State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, FAX (804) 371-9654, should contain conspicuous reference to Case No. SEC010033, and must be received by May 10, 2001. Interested persons who file comments and request a hearing, or who ask to be informed of any hearing, will be notified of the date, time and place of the hearing.

NOTICE: The forms used in administering the Securities Act Regulations (21 VAC 5-10-10 et seq.), General Administration--Securities Act, are not being published due to their length; however, the name of each form is listed below. The forms are available for public inspection at the State Corporation Commission, John Tyler Building, 1300 E. Main Street, 10th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Broker-Dealer and Agent Forms

Form BD--Uniform Application for Broker-Dealer Registration (2/98).

~~Agreement for Inspection of Records (rev. 7/98).~~

Form S.A.11--Broker-Dealer's Surety Bond (rev. 7/99).

Form S.A.2--Application for Renewal of a Broker-Dealer's Registration (rev. 7/99).

Form S.D.4--Application for Renewal of Registration as an Agent of an Issuer (1997).

Form S.D.4.A--Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B--Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C--Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW--Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer (rev. 4/89).

Rev. Form U-4--Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5--Uniform Termination Notice for Securities Industry Registration (11/97).

Investment Advisor and Investment Advisor Representative Forms

Form ADV--Uniform Application for Registration of Investment Advisors (rev. ~~7/97~~ 1/01).

Form ADV-W – Notice of Withdrawal from Registration as an Investment Advisor (rev. 1/01).

~~Agreement for Inspection of Records (rev. 7/98).~~

Surety Bond Form (rev. 7/99).

Rev. Form U-4--Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5--Uniform Termination Notice for Securities Industry Registration (11/97).

Form S.A.3--Affidavit for Waiver of Examination (rev. 7/99).

~~Form S.A.14--Consent to Service of Process for Notice Filing as a Federal Covered Advisor (7/97).~~

Form S.A.15--Investment Advisor Representative Multiple Employment Agreement (7/98).

Securities Registration and Notice Filing Forms

Form U-1--Uniform Application to Register Securities (7/81).

Form U-2--Uniform Consent to Service of Process (7/81).

Form U-2a--Uniform Form of Corporate Resolution (rev. 7/99).

Form S.A.4--Registration by Notification--Original Issue (rev. 11/96).

Form S.A.5--Registration by Notification--Non-Issuer Distribution (rev. 11/96).

Form S.A.6--Registration by Notification--Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8--Registration by Qualification (7/91).

Form S.A.10--Request for Refund Affidavit (Unit Investment Trust) (rev. 7/99).

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Form S.A.12--Escrow Agreement (1971).

Form S.A.13--Impounding Agreement (rev. 7/99).

Form VA-1--Parts 1 and 2--Notice of Limited Offering of Securities (rev. 11/96).

Form NF--Uniform Investment Company Notice Filing (4/97).

21 VAC 5-20-10. Application for registration as a broker-dealer.

~~A. Application for registration as a broker-dealer by a NASD member shall be filed with the commission at its Division of Securities and Retail Franchising and/or such other entity designated by the commission on in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with forms and regulations prescribed by the commission and shall include all information required by such forms.~~

B. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer by a NASD member unless the following executed forms, fee and information are submitted to the commission:

1. Form BD.
2. Statutory fee payable to the ~~Treasurer of Virginia~~ NASD in the amount of \$200 pursuant to § 13.1-505 F of the Act.
3. ~~A signed and executed Agreement for Inspection of Records form.~~
4. ~~A copy of the firm's written supervisory procedures. Sole proprietorships are excluded.~~
5. ~~Financial statements required by 21 VAC 5-20-80.~~
6. ~~Evidence of exam requirements for principals required by 21 VAC 5-20-70.~~
7. 3. Any other information the commission may require.

C. ~~Application for registration as any other broker-dealer shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.~~

D. ~~An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer unless the following executed forms, fee and information are submitted to the commission:~~

1. Form BD.
2. Statutory fee payable to the Treasurer of Virginia in the amount of \$200 pursuant to § 13.1-505 F of the Act.
3. Financial statements required by 21 VAC 5-20-80.
4. Evidence of exam requirements for principals required by 21 VAC 5-20-70.
5. Any other information the commission may require.

~~G. E. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify~~

information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-20-30. Renewals.

A. To renew its registration, a NASD member broker-dealer will be billed by the NASAA/NASD Central Registration Depository the statutory fee of \$200 prior to the annual expiration date. A renewal of registration shall be granted as a matter of course upon payment of the proper fee together with ~~any surety bond that the commission may, pursuant to 21 VAC 5-20-300, require~~ unless the registration was, or the renewal would be, subject to revocation under § 13.1-506.

B. Any other broker-dealer shall file with the commission at its Division of Securities and Retail Franchising the following items at least 30 days prior to the expiration of registration.

1. Application for Renewal of a Broker-Dealer's Registration (Form S.A.2) accompanied by the statutory fee of \$200.
2. Financial Statements:
 - a. The most recent certified financial statements prepared by an independent accountant in accordance with generally accepted accounting principles, as promulgated by the American Institute of Certified Public Accountants. "Certified Financial Statements," "Financial Statements" and "Independent Accountant" shall have the same definition as those terms are defined under subsection B of 21 VAC 5-20-80.
 - b. If the most recent certified financial statements precede the date of renewal by more than 120 days, the registrant must submit:

(1) The certified financial statements required by subdivision B 2 a of this ~~regulation~~ subsection within 60 days after the date of the financial statements, and;

(2) A copy of the most recent Part II or Part II A filing of Form X-17A-5 prepared in accordance with Securities Exchange Act Rule 17a-5 (17 CFR 240.17a-5).

c. Whenever the commission so requires, an interim financial report shall be filed as of the date and within the period specified in the commission's request.

21 VAC 5-20-40. Updates and amendments.

A. A NASD member broker-dealer shall update its Form BD as required by Form BD instructions and shall file all such amendments on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the regulations prescribed by the commission.

B. Any other broker-dealer shall update its Form BD as required by Form BD instructions and shall file all such amendments with the commission at its Division of Securities and Retail Franchising.

~~C. If registrant changes its name or address a newly executed Agreement for Inspection of Records form must be submitted to the commission.~~

21 VAC 5-20-60. Broker-Dealer merger or consolidation.

A. When there is a merger or consolidation of two or more registrants, *or the reorganization of a registrant*, the surviving or new corporation shall amend or file, as the case may be, Form BD (the filing of Form BD requires the payment of a \$200 fee) and shall file a copy of the following *with the commission at its Division of Securities and Retail Franchising upon its request*.

1. The certificate of merger or consolidation.
2. The plan of merger or consolidation.
3. The amended or new charter and by-laws.
4. Any document of explanation.
- ~~5. Agreement for Inspection of Records form (original document required).~~
- ~~6.~~ 5. The current financial statements of the surviving or new corporation and surety bond, if necessary.

B. Such amendment and/or filing shall be made immediately after the merger or consolidation becomes effective, except that the required financial statements shall be filed within 30 calendar days of the effective date of the merger or consolidation. The registration of the surviving or new corporation usually will be granted by the commission on the same date that the merger or consolidation becomes effective. Each agent of the non-surviving or new corporation shall comply with 21 VAC 5-20-90 before registration as an agent with his new employer becomes effective. Every other agent of the defunct corporation(s) corporation shall comply with 21 VAC 5-20-90 or 21 VAC 5-20-130, whichever may be applicable.

21 VAC 5-20-70. Examinations/qualifications.

A. Broker-dealers registered *with the commission that are registered* pursuant to § 15 of the Securities Exchange Act of 1934 (15 USC § 78o).

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.
2. In lieu of meeting the examination requirement described in subdivision 1 of this subsection A, at least two principals of an applicant may provide evidence of having passed the General Securities Principal Qualification Exam (Series 24) or a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

For the purposes of this subsection A, the term "principal" means any person associated with a broker-dealer who is engaged directly (i) in the management, direction or supervision on a regular or continuous basis on behalf of such broker-dealer of the following activities: sales, training, research, investment advice, underwriting, private placements, advertising, public relations, trading, maintenance of books or records, financial operations; or (ii) in the training of persons associated with such broker-dealer for the management, direction, or supervision on a regular or continuous basis of any such activities.

3. Subsection A of this section is applicable only to principals of broker-dealers that are, or intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

B. Broker-dealers *registered with the commission that are not registered* pursuant to § 15 of the federal Securities Exchange Act of 1934.

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of passing:
 - a. The Uniform Securities Agent State Law Examination, Series 63; the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates; and
 - b. Any additional securities-related examination(s) examination that the commission deems appropriate in light of the business in which the applicant proposes to engage.
2. This subsection is applicable only to principals of broker-dealers that are not, or do not intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

21 VAC 5-20-80. Financial statements and reports.

A. All financial statements required for registration of broker-dealers shall be prepared in accordance with generally accepted accounting principles, as promulgated by the American Institute of Certified Public Accountants.

B. Definitions:

"Certified financial statements" shall be defined as those financial statements examined and reported upon with an opinion expressed by an independent accountant and shall include at least the following information:

1. Date of report, manual signature, city and state where issued, and identification without detailed enumeration of the financial statements and schedules covered by the report;
2. Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular

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case which may have been omitted, and the reason for their omission; nothing in this section however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under this section;

3. Statement of the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, and as the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;

4. Any matters to which the accountant takes exception shall be clearly identified, the exemption thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

"Financial statements" shall be defined as those reports, schedules and statements, prepared in accordance with generally accepted accounting principles and which contain at least the following information unless the context otherwise dictates:

1. Statement of Financial Condition or Balance Sheet;
2. Statement of Income;
3. Statement of Changes in Financial Position;
4. Statement of Changes in Stockholder's/Partner's/Proprietor's Equity;
5. Statement of Changes in Liabilities Subordinated to Claims of General Creditors;
6. Schedule of the Computation of Net Capital Under Rule 15c3-1 of the Securities Exchange Act of 1934 (17 CFR 240.15c3-1);
7. Schedule of the Computation for Determination of the Reserve Requirements under Exhibit A of Rule 15c3-3 and Information Relating to the Possession and Control Requirements under Rule 15c3-3 of the Securities Exchange Act of 1934 (17 CFR 240.15c3-3).

"Independent accountant" shall be defined as any certified public accountant in good standing and entitled to practice as such under the laws of the accountant's principal place of business or residence, and who is, in fact, not controlled by, or under common control with, the entity or person being audited; for purposes of this definition, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates in which, during the period of the accountant's professional engagements to examine the financial statements being reported on or at the date of the report, the accountant or the firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest; or in which, during the period of the accountant's professional engagement to examine the financial statements being reported on, at the date of the report or during the period covered by the financial statements, the accountant or

the firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates covering any period of employment by the person. For partners in the firm participating in the audit or located in an office of the firm participating in a significant portion of the audit; and in determining whether an accountant may in fact be not independent with respect to a particular person, the commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the commission.

"Review of financial statements" shall be defined as those financial statements prepared by an independent accountant, and shall include at least the following:

1. Date of report, manual signature, city and state where issued, and identification without detailed enumeration of the financial statements and schedules covered by the report;
2. Representations that the review was performed in accordance with standards established by the American Institute of Certified Public Accountants;
3. Representations that the accountant is not aware of any material modification that should be made to the financial statements in order for them to be in conformity with generally accepted accounting principles, other than those modifications, if any, indicated in the accountant's report.

"Unaudited financial statements" shall be defined as those financial statements prepared in a format acceptable to the commission not accompanied by the statements and representations as set forth in the definitions of "certified financial statements" or "review of financial statements" of this subsection, and shall include an oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation; such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by an officer of the entity for whom the financial statements were prepared.

C. Requirements for broker-dealers:

1. Every broker-dealer applicant that is subject to the Securities Exchange Act of 1934 shall file *with the commission at its Division of Securities and Retail Franchising upon its request* any financial information that is required to be provided to the SEC, or its designee, under the Securities Exchange Act of 1934.
2. All other broker-dealer applicants not subject to subdivision 1 of this subsection, unless exempted under subdivision 3 of this subsection, shall file financial statements as of a date within 90 days prior to the date of filing its application for registration, which statements need not be audited provided that the applicant shall also file

audited financial statements as of the end of the most recent fiscal year end.

3. Those broker-dealer applicants which have been in operation for a period of time less than 12 months, and for which audited financial statements have not been prepared or are not available, and which are not registered with the SEC, a national securities association or a national securities exchange shall be permitted to file a review of financial statements prepared by an independent accountant provided the following conditions are met:

- a. Such financial statements shall be as of a date within 30 days prior to the date of filing an application for registration; and
- b. Such financial statements shall be prepared by an independent accountant as defined under subsection B of this section and in accordance with the definitions of "financial statements" and "review of financial statements" in subsection B and in accordance with subdivision 3 of this subsection.

21 VAC 5-20-85. Limited Canadian broker-dealer registration.

A. A broker-dealer that is resident in Canada and has no office or other physical presence in the Commonwealth of Virginia may, provided the broker-dealer is registered under this section, effect transactions in securities on behalf of a person:

1. Who is a Canadian, resident in the Commonwealth of Virginia, with whom the broker-dealer had a bona-fide broker-dealer-client relationship prior to the person entering the United States; and
2. Whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.

B. Application for registration as a broker-dealer under this section shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.

C. An application for registration as a broker-dealer under this section shall be deemed incomplete for purposes of applying for registration unless the following executed forms, fee and information are submitted to the commission:

1. An application in the form required by the jurisdiction in which the broker-dealer maintains its principal place of business.
2. Statutory fee payable to the Treasurer of Virginia in the amount of \$200 United States currency pursuant to § 13.1-505 F of the Act.
3. Evidence that the applicant is registered as a broker-dealer in good standing in the jurisdiction from which it is effecting the transactions.
4. Evidence that the applicant is a member of a self-regulatory organization or stock exchange in Canada.

5. Any other information the commission may require.

D. A broker-dealer registered under this section shall:

1. Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing;
2. Provide the commission upon request with its books and records relating to its business in the Commonwealth of Virginia as a broker-dealer;
3. Immediately notify the commission of any criminal action taken against it, or of any finding or sanction imposed on the broker-dealer as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation or similar conduct;
4. Disclose to its clients in the Commonwealth of Virginia that the broker-dealer and its agents are not subject to the full regulatory requirements of the Act.

E. A broker-dealer's registration under this section, and any renewal thereof, shall expire annually at midnight on the 31st day of December unless renewed in accordance with subsection F.

F. To renew its registration, a broker-dealer registered under this section shall file with the commission at its Division of Securities and Retail Franchise the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer maintains its principle place of business, or if no such renewal application is required, the most recent application filed pursuant to subsection C 1 along with the statutory fee in the amount of \$200 United States currency pursuant to § 13.1-505 F of the Act.

G. A Canadian broker-dealer registered under this section is exempt from all other rules applicable to broker-dealers except 21 VAC 5-20-280.

21 VAC 5-20-90. Application for registration as a broker-dealer agent.

A. Application for registration as a ~~NASD member broker-dealer~~ an agent of a NASD member shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the forms and regulations prescribed by the commission. The application shall include all information required by such forms.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30. The check must be made payable to the NASD.
3. Evidence in the form of a NASD exam report of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the

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commission, the Director of the Division of Securities and Retail Franchising designates.

4. Any other information the commission may require.

B. Application for registration for all other broker-dealer agents shall be filed on and in compliance with all requirements and forms prescribed by the commission.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4.

2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.

3. Evidence in the form of a NASD exam report of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

4. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-20-120. Updates and amendments.

A broker-dealer agent shall amend or update ~~his/her~~ Form U-4 as required by the "Amendment Filings" provisions set forth under "How to Use Form U-4." All filings shall be made with the NASAA/NASD Central Registration Depository system for ~~NASD member firm~~ agents of *NASD member firms* or with the commission for all other broker-dealer agents.

21 VAC 5-20-130. Termination of registration.

When a broker-dealer agent terminates a connection with a broker-dealer, or a broker-dealer terminates connection with an agent, the broker-dealer shall file notice of such termination on Form U-5 within 30 calendar days of the date of termination. All filings shall be made with the NASAA/NASD Central Registration Depository system for ~~NASD member firm~~ agents of *NASD member firms* or with the commission for all other broker-dealer agents.

21 VAC 5-20-155. Limited Canadian broker-dealer agent registration.

A. An agent of a Canadian broker-dealer who has no office or other physical presence in the Commonwealth of Virginia may, provided the broker-dealer agent is registered under this section, effect transactions in securities as permitted for a

broker-dealer registered under 21 VAC 5-20-81 on behalf of a person:

1. Who is a Canadian, resident in the Commonwealth of Virginia, with whom the broker-dealer had a bona fide broker-dealer-client relationship prior to the person entering the United States; and

2. Whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.

B. Application for registration as a broker-dealer agent under this section shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.

C. An application for registration as a broker-dealer agent under this section shall be deemed incomplete for purposes of applying for registration unless the following executed forms, fee and information are submitted to the commission:

1. An application in the form required by the jurisdiction in which the broker-dealer maintains its principal place of business.

2. Statutory fee payable to the Treasurer of Virginia in the amount of \$30 United States currency pursuant to § 13.1-505 G of the Act.

3. Evidence that the applicant is registered as a broker-dealer agent in good standing in the jurisdiction from which it is effecting the transactions.

4. Any other information the commission may require.

D. A broker-dealer agent registered under this section shall:

1. Maintain his provincial or territorial registration in good standing;

2. Immediately notify the commission of any criminal action taken against him, or of any finding or sanction imposed on him as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation or similar conduct.

E. A broker-dealer agent's registration under this section, and any renewal thereof, shall expire annually at midnight on the 31st day of December unless renewed in accordance with subsection F of this section.

F. To renew the registrations of its agents, a broker-dealer registered under this section shall file with the commission at its Division of Securities and Retail Franchise the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer maintains its principle place of business, or if no such renewal application is required, the most recent application filed pursuant to subdivision C 1 of this section along with the statutory fee in the amount of \$30 United States currency pursuant to § 13.1-505 G of the Act.

G. A Canadian broker-dealer agent registered under this section is exempt from all other rules applicable to a broker-dealer agent except 21 VAC 5-20-280.

21 VAC 5-20-220. Examination/qualification; waiver of examination requirement.

A. Except as described in subsection B of this section, an individual applying for registration as an agent of the issuer shall be required to provide evidence in the form of a NASD exam report of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

B. The commission may, *in a Small Company Offering Registration*, waive the examination requirement for an officer or director of an issuer that is a corporation, or a general partner of an issuer that is a limited partnership or a manager of an issuer that is a limited liability company who:

1. Will receive no commission or similar remuneration directly or indirectly in connection with the offer or sale of the issuer's securities; and
2. Agrees to deliver to each prospective purchaser of a security to be issued by such issuer, at or before the time the offering document is required to be delivered, a copy of "A Consumer's Guide to Small Business Investments" prepared by NASAA (see CCH NASAA Reports ¶13676).

21 VAC 5-20-240. Books and records of broker-dealers.

A. Every registered broker-dealer shall make and keep current the following books and records relating to his business, provided that any broker-dealer subject to the Securities Exchange Act of 1934 shall not be required to comply with any of the following provisions which are different from or in addition to the requirements pertaining to such books and records established under the Securities Exchange Act of 1934.

1. Blotters (or other records of original entry) containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash and all debits and credits. Such records shall show the account for which each such transaction was effected, the name and amount of securities, the unit and aggregate purchase or sale price (if any), the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered.
2. Ledgers (or other records) reflecting all assets and liabilities, income, expense and capital accounts.
3. Ledger accounts (or other records) itemizing separately as to each cash and margin account of every customer, and of such broker-dealer and partners thereof, all purchases, sales, receipts and deliveries of securities for such account and all other debits and credits to such account.
4. Ledgers (or other records) reflecting the following:
 - a. Securities in transfers;

- b. Dividends and interest received;
- c. Securities borrowed and securities loaned;
- d. Moneys borrowed and moneys loaned (together with a record of the collateral therefore and any substitutions in such collateral);
- e. Securities failed to receive and failed to deliver;
- f. All long and all short stock record differences arising from the examination, count, verification and comparison, pursuant to Rule 17a-13 and Rule 17a-5 under the Securities Exchange Act of 1934 (17 CFR 240.17a-13 and 17 CFR 240.17a-5) as amended (by date of examination, count, verification and comparison showing for each security the number of shares long or short count differences); and
- g. Repurchase and reverse repurchase agreements.

5. A securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping and securities that are subjects of repurchase or reverse repurchase agreements) carried by such broker-dealer for its account or for the account of its customers or partners or others and showing the location of all securities long and the offsetting positions to all securities short, including long security count differences and short security count differences classified by the date of the physical count and verification in which they were discovered, and in all cases the name or designation of the account in which each position is carried.

6. A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and, to the extent feasible, the time of execution or cancellation. Orders entered pursuant to the exercise of a discretionary power by such broker-dealer, or any agent or employee thereof, shall be so designated. For the purpose of this subsection the following definitions apply:

- a. "*Instruction*" includes instructions between partners, agents and employees of a broker-dealer.
- b. "*Time of entry*" means the time when such broker-dealer transmits the order of instruction for execution or, if it is not so transmitted, the time when it is received.

7. A memorandum of each purchase and sale of securities for the account of such broker-dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker-dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered.

8. Copies of confirmations of all purchases and sales of securities including all repurchase and reverse repurchase

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agreements and copies of notices of all other debits and credits for securities, cash and other items for the account of customers and partners of such broker-dealer.

9. A record in respect of each cash and margin account with such broker-dealer indicating (i) the name and address of the beneficial owner of such account; (ii) except with respect to exempt employee benefit plan securities as defined in Rule 14a-1(d) under the Securities Exchange Act of 1934 (17 CFR 240.14a-1(d)) but only to the extent such securities are held by employee benefit plans established by the issuer of the securities, whether or not the beneficial owner of securities registered in the name of such broker-dealers, or a registered clearing agency or its nominee objects to disclosure of his identity, address and securities positions to issuers; and (iii) in the case of a margin account, the signature of such owner, provided that in the case of a joint account or an account of a corporation, such records are required only in respect of the person or persons authorized to transact business for such account.

10. A record of all puts, calls, spreads, straddles and other options in which such broker-dealer has any direct or indirect interest or which such broker-dealer has granted or guaranteed, containing at least, an identification of the security and the number of units involved.

11. A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of aggregate indebtedness and net capital as of the trial balance date pursuant to 21 VAC 5-20-290.

12. Questionnaire or application for employment:

a. A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

(1) The agent's name, address, social security number, and the starting date of his employment or other association with the broker-dealer.

(2) The agent's date of birth.

(3) The educational institutions attended by the agent and whether or not the agent graduated therefrom.

(4) A complete, consecutive statement of all the agent's business connections for at least the preceding 10 years, including the agent's reason for leaving each prior employment, and whether the employment was part-time or full-time.

(5) A record of any denial of a certificate, membership, or registration, and of any disciplinary action taken, or sanction imposed upon the agent, by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that the agent was a cause of any disciplinary action or had violated any law.

(6) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which the agent was associated in any capacity when such action was taken.

(7) A record of any permanent or temporary injunction entered against the agent or any broker-dealer with which the agent was associated in any capacity at the time such injunction was entered.

(8) A record of any arrest or indictment for any felony; any misdemeanor pertaining to securities, commodities, banking, insurance, real estate (including, but not limited to, acting as or being associated with a broker-dealer, investment company, investment advisor, futures sponsor, bank, or savings and loan association), fraud, false statements or omission, wrongful taking of property, bribery, forgery, counterfeiting or extortion; and the disposition of the foregoing.

(9) A record of any other name or names by which the agent has been known or which the agent has used.

b. If such agent has been registered as a representative of such broker-dealer with, or his employment has been approved by the National Association of Securities Dealers, Inc., or the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Coast Stock Exchange, or the Philadelphia-Baltimore Stock Exchange, then the retention of a full, correct, and complete copy of any and all applications for such registration or approval shall be deemed to satisfy the requirements of this subdivision.

13. Records required to be maintained pursuant to paragraph (d) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-12214, under the Securities Exchange Act of 1934.

14. Copies of all Forms X-17F-1A filed pursuant to Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1), all agreements between reporting institutions regarding registration or other aspects of Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1) and all confirmations or other information received from the SEC or its designee as a result of inquiry, as added in Release No. 34-11615 and amended in Release No. 34-15867 under the Securities Exchange Act of 1934.

15. Records required to be maintained pursuant to paragraph (e) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-19268 under the Securities Exchange Act of 1934.

16. All such other books and records as may be required, kept, maintained and retained by broker-dealers under the Securities Exchange Act of 1934.

B. Exemptions from the requirements of subsection A of this section:

1. This section does not require a registered broker-dealer who transacts a business in securities through the medium

of any other registered broker-dealer to make or keep such records of transactions cleared for such broker-dealer as are customarily made and kept by a clearing broker-dealer pursuant to the requirement of subsection A of this section and of 21 VAC 5-20-250 provided that the clearing broker-dealer has and maintains net capital of not less than \$25,000 and is otherwise in compliance with 21 VAC 5-20-290.

2. This section shall not be deemed to require a registered broker-dealer who transacts a business in securities through the medium of any other registered broker-dealer, to make or keep such records of transactions cleared for such broker-dealer by a bank as are customarily made and kept by a clearing broker-dealer pursuant to the requirements of this section and 21 VAC 5-20-250. Provided that such broker-dealer obtains from such bank an agreement, in writing, to the effect that the records made and kept by such bank are the property of the broker-dealer, and that such books and records are available for examination by representatives of the commission as specified in § 13.1-518 of the Act, and that it will furnish to the commission, upon demand, at such place designated in such demand, true, correct, complete and current copies of any or all of such records. Nothing herein contained shall be deemed to relieve such broker-dealer from the responsibility that such books and records be accurate and maintained and preserved as specified in this section and 21 VAC 5-20-250.

C. This section does not require a broker-dealer to make or keep such records as are required by subsection A of this section reflecting the sale of United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F and G.

D. The records specified in subsection A of this section shall not be required with respect to any cash transaction of \$100 or less involving only subscription rights or warrants which by their terms expire within 90 days after the issuance thereof.

E. For purposes of transactions in municipal securities by municipal securities broker-dealers, compliance with Rule G-8 of the Municipal Securities rulemaking board will be deemed to be in compliance with this section.

F. Every registered broker-dealer as a condition of its registration as a broker-dealer under the Act hereby agrees and represents that:

1. All of the broker-dealer's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in the office where such records are maintained;

2. All of the broker-dealer's records (or legible copies of the same, or print-outs of same, if automated) pertaining to a securities transaction any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection of the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;

3. The term "records" shall mean and include all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics, (i) that are maintained for the recordation or storage of information prepared, used or to be used in connection with a securities transaction or (ii) that were used or are to be used in connection with securities transactions;

4. Failure to comply with this subsection may be considered grounds for the institution of a proceeding to revoke a broker-dealer's registration or other penalty prescribed by the Act;

5. Any broker-dealer subject to an investigation made by the commission may be required to pay the actual cost of the investigation.

21 VAC 5-20-280. Prohibited business conduct.

A. No broker-dealer shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;

2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

4. Execute a transaction on behalf of a customer without authority to do so or, when securities are held in a customer's account, fail to execute a sell transaction involving those securities as instructed by a customer, without reasonable cause;

5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

7. Fail to segregate customers' free securities or securities held in safekeeping;

8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;

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9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;
10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;
11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;
12.
 - a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of moneys due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;
 - b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee;
13. Offer to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;
14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;
15. Effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:
 - a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
 - b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
 - c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;
16. Guarantee a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;
17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;
18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;
19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of § 13.1-507 of the Act;
20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;
21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member; *or*

22. Fail or refuse to furnish a customer, upon reasonable request, information to which such customer is entitled, or to respond to a formal written request or complaint; ~~or.~~

~~23. Fail to make a disclosure in a timely manner to clients or prospective clients that the broker-dealer has not substantially addressed year 2000 computer or equipment problems or is substantially uncertain of its ability to resolve these problems.~~

B. No agent shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engage in conduct specified in subdivisions A 2, 3, 4, 5, 6, 10, 15, 16, 17, or 18 of this section.

C. Failure to comply with any of the applicable continuing education requirements set forth in any of the following, if such failure has resulted in an agent's denial, suspension or revocation or a license, registration or membership with a self regulatory organization, shall be deemed a demonstration of a lack of business knowledge by an agent insofar as such business knowledge is required for registration by § 13.1-505 A 3 of the Act.

1. Schedule C to the National Association of Securities Dealers By-Laws, Part XII of the National Association of Securities Dealers, as such provisions existed on July 1, 1995;

2. Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 1995;

3. Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 1995;

4. Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 1995;

5. Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 1995;

6. Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 1995;

7. Rule 9.27(C) of the Pacific Stock Exchange, as such provisions existed on July 1, 1995; or

8. Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 1995.

Each or all of the education requirements standards listed above may be changed by each respective entity and if so changed will become a requirement if such change does not materially reduce the educational requirements expressed above or reduce the investor protection provided by such requirements.

D. No person shall publish, give publicity to, or circulate any notice, circular, advertisement, newspaper article, letter, investment service or communication which, though not purporting to offer a security for sale, describes such security, for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

E. The purpose of this subsection is to identify practices in the securities business which are generally associated with schemes to manipulate and to identify prohibited business conduct of broker-dealers and/or sales agents.

1. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.

2. Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.

3. In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, non-public information which would affect the value of the security.

4. In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor.

5. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities.

6. Although nothing in this subsection precludes application of the general anti-fraud provisions against anyone for practices similar in nature to the practices discussed below,

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the following subdivisions a through f specifically apply only in connection with the solicitation of a purchase or sale of OTC (over the counter) unlisted non-NASDAQ equity securities:

- a. Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.
 - b. In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer; however, subdivision 6 of this subsection shall apply only if the firm is a market maker at the time of the solicitation.
 - c. Conducting sales contests in a particular security.
 - d. After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.
 - e. Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.
 - f. Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.
7. Effecting any transaction in, or inducing the purchase or sale of any security by means of any manipulative, deceptive or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.
8. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act.
9. In connection with the solicitation of a sale or purchase of an OTC unlisted non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer.
10. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited.
11. For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account with respect to all OTC non-NASDAQ equity securities in the account, containing a value for each such security based on the closing market bid on a date certain; however, this subdivision shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued.
12. Failing to comply with any applicable provision of the Rules of Fair Practice of the NASD or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC.

13. In connection with the solicitation of a purchase or sale of a designated security:

- a. Failing to disclose to the customer the bid and ask price, at which the broker-dealer effects transactions with individual, retail customers, of the designated security as well as its spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents; or
- b. Failing to include with the confirmation, the notice disclosure contained in subsection F of this section, except the following shall be exempt from this requirement:
 - (1) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; however, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more.
 - (2) Transactions that are not recommended by the broker-dealer or agent.
 - (3) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark-ups from transactions in designated securities during each of the immediately preceding three months, and during 11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission-equivalents, and mark-ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the immediately preceding 12 months.
 - (4) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section.
- c. For purposes of this section, the term "designated security" means any equity security other than a security:
 - (1) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;
 - (2) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;
 - (3) Issued by an investment company registered under the Investment Company Act of 1940;
 - (4) That is a put option or call option issued by The Options Clearing Corporation; or

(5) Whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated less than 15 months previously that the broker or dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, and

(a) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the issuer that have been audited and reported on by an independent public accountant in accordance with the provisions of 17 CFR 210.2.02 under the Securities Exchange Act of 1934; or

(b) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 241.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

F. Customer notice requirements follow:

IMPORTANT CUSTOMER NOTICE--READ CAREFULLY

You have just entered into a solicited transaction involving a security which may not trade on an active national market. The following should help you understand this transaction and be better able to follow and protect your investment.

Q. What is meant by the BID and ASK price and the spread?

A. The BID is the price at which you could sell your securities at this time. The ASK is the price at which you bought. Both are noted on your confirmation. The difference between these prices is the "spread," which is also noted on the confirmation, in both a dollar amount and a percentage relative to the ASK price.

Q. How can I follow the price of my security?

A. For the most part, you are dependent on broker-dealers that trade in your security for all price information. You may be able to find a quote in the newspaper, but you should keep in mind that the quote you see will be for dealer-to-dealer transactions (essentially wholesale prices and will not necessarily be the prices at which you could buy or sell).

Q. How does the spread relate to my investments?

A. The spread represents the profit made by your broker-dealer and is the amount by which your investment must increase (the BID must rise) for you to break even. Generally, a greater spread indicates a higher risk.

Q. How do I compute the spread?

A. If you bought 100 shares at an ASK price of \$1.00, you would pay \$100 (100 shares X \$1.00 = \$100). If the BID price at the time you purchased your stock was \$.50, you

could sell the stock back to the broker-dealer for \$50 (100 shares X \$.50 = \$50). In this example, if you sold at the BID price, you would suffer a loss of 50%.

Q. Can I sell at any time?

A. Maybe. Some securities are not easy to sell because there are few buyers, or because there are no broker-dealers who buy or sell them on a regular basis.

Q. Why did I receive this notice?

A. The laws of some states require your broker-dealer or sales agent to disclose the BID and ASK price on your confirmation and include this notice in some instances. If the BID and ASK were not explained to you at the time you discussed this investment with your broker, you may have further rights and remedies under both state and federal law.

Q. Where do I go if I have a problem?

A. If you cannot work the problem out with your broker-dealer, you may contact the Virginia State Corporation Commission or the securities commissioner in the state in which you reside, the United States Securities and Exchange Commission, or the National Association of Securities Dealers, Inc.

G. Engaging in or having engaged in conduct specified in subsection A, B, C, D, or E of this section, or other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration.

21 VAC 5-20-290. Financial responsibility.

A. The term "financial responsibility," as used in § 13.1-505 A of the Act, shall mean that the net capital of an applicant or registrant subject to the Securities Exchange Act of 1934 shall be demonstrated and maintained at a level required by subsection B of this section.

B. For the purpose of demonstrating "financial responsibility," all broker-dealers subject to the Securities Exchange Act of 1934 shall meet and maintain the net capital and ratio requirements as prescribed by Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1). The net capital and ratio requirements shall be computed in accordance with Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1).

C. Every broker-dealer subject to the Securities Exchange Act of 1934 shall notify the commission at its Division of Securities and Retail Franchising in writing within three business days should its net capital drop below its net capital requirement and shall immediately take action necessary to establish a net capital in compliance with Rule 15c3-1 of the Securities Exchange Act of 1934.

D. Every broker-dealer *not subject to the Securities Exchange Act of 1934* shall file with the commission certified financial statements as defined in subsection B of 21 VAC 5-20-80 within 60 days of its fiscal year end.

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21 VAC 5-30-30. Refund of fees paid by unit investment trusts. (Repealed.)

~~A. A unit investment trust (or sponsor who acted on behalf of such trust) which has paid a fee pursuant to § 13.1-509 of the Act may obtain a refund of that portion of the fee paid in excess of \$400 if all of the following conditions are satisfied:~~

~~1. A completed Request for Refund Affidavit (form S.A.10) is filed with the commission at its Division of Securities and Retail Franchising within six months of the Virginia effective date of the registration statement related to the offering for which the refund is requested.~~

~~2. The amount of the refund due is \$25 or more.~~

~~B. The refundable portion of a fee is that part of the fee which exceeds \$400 less 1/20 of 1.0% of the amount, if any, by which sales in the Commonwealth pursuant to the offering exceeded \$800,000.~~

~~C. The provisions of this section shall apply to fees paid on and after July 1, 1990.~~

21 VAC 5-30-60. Requirements for renewal applications filed pursuant to § 13.1-512 of the Act. (Repealed.)

~~In accordance with § 13.1-512 of the Act, a registration statement and any renewal thereof relating to a security issued by a face amount certificate company or a redeemable security issued by an open end management company as those terms are defined in the Investment Company Act of 1940, shall expire at midnight on the annual date of its effectiveness in Virginia. The effectiveness of such registration statement may be renewed for an additional one-year period by filing the materials described below with the commission or the Securities Registration Depository, Inc. (SRD), when that facility is available, or any other entity approved by rule or order of the commission, prior to the expiration date.~~

~~1. A renewal application filed with the commission shall contain the following:~~

~~a. A facing page of Form U-1.~~

~~b. A fee of \$300 (make check payable to Treasurer of Virginia).~~

~~2. A renewal application filed with the SRD shall be filed on and in compliance with all requirements and forms prescribed by the SRD and shall include a fee of \$300 (make check payable to SRD).~~

~~Note: Refer to 21 VAC 5-60-10 for prospectus filing requirements.~~

21 VAC 5-30-80. Adoption of NASAA statements of policy.

The commission adopts the following NASAA statements of policy that shall apply to the registration of securities in the Commonwealth. It will be considered a basis for denial of an application if an offering fails to comply with an applicable statement of policy. While applications not conforming to a statement of policy shall be looked upon with disfavor, where good cause is shown, certain provisions may be modified or waived by the commission.

1. Options and Warrants, as amended ~~November 18, 1997~~ *September 28, 1999.*

2. Underwriting Expenses, Underwriter's Warrants, Selling Expenses and Selling Security Holders, as amended ~~April 27, 1997~~ *September 28, 1999.*

3. Real Estate Programs, as amended ~~October 24, 1994~~ *September 29, 1993.*

4. Oil and Gas Programs, as amended ~~October 24, 1991.~~

5. Cattle-Feeding Programs, as adopted ~~September 17, 1980.~~

6. Unsound Financial Condition, as adopted ~~April 27, 1997~~ *amended September 28, 1999.*

7. Real Estate Investment Trusts, as amended ~~adopted~~ *September 29, 1993.*

8. *Church Bonds, as adopted April 29, 1981.*

9. *Small Company Offering Registrations, as adopted April 28, 1996.*

21 VAC 5-30-90. Small corporate company offering registration.

A. A registration statement on Form U-7 (Small Corporate Company Offering Registration Form), as amended by NASAA on ~~April 28, 1996~~ *September 28, 1999*, may be used to register securities by qualification under § 13.1-510 of the Act, provided the conditions set forth in subsection B of this section, and the instructions to Form U-7, are satisfied.

B. The financial statements included in the application for registration shall be those required under the instructions to the Form U-7. Financial statements shall be prepared in accordance with either U.S. or Canadian generally accepted accounting principles. Interim financial statements may be unaudited. All other financial statements shall be audited by independent certified public accountants; however, if each of the following four conditions are met, such financial statements in lieu of being audited may be reviewed by independent certified public accountants in accordance with the Accounting and Review Service Standards promulgated by the American Institute of Certified Public Accountants or the Canadian equivalent:

1. The issuer shall not have previously sold securities through an offering involving the general solicitation of prospective investors by means of advertising, mass mailing, public meetings, "cold call" telephone solicitation, or any other method directed toward the public;

2. The issuer has not been previously required under federal, state, provincial or territorial securities laws to provide audited financial statements in connection with any sale of its securities;

3. The aggregate amount of all previous sales of securities by the issuer (exclusive of debt financing with banks and similar commercial lenders) shall not exceed \$1,000,000; and

4. The amount of the present offering does not exceed \$1,000,000.

21 VAC 5-80-10. Application for registration as an investment advisor and notice filing as a federal covered advisor.

A. Application for registration as an investment advisor shall be filed ~~with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission~~ *in compliance with all requirements of the Investment Advisor Registration Depository (IARD) system* and in full compliance with forms and regulations prescribed by the commission and shall include all information required by such forms.

B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor unless the following executed forms, fee and information are submitted:

1. Form ADV.
 - a. *Part 1A and 1B filed with the IARD system.*
 - b. *Part II filed with the commission at its Division of Securities and Retail Franchising.*
2. The statutory fee in the amount of \$200. The check must be made payable to the ~~Treasurer of Virginia NASD.~~
3. ~~Signed and executed Agreement for Inspection of Records.~~
4. ~~Written supervisory procedures pursuant to 21 VAC 5-80-170 D. Entities employing no more than one investment advisor representative are excluded.)~~
5. 3. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

D. Every person who transacts business in this Commonwealth as a federal covered advisor shall file a notice as prescribed in subsection E of this section ~~with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission~~ *in compliance with all requirements of the Investment Advisor Registration Depository (IARD) system.*

E. A notice filing for a federal covered advisor shall be deemed incomplete unless the following executed forms, fee and information are submitted:

1. Form ADV.
2. The statutory fee in the amount of \$200. The check must be made payable to the ~~Treasurer of Virginia NASD.~~
3. ~~Consent to Service of Process on Form S.A.14.~~

~~Notwithstanding the exclusion provided by subdivision (vi) of § 13.1-501 of the Act in the definition of "investment advisor," for the period ending three years from October 11, 1996, the~~

~~commission may require the registration as an investment advisor of any federal covered advisor who fails or refuses to pay a fee required by this section; provided that a delay in payment or an underpayment of a fee that is remedied within 15 days after receipt of notice from the commission shall not constitute a failure or refusal to pay the fee.~~

21 VAC 5-80-30. Renewals.

A. To renew its registration, an investment advisor will be billed by the ~~Division of Securities and Retail Franchising or any other entity designated by the commission~~ *IARD system* the statutory fee of \$200 prior to the annual expiration date. A renewal of registration shall be granted as of course upon payment of the proper fee together with any surety bond that the commission may require pursuant to 21 VAC 5-80-180 B unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

B. To renew its notice filing a federal covered advisor will be billed by the ~~Division of Securities and Retail Franchising or any other entity designated by the commission~~ *IARD system* the statutory fee of \$200 prior to the annual expiration date. A renewal of notice filing shall be granted as a matter of course upon payment of the proper fee.

~~Notwithstanding the exclusion provided by subdivision (vi) of § 13.1-501 of the Act in the definition of "investment advisor," for the period ending three years from October 11, 1996, the commission may require the registration as an investment advisor of any federal covered advisor who fails or refuses to pay a fee required by this rule; provided that a delay in payment or an underpayment of a fee that is remedied within 15 days after receipt of notice from the commission shall not constitute a failure or refusal to pay the fee.~~

21 VAC 5-80-40. Updates and amendments.

A. An investment advisor or federal covered advisor shall update its Form ADV as required by the ~~"updating" provisions of Items 1 and 10 of Form ADV Instructions Item 3, "When am I required to update my Form ADV?" of Form ADV: General Instructions~~ and shall file all such information with the ~~commission at its Division of Securities and Retail Franchising~~ *IARD system.*

B. An investment advisor shall file the balance sheet as prescribed by Part II, ~~Item 14 of Form ADV~~, unless excluded from such requirement, with the commission at its Division of Securities and Retail Franchising within 90 days of the investment advisor's fiscal year end. Any investment advisor who is registered in the state in which it maintains its principal place of business shall file with the commission at its Division of Securities and Retail Franchising any financial documents required to be filed by the state within 10 days of the time it must file these documents in such state.

C. *A federal covered advisor shall maintain Part II of Form ADV at its principal place of business and shall make a copy available to the commission at its Division of Securities and Retail Franchising within five days of its request.*

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21 VAC 5-80-50. Termination of registration and notice filings.

When an investment advisor or federal covered advisor desires to terminate its registration or notice filing, it shall file ~~a written request for such termination with the commission at its Division of Securities and Retail Franchising~~ *Form ADV-W with the IARD system*. Notice of termination by a federal covered advisor shall be effective upon receipt by the commission or at a later date specified in the notice. ~~An investment advisor or federal covered advisor may file SEC Form ADV-W in lieu of a written request for termination.~~

21 VAC 5-80-60. Investment advisor merger or consolidation.

In any merger ~~or~~, consolidation, ~~or reorganization~~ of an investment advisor or federal covered advisor, ~~the surviving or new entity shall amend or file, as the case may be, a new application for registration or notice filing together with the proper fee must be filed with the commission at its Division of Securities and Retail Franchising~~ *IARD system*.

For each investment advisor representative of the new or surviving entity who will transact business in this Commonwealth, an application for registration together with the proper fee or fees must also be filed with the ~~commission at its Division of Securities and Retail Franchising or any other entity designated by the commission and~~ *IARD system* in full compliance with the forms prescribed by the commission. The foregoing filing requirement applies to each investment advisor representative who has a place of business located in the Commonwealth and who is connected with a federal covered advisor that is the new or surviving entity to the merger or consolidation.

21 VAC 5-80-70. Application for registration as an investment advisor representative.

A. Application for registration as an investment advisor representative shall be filed ~~with the commission at its Division of Securities and Retail Franchising or any other entity designated by the commission~~ *in compliance with all requirements of the NASAA/NASD Central Registration Depository system* and in full compliance with forms and regulations prescribed by the commission. The application shall include all information required by such forms.

B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor representative unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30. The check must be made payable to the ~~Treasurer of Virginia~~ *NASD*.
3. Evidence of passing: (i) the Uniform Investment Adviser Law Examination, Series 65; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

4. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-80-90. Renewals.

To renew the ~~registration(s)~~ *registration* of its investment advisor ~~representative(s)~~ *representatives*, an investment advisor or federal covered advisor will be billed by the ~~Division of Securities and Retail Franchising or any other entity designated by the commission~~ *IARD system* the statutory fee of \$30 per investment advisor representative. A renewal of ~~registration(s)~~ *registration* shall be granted as a matter of course upon payment of the proper fee or fees unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

21 VAC 5-80-100. Updates and amendments.

An investment advisor representative shall amend or update Form U-4 as required by the ~~"Amendment Filings" provisions set forth under "How to Use Form U-4."~~ *"General Instructions" of Form U-4 Instructions*. All filings shall be made ~~with the Division of Securities and Retail Franchising or any other entity designated by the commission~~ *in compliance with all requirements of the NASAA/NASD Central Registration Depository system*.

21 VAC 5-80-110. Termination of registration.

A. When an investment advisor representative terminates a connection with an investment advisor, or an investment advisor terminates connection with an investment advisor representative, the investment advisor shall file with the ~~Division of Securities and Retail Franchising or any other entity designated by the commission~~ *NASAA/NASD Central Registration Depository system* notice of such termination on Form U-5 within 30 calendar days of the date of termination.

B. When an investment advisor representative terminates a connection with a federal covered advisor, the ~~investment advisor representative~~ *federal covered advisor* shall file with the ~~Division of Securities and Retail Franchising or any other entity designated by the commission~~ *NASAA/NASD Central Registration Depository system* notice of such termination on Form U-5 within 30 calendar days of the date of termination.

21 VAC 5-80-160. Recordkeeping requirements for investment advisors.

A. Every investment advisor registered or required to be registered under the Act shall make and keep true, accurate and current the following books, ledgers and records, except an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep

current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business:

1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.
2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.
3. A memorandum of each order given by the investment advisor for the purchase or sale of any security, of any instruction received by the investment advisor from the client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. The memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment advisor who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of entry, and the bank, broker or dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.
4. All check books, bank statements, canceled checks and cash reconciliations of the investment advisor.
5. All bills or statements (or copies of), paid or unpaid, relating to the business as an investment advisor.
6. All trial balances, financial statements prepared in accordance with generally accepted accounting principles which shall include a balance sheet, income statement and such other statements as may be required pursuant to 21 VAC 5-80-180, and internal audit working papers relating to the investment advisor's business as an investment advisor.
7. Originals of all written communications received and copies of all written communications sent by such investment advisor relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given; (ii) any receipt, disbursement or delivery of funds or securities; and (iii) the placing or execution of any order to purchase or sell any security; however, (a) the investment advisor shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment advisor, and (b) if the investment advisor sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment advisor shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if such notice, circular or advertisement is distributed to persons named on any list, the investment advisor shall retain with a copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

8. A list or other record of all accounts which list identifies the accounts in which the investment advisor is vested with any discretionary power with respect to the funds, securities or transactions of any client.

9. All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment advisor, or copies thereof.

10. All written agreements (or copies thereof) entered into by the investment advisor with any client, and all other written agreements otherwise related to the investment advisor's business as an investment advisor.

11. A file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media that the investment advisor circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment advisor), and if the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media recommends the purchase or sale of a specific security and does not state the reasons for the recommendation, a memorandum of the investment adviser indicating the reasons for the recommendation.

12. a. A record of every transaction in a security in which the investment advisor or any investment advisory representative of such investment advisor has, or by reason of any transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisory representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. For purposes of this subdivision 12, the following definitions will apply. The term "advisory representative" means any partner, officer or director of the investment advisor; any employee who participates in any way in the determination of which recommendations shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of the recommendations:

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- (1) Any person in a control relationship to the investment adviser;
- (2) Any affiliated person of a controlling person; and
- (3) Any affiliated person of an affiliated person.

"Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the ownership interest of a company shall be presumed to control such company.

c. An investment advisor shall not be deemed to have violated the provisions of this subdivision 12 because of his failure to record securities transactions of any investment advisor representative if the investment advisor establishes that it instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

13. a. Notwithstanding the provisions of subdivision 12 of this subsection, where the investment advisor is primarily engaged in a business or businesses other than advising investment advisory clients, a record must be maintained of every transaction in a security in which the investment advisor or any investment advisory representative of such investment advisor has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisory representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. An investment advisor is "primarily engaged in a business or businesses other than advising investment advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is less, the investment advisor derived, on an unconsolidated basis, more than 50% of (i) its total sales and revenues, and (ii) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

c. For purposes of this subdivision 13, the following definitions will apply. The term "advisory representative," when used in connection with a company primarily

engaged in a business or businesses other than advising investment advisory clients, means any partner, officer, director or employee of the investment advisor who participates in any way in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons, who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of such the recommendations or of the information concerning the recommendations:

- (1) Any person in a control relationship to the investment advisor;
- (2) Any affiliated person of a controlling person; and
- (3) Any affiliated person of an affiliated person.

d. An investment advisor shall not be deemed to have violated the provisions of this subdivision 13 because of his failure to record securities transactions of any investment advisor representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

14. A copy of each written statement and each amendment or revision, given or sent to any client or prospective client of such investment advisor in accordance with the provisions of 21 VAC 5-80-190 and a record of the dates that each written statement, and each amendment or revision, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

15. For each client that was obtained by the advisor by means of a solicitor to whom a cash fee was paid by the advisor, the following:

- a. Evidence of a written agreement to which the advisor is a party related to the payment of such fee;
- b. A signed and dated acknowledgement of receipt from the client evidencing the client's receipt of the investment advisor's disclosure statement and a written disclosure statement of the solicitor; and,
- c. A copy of the solicitor's written disclosure statement. The written agreement, acknowledgement and solicitor disclosure statement will be considered to be in compliance if such documents are in compliance with Rule 275.206(4)-3 of the Investment Advisers Act of 1940.

For purposes of this regulation, the term "solicitor" shall mean any person or entity who, for compensation, acts as an agent of an investment advisor in referring potential clients.

16. All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement,

newspaper article, investment letter, bulletin, or other communication including but not limited to electronic media that the investment advisor circulates or distributes directly or indirectly, to two or more persons (other than persons connected with the investment advisor); however, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subdivision.

17. A file containing a copy of all written communications received or sent regarding any litigation involving the investment advisor or any investment advisor representative or employee, and regarding any written customer or client complaint.

18. Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

19. Written procedures to supervise the activities of employees and investment advisor representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

20. A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment advisor representatives, which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

B. If an investment advisor subject to subsection A of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection A of this section shall also include:

1. A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to such accounts.

2. A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits.

3. Copies of confirmations of all transactions effected by or for the account of any such client.

4. A record for each security in which any such client has a position, which record shall show the name of each such client having any interest in each security, the amount or interest of each such client, and the location of each such security.

C. Every investment advisor subject to subsection A of this section who renders any investment advisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment advisor, make and keep true, accurate and current:

1. Records showing separately for each such client the securities purchased and sold, and the date, amount and price of each such purchase and sale.

2. For each security in which any such client has a current position, information from which the investment advisor can promptly furnish the name of each such client and the current amount or interest of such client.

D. Any books or records required by this section may be maintained by the investment advisor in such manner that the identity of any client to whom such investment advisor renders investment advisory services is indicated by numerical or alphabetical code or some similar designation.

E. Every investment advisor subject to subsection A of this section shall preserve the following records in the manner prescribed:

1. All books and records required to be made under the provisions of subsection A to subdivision C 1, inclusive, of this section, except for books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section, shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on record, the first two years in the principal office of the investment advisor.

2. Partnership articles and any amendments, articles of incorporation, charters, minute books, and stock certificate books of the investment advisor and of any predecessor, shall be maintained in the principal office of the investment advisor and preserved until at least three years after termination of the enterprise.

3. Books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in the principal office of the investment advisor, from the end of the fiscal year during which the investment advisor last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media.

4. Books and records required to be made under the provisions of subdivisions A 17 through 20, inclusive, of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment advisor, or for the time period during which the investment advisor was registered or required to be registered in the state, if less.

5. Notwithstanding other record preservation requirements of this subsection, the following records or copies shall be required to be maintained at the business location of the investment advisor from which the customer or client is being provided or has been provided with investment advisory services: (i) records required to be preserved under subdivisions A 3, A 7 through A 10, A 14 and A 15, A 17 through A 19, subsections B and C inclusive of this

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subdivision, and (ii) the records or copies required under the provision of subdivisions A 11 and A 16 of this section which records or related records identify the name of the investment advisor representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in this subsection.

F. An investment advisor subject to subsection A of this section, before ceasing to conduct or discontinuing business as an investment advisor, shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the commission in writing of the exact address where such books and records will be maintained during such period.

G. 1. The records required to be maintained and preserved pursuant to this section may be immediately produced or reproduced by photograph on film or, as provided in subdivision 2 of this subsection, on magnetic disk, tape or other computer storage medium, and be maintained and preserved for the required time in that form. If records are preserved or reproduced by photographic film or computer storage medium, the investment advisor shall:

- a. Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record;
- b. Be ready at all times to promptly provide any facsimile enlargement of film or computer printout or copy of the computer storage medium which the commission by its examiners or other representatives may request;
- c. Store separately from the original one other copy of the film or computer storage medium for the time required;
- d. With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction; and
- e. With respect to records stored on photographic film, at all times have available, for the commission's examination of its records, facilities for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

2. Pursuant to subdivision 1 of this subsection, an advisor may maintain and preserve on computer tape or disk or other computer storage medium records which, in the ordinary course of the advisor's business, are created by the advisor on electronic media or are received by the advisor solely on electronic media or by electronic transmission.

H. Any book or record made, kept, maintained, and preserved in compliance with SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934, which is substantially the same as the book, or other record required to be made, kept, maintained, and preserved

under this section shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

I. For purposes of this section, "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client; and "discretionary power" shall not include discretion as to the price at which or the time when a transaction is or is to be effected if, before the order is given by the investment advisor, the client has directed or approved the purchase or sale of a definite amount of the particular security.

J. Every investment advisor registered or required to be registered in this state and that has its principal place of business in a state other than this state shall be exempt from the requirements of this section to the extent provided by the National Securities Markets Improvement Act of 1996 (Pub.L. No. 104-290), provided the investment advisor is licensed in such state and is in compliance with such state's recordkeeping requirements.

K. Every registered investment advisor as a condition of its registration as an investment advisor under the Act hereby agrees and represents that:

- 1. All of the investment advisor's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in the office where such records are maintained;*
- 2. All of the investment advisor's records (or legible copies of the same, or print-outs of same, if automated) pertaining to the investment advisory business any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection of the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;*
- 3. The term "records" shall mean and include all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics, (i) that are maintained for the recordation or storage of information prepared, used or to be used in connection with the investment advisory business or (ii) that were used or are to be used in connection with the investment advisory business;*
- 4. Failure to comply with this subsection may be considered grounds for the institution of a proceeding to revoke an investment advisor's registration or other penalty prescribed by the Act;*
- 5. Any investment advisor subject to an investigation made by the commission may be required to pay the actual cost of the investigation.*

21 VAC 5-80-200. Dishonest or unethical practices.

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor or federal covered advisor and his clients

and the circumstances of each case, an investment advisor or federal covered advisor shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor or federal covered advisor after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor or federal covered advisor, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor or federal covered advisor is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor or federal covered advisor.
8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor or federal covered advisor, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.
9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors or federal covered advisors providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor or federal covered advisor or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-1).

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor has custody or possession of such securities or funds, when the investment advisor's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor or federal covered advisor and that no assignment of such contract shall be made by the investment advisor or federal covered advisor without the consent of the other party to the contract.

~~17. Failing to make a disclosure in a timely manner to clients or prospective clients that the investment advisor has not substantially addressed year 2000 computer or equipment problems or is substantially uncertain of its ability to resolve these problems.~~

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

Proposed Regulations

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.
 2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
 3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
 4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
 5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
 6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.
 7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.
 8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.
 9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor or federal covered advisor uses published research reports or statistical analyses to render advice or where an investment advisor or federal covered advisor orders such a report in the normal course of providing service.
 10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.
 11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:
 - a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
 - b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the investment advisor representative.
 12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.
 13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940.
 14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.
 15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative other than a person associated with a federal covered advisor has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.
 16. Entering into, extending or renewing any investment advisory or federal covered advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.
- C. The conduct set forth in subsections A and B of this section is not all inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice except to the extent not permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).
- D. The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).
- 21 VAC 5-80-210. Exclusions from definition of "investment advisor" and "federal covered advisor."**
- A. The terms "investment advisor" and "federal covered advisor" do not include any person engaged in the investment

advisory business whose only client in this Commonwealth is one (or more) of the following:

1. An investment company as defined in the Investment Company Act of 1940.
2. An insurance company licensed to transact insurance business in this Commonwealth.
3. A bank, a bank holding company as defined in the Bank Holding Company Act of 1956, a trust subsidiary organized under Article 3.1 (§ 6.1-32.1 et seq.) of Chapter 2 of Title 6.1 of the Code of Virginia, a savings institution, a credit union, or a trust company if the entity is either (i) authorized or licensed to transact such business in this Commonwealth or (ii) organized under the laws of the United States.
4. A broker-dealer so registered under the Act and under the Securities Exchange Act of 1934.
5. An employee benefit plan with assets of not less than \$5,000,000.
6. A governmental agency or instrumentality.
7. A corporation, general partnership, limited partnership, limited liability company, trust or other legal organization that (i) has assets of not less than \$5,000,000 and (ii) receives investment advice based on its investment objectives rather than the individual investment objectives of its shareholders, partners, limited partners, members or beneficiaries, provided the investment advisor or federal covered advisor is exempt from registration pursuant to § 203(b)(3) of the Investment Advisors Act of 1940 or by any rule or regulation promulgated by the SEC under that section.

B. Any investment advisor or federal covered advisor who (i) does not have a place of business located within this Commonwealth and (ii) during the preceding 12-month period has had fewer than six clients who are residents of this Commonwealth other than those listed in subsection A of this section is excluded from the registration and notice filing requirements of the Act.

C. *The term "investment advisor" does not include any certified public accountant who holds a valid CPA certificate as defined by § 54.1-2000 of Title 54.1 of the Code of Virginia and who during the ordinary course of business:*

1. *Issues publications, writings, reports, or testimony in a court of law or in an arbitration as to the value of privately held securities in a transaction involving the purchase, sale or valuation of a business;*
2. *Issues publications, writings, reports or testimony in a court of law or in an arbitration as to the advisability of investing in, purchasing, or selling privately held securities in a transaction involving the purchase, sale or valuation of a business; or*
3. *Advises clients about the disposition or value of assets, of which ownership is evidenced by privately held securities and such assets are the subject of (i) bankruptcy, (ii) estate or gift tax planning or settlement, (iii) divorce, (iv) sale of a*

business, whether whole or in part, (v) employee stock option plan, or (vi) an insurance settlement.

VA.R. Doc. No. R01-160; Filed April 4, 2001, 7:44 a.m.

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FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-561-10 et seq. **Pertaining to the Hampton Flats Hard Clam Harvest Area.**

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

Effective Date: August 16, 2001.

Summary:

This regulation establishes a Hampton Flats Hard Clam Harvest Area and provisions to control the harvest of hard clams from this area.

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

4 VAC 20-561-10. Purpose.

The provisions of this regulation are in response to increased abundance of hard clams in the Hampton Flats Hard Clam Harvest Area and increased harvest pressure on the hard clam resource by patent tongs in clean clam areas in the months of August and September.

4 VAC 20-561-20. Hampton Flats Hard Clam Harvest Area.

The Hampton Flats Hard Clam Harvest Area shall consist of all tidal waters within a line beginning at the Newport News Boat Harbor inshore at the VMRC operations building; thence continuing southeasterly to buoy R"22," thence following the buoy line to the north side of the Explosives Landing Berth; thence in a northwesterly direction to buoy "18," continuing northbound and extending through Channel Marker "2" to the shoreline Radio Tower; thence following the shoreline in a southwesterly direction back to the VMRC operations building.

4 VAC 20-561-30. Harvest season.

A. The open harvest season for the Hampton Flats Hard Clam Harvest Area, as specified by § 28.2-816 of the Code of Virginia, shall be extended from Thursday, August 16, 2001, through Friday, September 28, 2001. Harvest of hard clams in the Hampton Flats Hard Clam Harvest Area shall only occur on Mondays through Fridays during the 2001 open harvest season. Thereafter, Hampton Flats Hard Clam

Harvest Area shall be managed by the authority promulgated in § 28.2-816 of the Code of Virginia.

B. It shall be unlawful to harvest hard clams from the Hampton Flats Hard Clam Harvest Area except as provided in subsection A of this section.

4 VAC 20-561-40. Harvest restrictions.

A. It shall be unlawful for any person to possess any hard clam which can be passed through a 1-3/8-inch inside diameter culling ring.

B. For the possession limit described in subsection A of this section, there shall be a 2.0% tolerance of hard clams, by number, in each bag or container.

C. It shall be unlawful for any person to possess any hard clam which cannot be passed through a 2-7/8-inch inside diameter culling ring.

D. For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams, by number, in each bag or container.

E. It shall be unlawful for any person to harvest clams from the Hampton Flats Hard Clam Harvest Area before sunrise or after 5 p.m.

4 VAC 20-561-50. Penalty.

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

B. The Marine Resources Commission may revoke the relay permit of any person convicted of a violation of this regulation.

VA.R. Doc. No. R01-155; Filed March 29, 2001, 9:28 a.m.

Title of Regulation: 4 VAC 20-751-10 et seq. **Pertaining to the Setting and Mesh Size of Gill Nets (amending 4 VAC 20-751-10 and 4 VAC 20-751-20).**

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

Effective Date: April 1, 2001.

Summary:

The amendments attempt to reduce the strandings and mortalities of threatened and endangered sea turtles by (i) establishing a maximum amount of 8,400 feet of gill net that is lawful to have aboard any vessel or to be placed, set, or fished; (ii) prohibiting setting or fishing any gill nets that are tied down during the period May 1 through June 30; and (iii) making it unlawful for any person to have aboard any

vessel or to place, set, or fish any gill net with a stretched mesh greater than six inches in the Virginia portion of the Territorial Sea, south of a line connecting Smith Island Light and the three-mile limit line.

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

4 VAC 20-751-10. Purpose.

The purpose of this chapter is to reduce the out-of-season bycatch of American shad and to preclude the harvest of coastal migratory striped bass, thereby reducing injuries and mortalities to these two species. *This chapter is also intended to reduce the strandings and mortalities of threatened and endangered sea turtles.*

4 VAC 20-751-20. Gill net mesh sizes, restricted areas, and season.

A. From January 1 through March 25 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size between 3-3/4 inches and six inches within the restricted areas as set forth below. In addition, from March 26 through June 15 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size greater than six inches within the restricted areas set forth below:

1. In James River, those tidal waters upstream of a line connecting Willoughby Spit and Old Point Comfort;
2. In Back River, those tidal waters upstream of a line connecting Factory Point and Plumtree Point;
3. In Poquoson River, those tidal waters upstream of a line connecting Marsh Point and Tue Point;
4. In York River, those tidal waters upstream of a line connecting Tue Point and Guinea Marshes;
5. In Mobjack Bay, those tidal waters upstream of a line connecting Guinea Marshes and New Point Comfort;
6. In Milford Haven, those tidal waters upstream of a line connecting Rigby Island and Sandy Point;
7. In Piankatank River, those tidal waters upstream of a line connecting Cherry Point and Stingray Point; and
8. In Rappahannock River, those tidal waters upstream of a line connecting Stingray Point to Windmill Point.

B. *During the period May 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish more than 8,400 feet of gill net.*

C. *During the period May 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish any gill net in the Chesapeake Bay or in Virginia's portion of the Territorial Sea, that is made, set or fished in a tied-down manner, by connecting the net's head rope and foot rope with lines, which cause the net to form a pocket of webbing.*

D. *During the period June 1 through June 30, it shall be unlawful for any person to have aboard any vessel or to place, set, or fish any gill net with a stretched mesh greater than six inches in the Virginia portion of the Territorial Sea, south of a line connecting Smith Island Light and the three-mile limit line.*

VA.R. Doc. No. R01-156; Filed March 29, 2001, 9:30 a.m.

Title of Regulation: **4 VAC 20-890-10 et seq. Pertaining to Channeled Whelk (amending 4 VAC 20-890-30).**

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

Effective Date: April 1, 2001.

Summary:

The amendments provide an exception for imported whelk, and establish provisions and requirements for the importation of sub-legal size channeled whelk from jurisdictions outside Virginia.

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

4 VAC 20-890-30. Minimum size limits.

A. It shall be unlawful for any person to possess more than 10 channeled whelk, per bushel or bag, which measure less than 5-1/2 inches in length or can be passed through a culling ring of 2-3/4 inches in diameter, *except as described in subsection D of this section.*

B. It shall be unlawful for any person to possess more than 30 channeled whelk, per barrel, which measure less than 5-1/2 inches in length or can be passed through a culling ring of 2-3/4 inches in diameter, *except as described in subsection D of this section.*

C. Those undersized whelk in excess of the allowance level, as described in subsections A and B of this section, shall be returned immediately to the water alive.

D. *Nothing in this section shall prohibit the possession of sub-legal size channeled whelk imported from other states or jurisdictions, provided the following conditions are met:*

1. *Such imports shall have been landed in another state or jurisdiction and shall not have been imported into Virginia by waterborne transport.*
2. *Such imported channeled whelk are accompanied by a bill of sale which shall include the name of the seller, address and phone number of the seller, the license number of the seller if such license is required in the jurisdiction of harvest, the date of sale and the quantity of channeled whelk purchased under the bill of sale.*

VA.R. Doc. No. R01-157; Filed March 29, 2001, 9:29 a.m.

Final Regulations

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Title of Regulation: 4 VAC 20-950-10 et seq. **Pertaining to Black Sea Bass (amending 4 VAC 20-950-45).**

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

Effective Date: April 1, 2001.

Summary:

The amendment extends the closed recreational fishing season to include a closure from July 15 through August 14 of each year.

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

4 VAC 20-950-45. Possession limits and harvest quotas.

A. During the period January 1 through March 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 9,000 pounds of black sea bass, except when it is announced that 75% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 4,500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

B. During the period April 1 through June 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,500 pounds of black sea bass, except when it is announced that 50% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 750 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

C. During the period July 1 through September 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of black sea bass, except when it is announced that 50% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 2,000 pounds of black sea bass, except when it is announced that 50% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 1,000 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

E. It shall be unlawful for any person to possess or to land any black sea bass for commercial purposes after the coastwide quota for the designated period as described in subsections A through D of this section has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any black sea bass after any commercial harvest quota has been attained and announced as such.

G. It shall be unlawful for any person to possess or to land any black sea bass for recreational purposes, from March 1 through March 31 and from July 15 through August 14 of each year.

H. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 25 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 25. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

I. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection H of this section shall be presumed to be for commercial purposes.

VA.R. Doc. No. R01-158; Filed March 29, 2001, 9:29 a.m.



TITLE 8. EDUCATION

DEPARTMENT OF EDUCATION

Title of Regulation: 8 VAC 20-540-10 et seq. **Regulations Governing Approved Programs for Virginia Institutions of Higher Education (REPEALED).**

Title of Regulation: 8 VAC 20-541-10 et seq. **Regulations Governing Approved Programs for Virginia Institutions of Higher Education.**

Statutory Authority: §§ 22.1-16, 22.1-298 and 22.1-305.2 of the Code of Virginia.

Effective Date: May 23, 2001.

Summary:

This regulatory action repeals current regulations and promulgates new regulations for approved programs in Virginia institutions of higher education. The approved program process refers to the policies and procedures by which the Virginia Department of Education reviews a professional education program at a college or university to determine if it meets the state's standards for the preparation of school personnel (teachers and school administrators).

The regulations establish procedures for the review of each endorsement program center on the competencies set forth by the Licensure Regulations for School Personnel (8 VAC 20-21-10 et seq.) and require evidence of how the institution demonstrates that the competencies are met. The licensure regulations provide a statewide licensing system based on the 57 endorsement areas contained in

the regulations. As such, colleges and universities with approved programs are also in line with the state licensing system.

The details of the review process are outlined in the Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education, which is the guidance document associated with the approved program regulations.

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

Agency Contact: Copies of the regulation may be obtained from Dr. Margaret N. Roberts, State Board of Education, P.O. Box 2120, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540.

CHAPTER 541.

REGULATIONS GOVERNING APPROVED PROGRAMS FOR VIRGINIA INSTITUTIONS OF HIGHER EDUCATION.

PART I. DEFINITIONS.

8 VAC 20-541-10. Definitions.

The following words and terms when used in this chapter shall have the meanings indicated unless the context implies otherwise:

"Accreditation" means a process for assessing and enhancing academic and educational quality through voluntary peer review. Accreditation informs the public that an institution has a professional education unit that has met national standards of educational quality.

"Advanced preparation" means programs at post-baccalaureate levels for (i) the advanced education of teachers who have previously completed initial preparation or (ii) the initial or advanced preparation of other professional school personnel. Advanced preparation programs commonly award graduate credit and include masters, specialist, and doctoral degree programs as well as nondegree licensure programs offered at the graduate level.

"Annual report" means the Virginia Department of Education annual report required of all institutions in Virginia that offer approved programs for the preparation of school personnel.

"Candidates" means individuals who are seeking admission to or are enrolled in programs for the initial or advanced preparation of teachers or other professional school personnel. Candidates may be seeking initial licensure or pursuing advanced preparation in professional education.

"Cultural diversity" means the variety of cultural backgrounds of candidates, faculty, and school personnel based on ethnicity, race, language, religion, socioeconomic status, gender, geographical background, and exceptionalities. Diverse regional or geographic origins, religions, or language groups are not necessarily representation of a wide range of cultural diversity.

"Declaration of admission" means the list of [~~candidates enrolled on a full-time basis in the institution's approved teacher preparation program who, in the preceding academic year, have taken the Praxis II content assessments as prescribed for licensure by the Board of Education~~ all candidates, both full- and part-time, who are fully admitted to an institution's approved program and who have taken the Praxis II content assessments during the preceding academic year].

"Dispositions" means values, beliefs, and attitudes toward education, students, and communities that guide one's professional practice.

"Distance learning" means a formal educational process in which the majority of the instruction occurs when the learner and the instructor are not in the same place at the same time. In this process, information or distributed learning technology is the likely connector between the learner, the instructor, or the site of program origin.

"Diversity" means the wide range of ways in which human groups and populations have observable and demonstrable physical and behavioral differences.

"Educational and instructional technology" means the theory and practice of design, development, utilization, management, and evaluation of processes and resources for learning and the use of computers and other technologies in (i) delivery, development, prescription, and assessment of instruction; (ii) problem solving; (iii) school and classroom administration; (iv) educational research; (v) electronic information access and exchange, and (vi) personal and professional productivity as reflected in Virginia's Technology Standards for Instructional Personnel (8 VAC 20-25-10 et seq.).

"Exceptionalities" means physical, mental, and emotional disabilities or differences, including gifted/talented abilities, that may necessitate special attention by school personnel.

"Field experiences" means program components that are conducted in off-campus settings such as a school, community center, or homeless shelter. They include classroom observations, tutoring, assisting teachers and school administrators, student teaching, and internships.

"Full-time faculty" means employees of a higher education institution with full-time assignments within the professional education [~~department~~ unit] as instructors, professors at different ranks, administrators, or other professional support personnel (e.g., student teaching supervisor or advisor).

"General education" means courses and other learning experiences in the liberal arts and sciences that candidates in baccalaureate programs typically complete in the first two or three years of their programs for the purpose of becoming liberally educated college students.

"Global perspective" means the viewpoint that accepts the interdependency of nations and peoples and the interlink age of political, economic, ecological, and social issues of a transnational and global character.

"Governance" means the system and structure for defining policy and administering procedures for the professional education [~~department~~ unit].

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“Indicators” means operational definitions that suggest the kinds of evidence that professional education [~~department~~ units] should provide to demonstrate that a standard is met. They are not standards in and of themselves. In determining that a standard is met, review teams will weigh the evidence provided for each indicator as well as other data not necessarily related to indicators but germane to the standard. It is possible for a professional education [~~department~~ unit] to be judged to meet a standard without addressing each indicator. In such cases, other evidence for meeting the standard will have been offered and judged as acceptable by the review team.

“Initial teacher preparation” means programs at baccalaureate or post-baccalaureate levels that prepare candidates for their first license to teach.

“Inquiry” means the active involvement in one’s academic or specialty area that could range from knowledge generation to exploration and questioning of the field.

“Institutional report” means a written report prepared by the institution for an initial accreditation visit to describe how the professional education [~~department~~ unit] meets the required standards.

“Integrative studies” means courses and other learning experiences in which candidates learn to integrate their general and content knowledge with professional and pedagogical knowledge.

“Knowledge base” means the base of knowledge for effective teaching derived from empirical research, disciplined inquiry, informed theory, and the wisdom of practice.

“Licensing” means the official recognition by a state governmental agency that an individual has met state requirements and is, therefore, approved to practice as a duly certified or licensed professional.

“Multicultural perspective” means the (i) social, political, economic, academic, and historical realities experienced by individuals and groups in complex human encounters; (ii) representation and incorporation of issues related to culture, demographics, ethnicity, race, gender, sexual orientation, religion, socioeconomic status, and exceptionalities in the education process; and (iii) inclusion of a cohesive, inclusive curriculum representing the contributions of diverse populations.

“Part-time faculty” means employees of a higher education institution who have less than a full-time assignment in the professional education [~~department~~ unit]. Some part-time faculty are full-time employees of the college or university with a portion of their assignments in the professional education [~~department~~ unit]. Other part-time faculty are not full-time employees of the institution and are commonly considered adjunct faculty.

“Pedagogical studies” means courses and other learning experiences in which candidates study and apply concepts, theories, and research about effective teaching.

“Performance-based licensing” means licensing that is based on an assessment system that measures a teacher

candidate’s knowledge and skills to determine whether he can perform effectively as a teacher.

“Professional community” means teacher educators, teacher candidates, faculty in general studies and arts and sciences, preK-12 practitioners, and others involved in the educational enterprise.

“Professional development” means opportunities for higher education faculty to develop new knowledge and skills through inservice education, conference attendance, sabbatical leave, summer leave, intra- and inter-institutional visitations, fellowships, or work in preK-12 schools.

“Professional development schools” means a specially designed school in which school and higher education faculty collaborate to (i) provide student teaching and internship experiences and (ii) support and enable the professional development of teachers in the school and higher education faculty. Faculty also have joint responsibility for the provision of high quality instruction to the school’s primary clientele-students.

“Professional education [~~department~~ unit]” means the institution, college, school, department, or other administrative body within the institution that is primarily responsible for the initial and advanced preparation of teachers and other professional school personnel. Although it is not essential for all programs that prepare instructional personnel to be administratively housed in the professional education [~~department~~ unit], the standard on operation and accountability requires that all professional education programs in an institution be organized, unified, and coordinated by the professional education [~~department~~ unit].

“Professional education faculty” means those individuals who teach one or more courses in education, provide services to education students (e.g., advising or supervising student teaching) or administer some portion of the professional education [~~department~~ unit]. Professional education faculty include both higher education faculty and school-based personnel; they are all considered to be members of an institution’s professional education [~~department~~ unit].

“Professional studies” means courses and other learning experiences to teach candidates the historical, economic, sociological, philosophical, and psychological foundations of schooling and education.

“Program” means a planned sequence of courses and experiences leading to a degree, a state license, or adequate preparation to provide professional education services in schools.

“Program approval” means the process by which a state governmental agency reviews a professional education program to determine if it meets the state’s standards for the preparation of school personnel.

“Protocol” means the procedures that guide the review of the teaching endorsement programs and the site visits to review the professional education [~~department~~ unit].

“Scholarly activities” means the active involvement in one’s area of specialization as demonstrated through such faculty activities as research, articles published in refereed journals,

program evaluation studies, documentation of ongoing activities, grant-seeking, and presentations at professional meetings.

“School faculty” means licensed practitioners in preK-12 schools who provide on site instruction, supervision, and direction for candidates during field-based assignments.

“Sound professional practice” means educational strategies and practices that have evolved from the successful experiences of educators and that are generally recognized and accepted by the professional community.

“Standards of Learning for Virginia public schools” means the basic knowledge and skills that Virginia school children should be taught in the four academic subjects of English, mathematics, science, and social studies (history, geography and government) as they progress from kindergarten through grade 12.

“State approval” means a governmental activity requiring specific professional education programs within a state to meet standards of quality so that their graduates will be eligible for state licensing. State approval is used synonymously with program approval.

“Teacher educators” means professional educators who serve as the training arm of the teaching profession. They include higher education faculty and school-based practitioners who supervise field experiences, student teaching, and internships.

“Weaknesses” means the features and characteristics that prevent the professional education [~~department~~ unit] from being effective at the level expected to meet the standards.

PART II.

STANDARDS FOR THE REVIEW OF THE PROFESSIONAL EDUCATION [~~DEPARTMENT~~ UNIT].

8 VAC 20-541-20. Professional education program design.

A. Standard 1: The professional education [~~department~~ unit] has developed and shall maintain high quality professional education programs that are designed from a framework that is knowledge based, articulated, shared, coherent, consistent with the [~~department~~ unit] and the institutional mission, and is continuously evaluated. The Virginia Standards of Learning for students in grades kindergarten through 12 shall be reflected throughout the design. Indicators of the achievement of this standard shall include, among other things, the following:

1. A statement of philosophy and purposes that states desired results for candidates;
2. A knowledge base that reflects student achievement of the Virginia Standards of Learning, research, and educational practices;
3. Cohesion among the general, content, and professional courses for the teaching area;
4. Integrated field experiences including pre-observation, student teaching, internships, and other opportunities for

prospective teachers to interact with the school environment; and

5. Regular and systematic evaluations that are used to modify and improve the design of the program. Evaluations must include but are not limited to the following:

- a. Information obtained through student assessments;
- b. Data collected from students and recent graduates; and
- c. Information obtained from other members of the professional community, including the results of employer satisfaction surveys.

B. Standard 2: The professional education [~~department~~ unit] ensures that candidates have completed general education courses and experiences in the liberal arts and sciences and have acquired theoretical and practical knowledge for teaching and student achievement. Indicators of the achievement of this standard shall include, among other things, the following:

1. Courses and experiences in English that prepare candidates to have a full command of the English language, use standard English grammar, have rich speaking and writing vocabularies, be knowledgeable of exemplary authors and literary works, communicate effectively in educational, occupational, and personal areas and that include the knowledge and skills needed to succeed on the Praxis I assessment in reading and writing;
2. Courses and experiences in mathematics that prepare candidates to become mathematical problem solvers, communicate and reason mathematically, make mathematical connections and that include the knowledge and skills needed to succeed on the Praxis I assessment in mathematics;
3. Courses and experiences in science that prepare candidates to develop and use experimental design in scientific inquiry, use the language of science to communicate understanding of the discipline, investigate phenomena using technology, understand the history of scientific discovery, and make informed decisions regarding contemporary issues in science, including science-related careers;
4. Courses and experiences in history and the social sciences that prepare candidates to know and understand our national heritage, to develop knowledge and skills of American and world history, geography, government/political science, and economics that create informed and responsible citizens who can understand, discuss, and participate in democratic processes; and
5. Other courses and experiences that may include the fine arts, communications, literature, and philosophy to produce a well-rounded individual.

C. Standard 3: The professional education [~~department~~ unit] ensures that candidates achieve competence in the academic content that candidates plan to teach. Indicators of the achievement of this standard shall include, among other things, the following:

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1. Completion of institutional requirements for academic degrees in the arts and sciences except in health, physical and vocational education for baccalaureate candidates. Post-baccalaureate candidates seeking to complete the approved program must meet the equivalent of an academic major in the arts and sciences or an appropriate discipline;
 2. Achievement of passing scores on the teaching area Praxis II content assessment(s);
 3. Completion of courses and experiences to develop an understanding of the core concepts of the disciplines, facts, teaching methods, uses of technology, and the teaching of the Virginia Standards of Learning for the content candidates plan to teach; and
 4. Completion of courses and experiences to meet the competencies specified in each endorsement area defined in the Licensure Regulations for School Personnel (8 VAC 20-21-10 et seq.). The sequence of courses and experiences must address the approved program framework for the endorsement area by including the following:
 - a. Experiences - what the institution offers to enable the candidate to develop the knowledge and skills identified in each competency;
 - b. Indicators - how the candidate's attainment of the knowledge and skills is measured; and
 - c. Evidence - description of how the institution demonstrates that the indicators are achieved.
- D. Standard 4: The professional education [~~department~~ unit] ensures that candidates acquire and learn the knowledge and skills to become competent to work with a variety of students. Indicators of the achievement of this standard shall include, among other things, the following:
1. [Professional studies course work and methodology, excluding field [~~experiences, that are limited to 24 semester hours for the bachelor's degree~~; related experiences, shall be limited to 18 semester hours for any bachelor's degree (or equivalent thereof). Programs in elementary education (preK-3 and preK-6) and special education shall not exceed 24 semester hours of professional course work and methodology excluding field experiences for any bachelor's degree (or equivalent). A professional education unit may request and receive from the Board of Education a waiver to the above-mentioned 18-hour limitation after submitting documented rationale for such waiver. Such waiver shall not, under any circumstances, exceed 24 semester hours. However, the Board of Education may grant such waivers with any other terms and conditions, as the board sees fit;]
 2. A sequence of courses and experiences in which candidates acquire and learn to apply knowledge about the physical, social, emotional, and intellectual development of children and youth; develop a thorough understanding of the complex nature of language acquisition and reading; and understand the historical, philosophical, and sociological foundations of public education, including school laws, school culture, and contemporary issues;
 3. A sequence of courses and experiences in teaching methods in which candidates understand and use the principles of learning, methods for teaching the content area, classroom management, selection and use of teaching materials, and evaluation of student performance; and
 4. A sequence of courses and activities in which candidates acquire understanding of and the ability to use educational technology to enhance student learning, including the use of computers and other technologies in instruction, assessment, and professional productivity.
- E. Standard 5: The professional education [~~department~~ unit] ensures that candidates in advanced graduate programs develop competencies for educational leadership roles in positions such as school superintendent, central office administrator and supervisor, and school psychologist. Indicators of the achievement of this standard shall include, among other things, the following:
1. The Virginia Standards of Learning and standards of specialty organizations, where appropriate; and
 2. Research, research methods, and knowledge about issues and trends that will improve student learning and best practices in classrooms and schools; and
 3. Understanding and use of educational technology, including the use of computers and other technologies in instruction, assessment, and professional productivity.
- F. Standard 6: The professional education [~~department~~ unit] ensures that candidates in the K-12 Administration/Supervision masters/advanced program possess the knowledge and understanding to lead schools that use effective educational processes, achieve increased student learning, and make strong and positive connections to the community. Indicators of the achievement of this standard shall include, among other things, the following:
1. Courses and experiences that are aligned with the preK-12 Administration/Supervision endorsement competencies in the Virginia Licensure Regulations for School Personnel;
 2. Procedures for the identification and selection of candidates who demonstrate both potential for and interest in school leadership;
 3. Collaboration among local school professionals to identify and prepare school leaders to meet local needs;
 4. Sequence of courses and experiences in the utilization of test data to revise instruction and enhance student achievement;
 5. Courses and experiences that require the demonstration of collaboration with families and community members and knowledge of emerging issues that impact the school community; and
 6. Assessment of candidate's mastery of administration/supervision competencies through the use of multiple sources of data such as internships, portfolios, and interviews and including satisfaction surveys of employers.

G. Standard 7: Teaching in the professional education [~~department~~ unit] is of high quality and is consistent with the program design and knowledge derived from research and sound professional practice. Indicators of the achievement of this standard shall include, among other things, the following:

1. Use of instructional teaching methods that reflect an understanding of different models and approaches to learning and student achievement;
2. Teaching that encourages candidates to reflect, think critically and solve problems;
3. Teaching that reflects knowledge and understanding of cultural diversity and exceptionalities; and
4. Instruction that is continuously evaluated and the results used to improve teaching and learning within the [~~department~~ unit].

H. Standard 8: The professional education [~~department~~ unit] ensures that field experiences are of high quality and are consistent with well-planned and sequenced programs. Indicators of the achievement of this standard shall include, among other things, the following:

1. Opportunity to relate theory to actual practice in classrooms and schools, to create meaningful learning experiences for a variety of students, and to practice in settings with students of different ages and cultures;
2. Opportunity to interact and communicate effectively with parents;
3. Demonstration of competence in the professional teaching or administrative roles for which candidates are preparing;
4. Student teaching experience or its equivalent, which includes a minimum of 300 clock hours with at least half of that time spent in direct teaching activities at the level of endorsement; and
5. Evaluation that includes feedback from higher education faculty, including faculty in the arts and sciences, school faculty and peers, and encourages self-reflection by candidates.

I. Standard 9: The professional education [~~department~~ unit] collaborates with faculty, school personnel, and other members of the professional community to design, deliver, and renew programs for the preparation and continuing development of school personnel and to improve the quality of education in schools. Indicators of the achievement of this standard shall include, among other things, the following:

1. Development of teaching methods and activities that will ensure collaboration among the [~~department~~ unit], the programs, and local school personnel in the design and evaluation of the preparation of candidates, including the candidates' ability to teach the Standards of Learning;
2. Support for consistent collaboration among higher education faculty who teach the general, content, and professional studies in program planning and evaluation; and

3. Development of agreements with schools and cooperating professionals to ensure that pre-observation, student teaching, internships, and other field experiences are collaboratively designed; that programs and projects are developed with preK-12 schools and their faculties and are collaboratively delivered; and that opportunities exist to collaborate on the development and refinement of knowledge bases, to conduct research, and to improve the quality of education.

8 VAC 20-541-30. Candidates in professional education programs.

A. Standard 1: The professional education [~~department~~ unit] recruits, admits, and retains candidates of diverse backgrounds who demonstrate potential for professional success in preK-12 schools. Indicators of the achievement of this standard shall include, among other things, the following:

1. Use of a comprehensive system to assess the qualifications of candidates seeking admission that may include Virginia's passing scores on the Praxis I Academic Skills Assessment, faculty recommendations, biographical information, and successful completion of any prior college/university coursework with at least a 2.5 grade point average (GPA);
2. Established criteria for admission to advanced programs that include an assessment of academic proficiency (e.g., the MAT, GRE, and GPA), faculty recommendations, record of competence and effectiveness in professional work, and graduation from a regionally accredited college or university;
3. Established criteria for admission to post-baccalaureate initial preparation programs and advanced programs that ensure candidates have attained appropriate depth and breadth in both general and content studies to address the Virginia's Standards of Learning in the classroom; and
4. Development and implementation of an admission plan that is evaluated annually for its effectiveness in recruiting, admitting, and retaining candidates from diverse backgrounds.

B. Standard 2: The professional education [~~department~~ unit] systematically monitors and assesses the progress of candidates and ensures that candidates receive advisement for appropriate general studies, academic major and professional studies coursework from admission through program completion. Indicators of the achievement of this standard shall include, among other things, the following:

1. Development of clear information about the requirements for completing professional education programs, information on teaching-shortage areas, the availability of social and psychological counseling services, and job opportunities made available through a variety of sources including publications and faculty advising;
2. Systematic review of candidate progress at various, identified stages within programs through the use of performance-based and traditional assessments;
3. Assessment of candidate's progress that is based on multiple data sources including GPA, observations, the use

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of various instructional methods and technologies, faculty recommendations, demonstrated competence in academic and professional work (e.g., portfolios, performance assessments, and research and concept papers), and recommendations from the appropriate professionals in public schools; and

4. Assistance to candidates who are not making satisfactory progress.

C. Standard 3: The professional education [~~department~~ unit] ensures that candidates' competence to begin their professional role in schools is assessed prior to completion of the program or recommendation for licensure. Indicators of the achievement of this standard shall include, among other things, the following:

1. Published criteria for exit from each professional education program that reflect the requirements for licensure in Virginia, including passing scores on the teaching area Praxis II content assessment(s); and

2. Assessment of candidate's mastery of a program's stated exit criteria or outcomes through the use of multiple sources of data such as a culminating experience, portfolios, interviews, videotaped and observed performance in schools, standardized tests, and course grades.

8 VAC 20-541-40. Faculty in professional education programs.

A. Standard 1: The professional education [~~department~~ unit] recruits, hires, and retains a highly qualified higher education faculty of diverse backgrounds who are teacher scholars, are qualified for their assignments and are actively engaged in the professional community. Indicators of the achievement of this standard shall include, among other things, the following:

1. Completion of formal advanced study;
2. Demonstrated competence in each field of teaching specialization;
3. Earned doctorate, or its equivalent, or exceptional expertise in their field;
4. Knowledge of current practice related to the use of computers and technology and integration into their teaching and scholarship;
5. Knowledge of Virginia's Standards of Learning;
6. Knowledge of cultural differences and exceptionalities and their instructional implications;
7. Professional teaching experiences in preK-12 school setting(s) prior to supervising field experiences;
8. Active involvement with the professional world of practice in preK-12 schools and in the design and delivery of instructional programs; and
9. Active involvement in professional associations and participation in education-related services at the local, state, national, and international levels in areas of expertise and assignment.

B. Standard 2: The professional education [~~department~~ unit] ensures that policies and assignments allow faculty to be involved effectively in teaching, scholarship, and service and are in keeping with the character and mission of the institution. Indicators of the achievement of this standard shall include, among other things, the following:

1. Workload policies and assignments that accommodate and support faculty involvement in teaching, scholarship, and service, including working in primary grade-12 schools, curriculum development, advising, administration, institutional committee work, and other internal service responsibilities;

2. Development of policies governing faculty teaching loads, including overloads and off-campus teaching, that are mutually agreed upon and allow faculty to engage effectively in teaching, scholarship, and service; and

3. Development of recruitment and retention policies that include an explicit plan with adequate resources to hire and retain a qualified and diverse faculty that is evaluated annually for its effectiveness in meeting recruitment goals.

C. Standard 3: The professional education [~~department~~ unit] ensures that there are systematic and comprehensive activities to enhance the competence and intellectual vitality of the professional education faculty.

Professional education faculty are considered a part of the professional education [~~department~~ unit] if they teach one or more courses in professional education, provide professional services to education students (e.g., advising or supervising student teachers), or administer some portion of the professional education program. Unless otherwise designated, professional education faculty include both higher education faculty and school-based personnel who supervise student teaching and other internships.

Indicators of the achievement of this standard shall include, among other things, the following:

1. The development of policies and practices that encourage professional education faculty to be continuous learners;

2. Support for higher education and school faculty and others who may contribute to professional education programs to be regularly involved in professional development activities;

3. Regular evaluation of higher education faculty that includes contributions to teaching, scholarship, and service; and

4. Evaluations that are used systematically to improve teaching, scholarship, and service of the higher education faculty within the professional education [~~department~~ unit].

8 VAC 20-541-50. Operation and accountability of professional education programs.

A. Standard 1: The professional education [~~department~~ unit] ensures that Virginia's requirements of the Praxis I: Academic Skills Assessment and the Praxis II: Content Assessments must be satisfied prior to the completion of the approved program.

B. Standard 2: The professional education [~~department~~ unit] ensures that at least 70% of candidates as documented in the institution's declaration of admission to the teacher education program shall annually pass Praxis II (subject area assessments) for the institution's professional education [~~department~~ unit] to maintain Board of Education continued approved program status. Indicators of the achievement of this standard shall include, among other things, the following:

1. Official Educational Testing Service (ETS) score reports shall be maintained for at least five years for review during the accreditation review as part of the [~~institution's~~ professional education unit's] documentation for continued approved program status [- ;]
2. [~~Institutions~~ Professional education units] not meeting this requirement will receive provisional approval for a maximum of two years; failure to meet the 70% passing rate within the two-year period will result in the loss of Board of Education approved program status for the professional education [~~department~~ unit;]
3. The number of students included in the institution's declaration of admission shall be identified and submitted to the Virginia Department of Education annually on or before November 1 [- ; and]

[4. A written statement from the president of the institution certifying, on behalf of the institution, the following:

- (i) The institution supports fully its teacher preparation program and recognizes the important public mission of maintaining an effective teacher preparation program in the Commonwealth of Virginia;
- (ii) The institution acknowledges the responsibility for its candidates' preparation and performance on the professional teachers' examination prescribed by the Board of Education; and
- (iii) The institution will use its best efforts to ensure the success of its teacher preparation program.]

C. Standard 3: The professional education [~~department~~ unit] submits annual reports of demographic data that reflect the status of the program to the Division of Teacher Education and Licensure. Indicators of the achievement of this standard shall include, among other things, the following:

1. Submission of annual data in a prescribed format that summarizes the performance of candidates on licensure assessments, number of candidates who complete programs by ethnicity, gender, specific endorsement area, and program level; and
2. Submission of annual data in a prescribed format to comply with the requirements of the state report card on the quality of teacher preparation as stipulated in the Higher Education Act of 1965, Accountability for Programs that Prepare Teachers, and subsequent amendments.

D. Standard 4: The professional education [~~department~~ unit] is clearly identified and has the responsibility, authority, and personnel to develop, administer, evaluate, and revise all professional education programs. Indicators of the

achievement of this standard shall include, among other things, the following:

1. Assurance that the professional education [~~department~~ unit] has responsibility and authority in the areas of higher education faculty selection, tenure, promotion, and retention decisions; recruitment of candidates; curriculum decisions; and the allocation of resources for [~~department~~ unit] activities;
2. The size of the professional education [~~department~~ unit], number of faculty, administrators, and clerical and technical support staff, supports the consistent delivery and quality of each program offered;
3. Active involvement of the professional education faculty in the organization and coordination of programs;
4. Development of a long-range plan that is regularly monitored to ensure the ongoing vitality of the professional education [~~department~~ unit] and its programs as well as the future capacity of its physical facilities;
5. Active involvement of school faculty, candidates, and other members of the professional community in the policy-making and advisory bodies of the professional education [~~department~~ unit]; and
6. Policies and practices of the professional education [~~department~~ unit] that are nondiscriminatory and guarantee due process to faculty and candidates.

E. Standard 5: The professional education [~~department~~ unit] has adequate resources to offer quality programs that reflect the mission of the professional education [~~department~~ unit] and support teaching and scholarship by faculty and candidates. Indicators of achievement of this standard shall include, among other things, the following:

1. Facilities, equipment, and budgetary resources that are sufficient for the operation of the professional education [~~department~~ unit];
2. Allocation of resources to programs in a manner that allows each program to meet its anticipated outcomes; and
3. Training in and access to education-related electronic information, video resources, computer hardware, software, related technologies, and other similar resources for higher education faculty and candidates.

PART III. ADMINISTERING THE REGULATIONS.

8 VAC 20-541-60. Administering the regulations.

A. A. Procedures for administering these regulations are defined in the publication entitled, "Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education." [~~Compliance with these standards will determine the accreditation of Virginia's approved teacher preparation programs.~~ The Manual for Administering the Regulations Governing Approved Programs for Institutions of Higher Education contains the following components: (i) procedures for the review of specific endorsement programs; (ii) procedures for the review of the

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professional education unit; (iii) conditions for qualifying for the review of the professional education unit and specific endorsement programs; and (iv) a template for professional education program on-site review. These procedures will result in recommendations to the Board of Education regarding the "approval," "approval with stipulations," or "denial" of accreditation.]

B. Colleges and universities with approved teacher preparation programs may propose modifications to these regulations to the Superintendent of Public Instruction. Requests for modifications shall be submitted in writing and shall include at least the following information: (i) philosophy/rationale for the proposed modification; (ii) requirements of the program including academic and professional studies; (iii) program competencies; (iv) program evaluation; and (v) faculty assigned to the program. Proposals received by the Superintendent of Public Instruction will be presented to the Advisory Board on Teacher Education and Licensure for review and formulation of a recommendation to the Board of Education.

VA.R. Doc. Nos. R99-39 and R99-41; Filed April 4, 2001, 11:01 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD VIRGINIA WASTE MANAGEMENT BOARD STATE WATER CONTROL BOARD

Title of Regulation: 9 VAC 5-210-10 et seq. Regulation for Dispute Resolution.

9 VAC 20-15-10 et seq. Regulation for Dispute Resolution.
9 VAC 25-15-10 et seq. Regulation for Dispute Resolution.

Statutory Authority: § 10.1-1186.3 of the Code of Virginia.

Effective Date: July 1, 2001.

Summary:

The regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the sole discretion of the boards, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, date, time and place, attendance, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

The following changes were made to the proposed regulation:

1. A provision has been added specifying that parties who fail to attend the dispute resolution procedure or to send representatives shall no longer be considered parties.

2. A provision has been added clarifying the treatment of confidential information during the dispute resolution procedure.

3. The response time following publication of a notice of dispute resolution procedure has been doubled from five to 10 business days.

4. A provision has been added requiring additional information from an applicant who is interested in becoming a party in a dispute.

5. Recommencement of an aborted dispute resolution procedure has been rendered optional rather than mandatory.

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

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

<p>REGISTRAR'S NOTICE: The proposed regulations were adopted as published in 17:3 VA.R. 332-345 October 23, 2000, with the additional changes shown below. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the texts of the final regulations are not set out at length; however, the changes from the proposed regulations are printed below.</p>

CHAPTER 210.

REGULATION FOR DISPUTE RESOLUTION.

PART I. DEFINITIONS.

9 VAC 5-210-10 and 9 VAC 5-210-20. [No change from proposed.]

PART II. GENERAL PROVISIONS.

9 VAC 5-210-30 and 9 VAC 5-210-40. [No change from proposed.]

9 VAC 5-210-50. Costs.

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. [~~The parties shall agree on how to allocate costs.~~] In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

9 VAC 5-210-60. [No change from proposed.]

9 VAC 5-210-70. Attendance at the dispute resolution procedure.

A. [All parties shall attend all sessions of the dispute resolution procedure. Any party who fails to attend any session shall be conclusively deemed to have dropped out of the dispute resolution procedure.] A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case. This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.

B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.

C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.

9 VAC 5-210-80. Confidentiality.

A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 5-210-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board. [Notwithstanding the above, any information qualifying as confidential under the Air Pollution Control Law shall remain confidential.]

B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.

C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.

D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:

1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;
2. To the extent necessary, in a subsequent action between the neutral facilitator and a party, for damages arising out of the dispute resolution process; or

3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.

E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.

F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.

9 VAC 5-210-90. Public participation.

A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least [~~five~~ 10] business days following publication.

B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 5-210-20 shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person. [The application shall also include a brief statement setting forth the factual nature and the extent of the interest of the requester in the dispute.]

C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."

D. After receiving the signed and dated statement from the interested person as required by subsection C of this section, the director may consider this person a party and proceed accordingly.

9 VAC 5-210-100. [Appointment and function Standards for and authority] of neutral facilitator.

A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 5-210-10 et seq."

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B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.

C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

9 VAC 5-210-110 and 9 VAC 5-210-120. [No change from proposed.]

9 VAC 5-210-130. Referral of disputes to dispute resolution.

A. The board, consistent with the provisions of 9 VAC 5-210-40 G [~~and H~~], may refer a dispute to dispute resolution.

B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:

- a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;
- b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and
- c. A statement of issues and a summary of the basis for the dispute.

2. Filing an application constitutes consent to referral of the dispute to dispute resolution.

3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.

4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.

5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 5-210-140 et seq.) of this chapter shall apply.

6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director

shall specify what that proceeding is. [The appointment of the neutral facilitator for this proceeding shall follow the procedure for the appointment of a mediator as specified in 9 VAC 5-210-140.] The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

PART III.

MEDIATION PROCEDURES.

9 VAC 5-210-140 and 9 VAC 5-210-150. [No change from proposed.]

9 VAC 5-210-160. Continuation, termination, and resolution of mediation.

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the mediator in conformance with the provisions of 9 VAC 5-210-60.

B. Mediation may be terminated through written notice by the [~~permittee permit applicant~~] or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the [~~permittee permit applicant~~] or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session [or who, through nonattendance, is conclusively deemed to have dropped out of the dispute resolution procedure] shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 5-210-50 and the confidentiality provisions of 9 VAC 5-210-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and [~~shall may~~] proceed with the formal adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

CHAPTER 15.

REGULATION FOR DISPUTE RESOLUTION.

PART I.

DEFINITIONS.

9 VAC 20-15-10 and 9 VAC 20-15-20. [No change from proposed.]

PART II.

GENERAL PROVISIONS.

9 VAC 20-15-30 and 9 VAC 20-15-40. [No change from proposed.]

9 VAC 20-15-50. Costs.

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. ~~[The parties shall agree on how to allocate costs.]~~ In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

9 VAC 20-15-60. [No change from proposed.]

9 VAC 20-15-70. Attendance at the dispute resolution procedure.

A. [All parties shall attend all session of the dispute resolution procedure. Any party who fails to attend any session shall be conclusively deemed to have dropped out of the dispute resolution procedure.] A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case. This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.

B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.

C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.

9 VAC 20-15-80. Confidentiality.

A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 20-15-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board. [Notwithstanding the above, any information qualifying as confidential under the Virginia Waste Management Act shall remain confidential.]

B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.

C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.

D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:

1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;

2. To the extent necessary, in a subsequent action between the neutral facilitator and a party, for damages arising out of the dispute resolution process; or

3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.

E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.

F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.

9 VAC 20-15-90. Public participation.

A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least [~~five~~ 10] business days following publication.

B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 20-15-20 shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person. [The application shall also include a brief statement setting forth the factual nature and the extent of the interest of the requester in the dispute.]

C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."

D. After receiving the signed and dated statement from the interested person as required by subsection C of this section, the director may consider this person a party and proceed accordingly.

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9 VAC 20-15-100. [~~Appointment and function~~ Standards for and authority] of neutral facilitator.

A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 20-15-10 et seq."

B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.

C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

9 VAC 20-15-110 and 9 VAC 20-15-120. [No change from proposed.]

9 VAC 20-15-130. Referral of disputes to dispute resolution.

A. The board, consistent with the provisions of 9 VAC 20-15-40 G [~~and H~~], may refer a dispute to dispute resolution.

B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:

- a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;
- b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and
- c. A statement of issues and a summary of the basis for the dispute.

2. Filing an application constitutes consent to referral of the dispute to dispute resolution.

3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.

4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.

5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 20-15-140 et seq.) of this chapter shall apply.

6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director shall specify what that proceeding is. [The appointment of the neutral facilitator for this proceeding shall follow the procedure for the appointment of a mediator as specified in 9 VAC 20-15-140.] The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

PART III. MEDIATION PROCEDURES.

9 VAC 20-15-140 and 9 VAC 20-15-150. [No change from proposed.]

9 VAC 20-15-160. Continuation, termination, and resolution of mediation.

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the mediator in conformance with the provisions of 9 VAC 20-15-60.

B. Mediation may be terminated through written notice by the [~~permittee~~ permit applicant] or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the [~~permittee~~ permit applicant] or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session [or who, through nonattendance, is conclusively deemed to have dropped out of the dispute resolution procedure] shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 20-15-50 and the confidentiality provisions of 9 VAC 20-15-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and [~~shall~~ may] proceed with the formal adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

CHAPTER 15.
REGULATION FOR DISPUTE RESOLUTION.

PART I.
DEFINITIONS.

9 VAC 25-15-10 and 9 VAC 25-15-20. [No change from proposed.]

PART II.
GENERAL PROVISIONS.

9 VAC 25-15-30 and 9 VAC 25-15-40. [No change from proposed.]

9 VAC 25-15-50. Costs.

A. Compensation of the neutral facilitator and any other associated common costs, such as rental fees, shall be the responsibility of the parties. Compensation of each party's counsel and other individual costs shall be the responsibility of that party alone, unless the parties agree otherwise.

B. An agreement regarding compensation and other associated costs shall be reached between the neutral facilitator and the parties before the dispute resolution procedure commences and shall be memorialized in writing.

C. ~~[The parties shall agree on how to allocate costs.]~~ In the absence of an agreement to the contrary, all costs shall be paid by the parties in equal shares.

9 VAC 25-15-60. [No change from proposed.]

9 VAC 25-15-70. Attendance at the dispute resolution procedure.

A. [All parties shall attend all sessions of the dispute resolution procedure. Any party who fails to attend any session shall be conclusively deemed to have dropped out of the dispute resolution procedure.] A party may satisfy the attendance requirement by sending a representative familiar with the facts of the case. This representative shall have the authority to negotiate and to recommend settlement to the party that he represents.

B. Any party may have the assistance of an attorney or other representative during any session of the dispute resolution procedure.

C. Persons who are not parties or representatives of parties may attend dispute resolution sessions only with the permission of all parties and with the consent of the neutral facilitator.

9 VAC 25-15-80. Confidentiality.

A. The provisions of § 8.01-576.10 of the Code of Virginia concerning the confidentiality of dispute resolution shall govern all dispute resolution proceedings held pursuant to this chapter except when the board uses or relies on information obtained in the course of such proceeding in issuing a permit or promulgating a regulation. The board shall inform the parties in the order of referral issued under 9 VAC 25-15-150 what this information is expected to be. If the board later decides that it will need additional information before it can issue the permit or promulgate the regulation, it shall so notify the parties as expeditiously as possible. If any of the

information requested by the board would normally be protected by the confidentiality provisions of this section, the parties shall waive that protection when delivering the requested information to the board. [Notwithstanding the above, any information qualifying as confidential under the State Water Control Law shall remain confidential.]

B. With the exception noted in subsection A of this section, all memoranda, work products, or other materials contained in the case files of a neutral facilitator are confidential. Any communication made during dispute resolution that relates to the controversy or the proceeding, whether made to the neutral facilitator, to a party, or to any other person, is confidential. Any party's lack of consent to participate in the dispute resolution process, at any point in the process, is confidential.

C. A written settlement agreement shall not be confidential, unless the parties otherwise agree in writing.

D. Confidential materials and communications are not subject to disclosure in any judicial or administrative proceeding except:

1. When all parties to the dispute resolution process agree, in writing, to waive the confidentiality;

2. To the extent necessary, in a subsequent action between the neutral facilitator and a party for damages arising out of the dispute resolution process; or

3. Statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the dispute resolution procedure.

E. The use of attorney work product in dispute resolution shall not result in a waiver of the attorney work product privilege.

F. Unless otherwise specified by the parties, no dispute resolution procedure shall be electronically or stenographically recorded.

9 VAC 25-15-90. Public participation.

A. In general, when a dispute has been referred to dispute resolution, the public shall be so notified by a notice placed in the Virginia Register of Regulations. The public also may be notified by any other means deemed appropriate by the board. The notice shall state the nature of the dispute and the name, telephone number, fax number, postal address, and e-mail address of the department staff person to whom a member of the public should apply in order to become a party. The notice shall allow for a response time of at least [~~five~~ 10] business days following publication.

B. Anyone who is interested in becoming a party in the pending dispute resolution and who meets the eligibility criteria specified in the definition of "party" in 9 VAC 25-15-20 shall, within the time allotted in the notice, apply to the department staff person listed in the notice. The application shall include the name, telephone number, postal address, and, if applicable, the fax number and e-mail address of the interested person. [The application shall also include a brief

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statement setting forth the factual nature and the extent of the interest of the requester in the dispute.]

C. The director shall respond to the application of the interested person in writing, explaining the obligations of a party to dispute resolution concerning attendance and costs. The director shall also request that the interested person submit a dated and signed statement as follows: "I understand that by becoming a party to dispute resolution, I am obligated to abide by Virginia law and regulations concerning dispute resolution and that I incur partial financial responsibility for the dispute resolution procedure."

D. After receiving the signed and dated statement from the interested person as required by subsection C of this section, the director may consider this person a party and proceed accordingly.

9 VAC 25-15-100. [~~Appointment and function~~ Standards for and authority] of neutral facilitator.

A. A neutral facilitator participating in a dispute resolution procedure pursuant to this chapter shall comply with all provisions of this section. A neutral facilitator shall indicate compliance by filing with the director a signed, written statement as follows: "I agree to comply with Virginia's statutes and regulations governing dispute resolution, including § 10.1-1186.3 of the Code of Virginia and 9 VAC 25-15-10 et seq."

B. A neutral facilitator shall adhere to the Judicial Council of Virginia's Standards of Ethics and Professional Responsibility for Certified Mediators.

C. If a complaint is made to the director that a neutral facilitator has failed to comply with all the provisions of the applicable regulations, laws, and Judicial Council Standards during a dispute resolution proceeding, the director shall notify the neutral facilitator of the complaint and shall give the neutral facilitator 10 business days to respond in writing. If the director deems the response unsatisfactory, or if no response is made by the deadline, the director shall remove the neutral facilitator from the ongoing dispute resolution process. The parties to the terminated dispute resolution procedure shall decide whether to continue in the same dispute resolution procedure with a new neutral facilitator, to begin a new dispute resolution procedure, or to forego further dispute resolution.

D. The recommendation of a neutral facilitator is not a case decision as defined in § 9-6.14:4 of the Administrative Process Act and therefore may not be appealed.

9 VAC 25-15-110 and 9 VAC 25-15-120. [No change from proposed.]

9 VAC 25-15-130. Referral of disputes to dispute resolution.

A. The board, consistent with the provisions of 9 VAC 25-15-40 G [~~and H~~], may refer a dispute to dispute resolution.

B. A party other than the board may request dispute resolution by applying to the director.

1. The application shall contain the following:

- a. A request for dispute resolution, specifying mediation or another dispute resolution procedure;

- b. The names, postal addresses, telephone numbers, fax numbers, e-mail addresses, or other appropriate communication addresses or numbers of all known parties to the dispute and of their attorneys, if known; and

- c. A statement of issues and a summary of the basis for the dispute.

2. Filing an application constitutes consent to referral of the dispute to dispute resolution.

3. Filing an application shall not stay any proceeding and shall have no effect on any procedural or substantive right of any party to the dispute.

4. Under normal circumstances, within 14 business days of the receipt of an application from a party requesting dispute resolution, the director shall review the application to determine if the dispute is suitable for dispute resolution, shall decide which form of dispute resolution is appropriate, and shall notify the parties in writing accordingly.

5. If the director has decided that mediation is appropriate, the provisions of Part III (9 VAC 25-15-140 et seq.) of this chapter shall apply.

6. If the director has decided that a dispute resolution proceeding other than mediation is appropriate, the director shall specify what that proceeding is. [The appointment of the neutral facilitator for this proceeding shall follow the procedure for the appointment of a mediator as specified in 9 VAC 20-15-140.] The parties and the neutral facilitator shall determine the appropriate procedures for conducting this dispute resolution proceeding.

PART III. MEDIATION PROCEDURES.

9 VAC 25-15-140 and 9 VAC 25-15-150. [No change from proposed.]

9 VAC 25-15-160. Continuation, termination, and resolution of mediation.

A. Following the evaluation session, mediation shall proceed in any manner agreed on by the parties and the mediator in conformance with the provisions of 9 VAC 25-15-60.

B. Mediation may be terminated through written notice by the [~~permittee~~ permit applicant] or the director at any time before settlement is reached.

C. Mediation shall continue if a party other than the [~~permittee~~ permit applicant] or the director chooses to opt out of mediation following the evaluation session. A party who chooses to opt out of mediation at any time following the evaluation session shall not be bound by any written settlement agreement resulting from the mediation but shall be bound by the cost provisions of 9 VAC 25-15-50 and the confidentiality provisions of 9 VAC 25-15-80.

D. If the mediation is terminated before settlement is reached, the parties shall resume the same status as before mediation and [~~shall~~ may] proceed with the formal

adjudication as if mediation had not taken place. The board shall not refer the case to mediation a second time.

E. If the mediation results in settlement, a written settlement agreement shall be signed and dated by each party or by that party's authorized representative.

VA.R. Doc. Nos. R00-136, R00-139, and R00-140; Filed April 4, 2001, 10:39 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

REGISTRAR'S NOTICE: Due to its length, the proposed regulation filed by the Virginia Waste Management Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Environmental Quality, 629 East Main Street, Richmond, VA, and is accessible on the Internet at <http://legis.state.va.us/codecomm/register/vol17/vol17.htm>.

Title of Regulation: 9 VAC 20-80-10 et seq. Solid Waste Management Regulations (amending 9 VAC 20-80-10, 9 VAC 20-80-40, 9 VAC 20-80-60, 9 VAC 20-80-80, 9 VAC 20-80-100, 9 VAC 20-80-110, 9 VAC 20-80-120, 9 VAC 20-80-140, 9 VAC 20-80-150, 9 VAC 20-80-160, 9 VAC 20-80-170, 9 VAC 20-80-180, 9 VAC 20-80-190, 9 VAC 20-80-200, 9 VAC 20-80-210, 9 VAC 20-80-220, [9 VAC 20-80-230,] 9 VAC 20-80-240, 9 VAC 20-80-250, 9 VAC 20-80-260, 9 VAC 20-80-270, 9 VAC 20-80-280, 9 VAC 20-80-290, [9 VAC 20-80-300,] 9 VAC 20-80-310, 9 VAC 20-80-320, 9 VAC 20-80-330, 9 VAC 20-80-340, 9 VAC 20-80-360, 9 VAC 20-80-370, 9 VAC 20-80-380, [9 VAC 20-80-390,] 9 VAC 20-80-400, 9 VAC 20-80-470, 9 VAC 20-80-480, 9 VAC 20-80-500, 9 VAC 20-80-510, 9 VAC 20-80-520, 9 VAC 20-80-530, 9 VAC 20-80-540, [9 VAC 20-80-550,] 9 VAC 20-80-560, [9 VAC 20-80-600,] 9 VAC 20-80-620, 9 VAC 20-80-630, 9 VAC 20-80-640, 9 VAC 20-80-650, 9 VAC 20-80-670, 9 VAC 20-80-700, 9 VAC 20-80-730, 9 VAC 20-80-750, 9 VAC 20-80-760, [9 VAC 20-80-770, 9 VAC 20-80-780,] 9 VAC 20-80-790, Appendices 5.1, 5.5, [7.1, 7.2, 7.3,] 7.4 and 9.1; adding 9 VAC 20-80-113, 9 VAC 20-80-115, 9 VAC 20-80-450, 9 VAC 20-80-460, 9 VAC 20-80-485, Appendices 2.1 [, 2.2] and 5.6; repealing Appendices [4.1,] 5.2 and 5.3).

Statutory Authority: Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

Effective Date: May 23, 2001.

Summary:

The Virginia Solid Waste Management Regulations are designed to provide clear and appropriate standards for the management of nonhazardous solid waste, to prevent open dumping and to prescribe substantive and procedural requirements for the issuance of permits. The Virginia Solid Waste Management Regulations were first adopted in December 1988 as a complete revision of the 1971 regulations that governed disposal of solid wastes in the Commonwealth prior to that time. Responding to the promulgation of federal RCRA Subtitle D regulations in

October 1991, the Virginia Waste Management Board amended the regulations in March 1993 to reflect the federal requirements contained in Part 258, Title 40, Code of Federal Regulations.

As a result of the regulatory review conducted by the department, and in response to the petition for rulemaking submitted by the Municipal Landfill Group, an organization of about 40 municipalities, Amendment 2 was proposed to clarify and streamline the regulations and to take into account experience gained by the department since the inception of the modern program. In its effort, the department was assisted by a Technical Advisory Committee that consisted of representatives of the solid waste management community, including environmental consultants, legal professionals and the general public.

Excluding response to public comments, this revised proposal consists of about 300 major and minor changes. While the majority of changes were made to clarify and correct minor matters or to improve procedural requirements, changes were made to reduce the regulatory burden and to reflect changes in the Virginia Waste Management Act itself. The major proposed changes are:

1. Development of a state groundwater monitoring program applicable to certain closed sanitary landfills and all construction/demolition/debris and industrial waste landfills;
2. Elimination of the requirement for a permit amendment to establish groundwater protection standards;
3. Development of the concept of presumptive remedies to streamline the corrective action process;
4. Development of a permit-by-rule procedure for composting facilities; and
5. Streamlining of remedial actions for open dumps and unpermitted facilities.

Since August 28, 2000, when the last draft of Amendment 2 was proposed, the regulations have been modified in order to address public comments, and to begin to address the provisions of the 1999 legislative session. Twenty separate individuals and organizations provided over 231 comments during the public comment period for this regulation. Although the majority of the suggested changes were minor in nature, several proposed changes to the regulation have been eliminated, and several new provisions have been added.

Amendment 2 addresses 1999 legislation including the provisions for municipal solid waste landfill siting required under Virginia Code §10.1-1408.4, and the provisions for post closure monitoring and maintenance required by Virginia Code §10.1-1410.2. In addition, Appendix 2.1 of the regulation has been updated to reflect the updated language of Virginia Code §10.1-1455, which sets out penalties.

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

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Agency Contact: Copies of the regulation may be obtained from Michael Dieter, Regulations and Program Consultant, Office of Waste Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4266, toll-free 1-800-592-5482 or (804) 698-4021/TDD.

VA.R. Doc. No. R5-709; Filed April 2, 2001, 4:09 p.m.

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following regulatory action. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 9-6.14:7.1 B; (ii) forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 25-110-10 et seq. **General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons per Day (amending 9 VAC 25-110-10, 9 VAC 25-110-20, 9 VAC 25-110-60, 9 VAC 25-110-70, and 9 VAC 25-110-80; repealing 9 VAC 25-110-40 and 9 VAC 25-110-50).**

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

Effective Date: August 1, 2001.

Summary:

The State Water Control Board has reissued a general VPDES permit for domestic sewage discharges of less than or equal to 1,000 gallons per day. The amended regulation replaces the general permit VAG40 that expires August 1, 2001.

This regulatory action sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage. These plants are typically installed at individual homes, duplexes, churches, gas stations, etc. when central sewer is not available and the soil conditions prohibit the use of onsite disposal methods such as septic tanks and drainfields. The general permit consists of limitations and monitoring requirements on discharges to surface waters for the following parameters: flow, less than or equal to 1,000 gallons per day; pH, 6.0 minimum, 9.0 maximum; biochemical oxygen demand, 30 mg/l maximum; total suspended solids, 30 mg/l

maximum; total residual chlorine, 1.0 mg/l minimum, 2.0 mg/l or nondetectable maximum; fecal coliform bacteria, 200/100ml maximum; and dissolved oxygen, 5.0 mg/l maximum. Effluent limitations and monitoring requirements are established for two subcategories depending upon the amount of dilution provided by the waters into which the treated effluent is discharged. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit. No discharge may be covered by the general permit unless the Department of Health certifies that there are no onsite sewage disposal options available to the lot owner.

The proposed regulation contains two significant changes to the existing permit. A maintenance contract is required in order to ensure that the treatment works are properly operated and maintained. In cases where qualified personnel are currently employed to operate and maintain the treatment works, an exception to the maintenance contract requirement is provided. Due to the recent change in the Water Quality Standards (9 VAC 25-260-5 et seq.) regarding chlorine, the two subcategories of discharges have been redefined.

Several changes were made to the proposed regulation. An alternative water quality standard for pH has been deleted from the effluent monitoring page, Part I.A., and the 85% removal for BOD₅ and total suspended solids has been added to it. This is consistent with 40 CFR 133.102. Additional conditions have been added to the maintenance contract requirement, Part I.B.3. The signatory requirements for the registration statement from a corporation have been changed in order to be consistent with the VPDES Permit Regulation (9 VAC 25-31-10 et seq.).

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

Agency Contact: Copies of the regulation may be obtained from Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054.

CHAPTER 110.

GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY.

9 VAC 25-110-10. Definitions.

The words and terms used in this chapter shall have the same meanings defined as given in the State Water Control Law [,] Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) [,] unless the context clearly indicates otherwise, except that for the purposes of this chapter:

~~"Department" means the Department of Environmental Quality.~~

"Domestic sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places.

9 VAC 25-110-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average.

~~9 VAC 25-110-40. Delegation of authority.~~

B. The Director of the Department of Environmental Quality, or his designee, 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 25-110-50. Effective date of the permit.~~

C. This *general* VPDES ~~general permit regulation supersedes 9 VAC 25-110-10 et seq., which was effective July 1, 1992, and which expired on August 1, 1996. This general permit will become effective on August 1, 1996 2001, and it expires on August 1, 2004 2006. With respect to a particular facility, this general permit is shall become effective as to any covered owner upon the facility owner's compliance with all the provisions of 9 VAC 25-110-60 and the receipt of this a copy of the general VPDES general permit.~~

9 VAC 25-110-60. Authorization to discharge.

A. Any owner of a treatment works governed by this general permit is hereby authorized to discharge treated domestic sewage to surface waters of the Commonwealth of Virginia provided that the owner files *has filed with the department the registration statement of described in 9 VAC 25-110-70, complies has complied with the effluent limitations and other requirements of 9 VAC 25-110-80, and provided that the owner has complied with all the following conditions:*

~~A. Individual permit.~~ 1. The owner shall not have been required to obtain an individual VPDES permit as may be required in 9 VAC 25-31-170 B-;

~~B. Prohibited discharge locations.~~ 2. The owner shall not be authorized by this general permit to discharge to surface waters specifically named in other board regulations or policies *which that prohibit such discharges-;*

~~C. Central sewage facilities.~~ 3. The owner shall not be authorized by this general permit to discharge to surface waters where there are central sewage facilities reasonably available, as determined by the department of Environmental Quality-; *and*

~~D. Onsite sewage disposal system.~~ 4. The owner of any proposed treatment works or any treatment works *which that* has not previously been issued a valid VPDES permit shall have applied to the Virginia Department of Health for an onsite sewage disposal system permit and the Virginia Department of Health must have determined that there is no technology available to serve that parcel of land with an onsite system.

B. Receipt of this *general* VPDES general permit does not relieve any owner of the responsibility to comply with any other *applicable federal, state or local* statute, ordinance or regulation, including applicable regulations of the Virginia

Department of Health adopted pursuant to §§ 32.1-163 and 32.1-164 of the Code of Virginia.

9 VAC 25-110-70. Registration statement.

A. *Deadlines for submitting registration statement.* The owner shall file a complete *General* VPDES ~~General~~ Permit Registration Statement for domestic sewage discharges of less than or equal to 1,000 gallons per day. Any owner proposing a new discharge shall file ~~the a complete registration statement with the department~~ at least 60 days prior to the date planned for commencing construction or operation of the treatment works *from which the discharge will emanate.* Any owner of an existing treatment works covered by an individual VPDES permit who ~~is proposing proposes~~ to be covered by this general permit shall file ~~the a complete registration statement at least 180 days prior to the expiration date of the individual VPDES permit. To avoid a lapse in permit coverage, any owner of an existing treatment works that was authorized to discharge under the general permit issued in 1996 shall [file have filed] a complete registration statement prior to August 1, 2001.~~

B. *Registration statement.* The ~~required~~ owner shall submit a registration statement ~~shall contain that contains~~ the following information:

~~VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT REGISTRATION STATEMENT FOR DOMESTIC SEWAGE DISCHARGES LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY~~

- ~~1. Name of Facility/Residence~~
- ~~2. Address of Facility
Street... City... State... Zip...~~
- ~~3. Facility Owner(s)
Last Name... First Name... M.I....
Last Name... First Name... M.I....~~
- ~~4. Address of Owner
Street... City... State... Zip...~~
- ~~5. Phone
Home... Work...~~
- ~~6. Name of stream into which discharge occurs
Is the discharge point on a stream that usually flows during dry weather? Yes... No... If no, approximate distance from the discharge to the point where a stream flows during dry weather.... ft.~~
- ~~7. Amount of Discharge (gallons per day)~~
- ~~8. Are any pollutants other than domestic sewage to be discharged?
Yes... No... If yes, please indicate what:~~
- ~~9. Are central sewage facilities available to this facility?
Yes... No... If yes, please explain:~~
- ~~10. Does this facility currently have a VPDES permit?
Yes... No... If yes, please provide Permit Number:~~
- ~~11. The owner of any proposed treatment works or any treatment works which has not previously been issued a valid~~

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VPDES permit must submit the following attachments with this registration statement:

- a. ~~A topographic or other map which indicates discharge point, property boundaries, wells, downstream houses, etc. for 1/2 mile downstream;~~
- b. ~~A diagram of the existing or proposed sewage treatment system, including the location of the facility/residence and the individual sewage treatment units; and~~
- c. ~~A notification from the Department of Health that an onsite sewage disposal system permit has been applied for and that the Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.~~

~~...Check here if these items have been submitted previously and are still accurate/applicable.~~

Certification:

~~I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the general permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.~~

~~Signature(s):..... Date:...~~

~~For Department of Environmental Quality use only:~~

~~Accepted/Not Accepted by:..... Date:...~~

~~Basin-Stream Class Section~~

~~Special Standards~~

- ~~1. Name and location of the facility/residence.~~
- ~~2. Name, mailing address, and work and home telephone numbers of the facility owner. Indicate if the owner is or will be the occupant of the facility.~~
- ~~3. Name of the water body receiving the discharge. Indicate if the discharge point is on a stream that usually flows during dry weather.~~
- ~~4. The amount of discharge, in gallons per day, on a monthly average.~~
- ~~5. A description of any pollutants, other than domestic sewage, to be discharged.~~
- ~~6. If there are central sewage facilities available to serve this facility.~~

7. If the facility currently has a VPDES permit. Provide the permit number, if applicable. Indicate if the facility has been built and begun discharge.

8. For the owner of any proposed treatment works or any treatment works that has not previously been issued a valid VPDES permit:

a. A topographic map that indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, and other water bodies, or downstream residences within 1/2 mile downstream from the discharge;

b. A site diagram of the existing or proposed sewage treatment works, including the property boundaries, the location of the facility/residence to be served, the individual sewage treatment units, the receiving water body, and the discharge line location;

c. A notification from the Virginia Department of Health that an onsite sewage disposal system permit has been applied for and that the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system; and

d. For discharges into any water impoundment, a notification from the governing body of the county, city, or town in which the discharge is to take place that the location and operation of the treatment works are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. Should the governing body fail to provide such written notification within 45 days from the receipt of a request from the applicant, the requirement for such notification is waived.

9. For the owner of any existing treatment works, a copy of a valid maintenance contract that provides for the following:

a. Performance of all testing required in accordance with 9 VAC 25-110-80, Part I A [and periodic inspections of the treatment works];

b. [~~Full and complete repairs to the treatment works within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor)~~ A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours.

c. A log of the following items will be maintained by the contract provider:

(1) Results of all tests and sampling;

(2) Alarm activation incidents;

(3) Maintenance, corrective, or repair activities performed;

(4) Recommended repair or replacement items; and

(5) Copies of all reports prepared by the contract provider.

d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring] ; and

[e. e.] A minimum of 24 months of consecutive coverage under the maintenance contract.

10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the department for review and approval. At a minimum, the plan shall contain the following information:

a. An up-to-date operation and maintenance manual for the treatment works;

b. A log of maintenance performed on the plant including, but not limited to, the following:

(1) The date and amount of disinfection chemicals added to the chlorinator.

(2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.

(3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.

(4) The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;

d. Proof of installation of [a nonresettable] elapsed time [meters meter] for electric motor-driven equipment; and

e. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A.

11. The following certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true,

accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with the requirements of 9 VAC 25-31-110.

9 VAC 25-110-80. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with the requirements contained therein and be subject to all requirements of 9 VAC 25-31-170.

General Permit No.: VAG40

Effective Date:.....

Expiration Date:.....

GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, (33 USC § 1251 et seq.), as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of *treatment works* with domestic sewage discharges with a design flow of less than or equal to 1,000 gallons per day on a monthly average are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those *waters* specifically named in board regulations or policies which that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Special Conditions, and Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements Conditions Applicable to All VPDES Permits, as set forth herein.

Part I.

Effluent Limitations and Monitoring Requirements.

A. Effluent limitations and monitoring requirements.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where either: a) the 7Q10 flow is zero and the discharge travels less than 500 feet before it reaches receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is greater than zero and flows are less than 0.2 MGD.

Such discharge shall be limited and monitored by the permittee as specified below:

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EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)*	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/1	1/year	Grab
Total Suspended Solids	NA	30 mg/1	1/year	Grab
Total Residual Chlorine**				
After contact tank	1.0 mg/l	NA	1/year	Grab
Final Effluent	NA	Nondetectable	1/year	Grab
Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0 [****]	9.0 [****]	1/year	Grab
Dissolved Oxygen	5 mg/1	NA	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

2. All monitoring data required by Part I A 1 shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department or Virginia Department of Health personnel upon request.

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection. Chlorine limitation of nondetectable is defined as <0.1 mg/l.

*** Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

[**** Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations. 3. 40 CFR

133.102 (c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85%.]

A. Effluent limitations and monitoring requirements.

2- 1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where either: a) the 7Q10 flow is zero and the discharge must travel at least 500 feet to reach receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is flows are equal to or greater than 0.2 MGD.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)*	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/1	1/year	Grab
Total Suspended Solids	NA	30 mg/1	1/year	Grab
Total Residual Chlorine**				
Final Effluent	1.0 mg/l	2.0 mg/l	1/year	Grab
Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0 [****]	9.0 [****]	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection. Chlorine limitation of nondetectable is defined as <0.1 mg/l.

*** Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

[~~**** Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations. 3. 40 CFR 133.102 (c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85%.]~~

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. Schedule of compliance. This compliance schedule shall be allowed only for treatment works that were existing on the effective date of this general permit. Treatment works constructed after the permit effective date are expected to comply with the limitations and conditions of the general permit from the date of ~~coverage operation~~. The permittee shall install equipment or unit processes or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Virginia Department of Health or the Department of Environmental Quality. The permittee shall submit to the Department of Environmental Quality Regional Office a written notice certifying completion of any necessary modifications on or before the 180-day compliance deadline. If the permittee is unable to meet the deadline, a written notice shall be submitted ~~which~~ that shall include the cause of the delay, any ~~remedial~~ actions taken to eliminate the delay, and the projected date for compliance.

3. Maintenance contract. For existing treatment works, the permittee shall maintain a maintenance contract during the permit term. A copy of a valid maintenance contract shall be maintained at the site of treatment works and made available to the department or to the Virginia Department of Health for examination upon request. For proposed treatment works, the permittee shall submit a copy of a valid maintenance contract to the department [~~for review and approval~~] prior to operation of the treatment works. The maintenance contract shall provide for the following:

a. Performance of all testing required in accordance with Part I A [~~and periodic inspections of the treatment works~~];

b. [~~Full and complete repairs to the facility within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor) A written notification to the owner within~~

24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours.

c. A log of the following items will be maintained by the contract provider:

(1) Results of all tests and sampling;

(2) Alarm activation incidents;

(3) Maintenance, corrective, or repair activities performed;

(4) Recommended repair or replacement items; and

(5) Copies of all reports prepared by the contract provider.

d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring] ; and

[~~e. e.] A minimum of 24 months of consecutive coverage under the maintenance contract.~~

4. Operation and maintenance plan. The owner of any treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the department for review and approval. At a minimum, the plan shall contain the following information:

a. An up-to-date operation and maintenance manual for the treatment works;

b. A log of maintenance performed on the plant including, but not limited to, the following:

(1) The date and amount of disinfection chemicals added to the chlorinator.

(2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.

(3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.

(4) The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;

d. Proof of installation of [a nonresettable] elapsed time [~~meters~~ meter] for electric motor-driven equipment; and

e. An effluent monitoring plan in accordance with Part I A. Should the permittee fail to implement the approved operation and maintenance plan, or if there are violations of effluent limitations, the department reserves the right to require the permittee to obtain a maintenance contract.

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Part II. Monitoring and Reporting.

A. ~~Sampling and analysis methods.~~

- ~~1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.~~
- ~~2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR 136).~~
- ~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~
- ~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.~~

B. ~~Recording of results.~~ For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- ~~1. The date, exact place and time of sampling or measurements;~~
- ~~2. The persons who performed the sampling or measurements;~~
- ~~3. The dates analyses were performed;~~
- ~~4. The persons who performed each analysis;~~
- ~~5. The analytical techniques or methods used; and~~
- ~~6. The results of such analyses and measurements.~~

C. ~~Monitoring records.~~ All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for five years from the date of the sample, measurement, report or application. Such records shall be made available to the department or the state Department of Health upon request.

D. ~~Reporting requirements.~~ The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide the following information regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours:

- ~~1. A description and cause of noncompliance;~~
- ~~2. The period of noncompliance, including exact dates and times or the anticipated time when the noncompliance will cease, or both; and~~
- ~~3. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

E. ~~Signatory requirements.~~ Any registration statement, report, or certification required by this permit shall be signed as follows:

1. ~~Registration statement.~~

~~a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

2. ~~Reports.~~ All reports required by permits and other information requested by the board shall be signed by:

~~a. One of the persons described in subparagraph 1, a, b, or c of this section; or~~

~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1) The authorization is made in writing by a person described in subparagraph 1 a, b, or c of this section; and~~

~~(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)~~

~~(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to or together with any separate information, or registration statement to be signed by an authorized representative.~~

3. ~~Certification.~~ Any person signing a document under paragraph 1 or 2 of this section shall make the following certification:

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

Part III. Management Requirements.

A. Change in discharge.

1. Any permittee proposing a new discharge shall submit a new registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no commencement of treatment until a permit is received.

2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 60 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants. The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

B. Treatment works operation and quality control.

1. Design and operation of facilities or treatment works and disposal of all wastes shall be in accordance with the registration statement. If facility deficiencies, design or operational, or both, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

b. Maintenance of treatment works shall be carried out in such a manner that the monitoring or limitation requirements, or both, are not violated.

c. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or run-off from the wastes) into state waters.

C. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitations or conditions, or both, specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to

determine the nature and impact of the noncomplying limitations or conditions, or both.

D. Duty to halt, reduce activity or to mitigate.

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural stability. The structural stability of any of the units or parts of the treatment works herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Bypassing. Any bypass ("Bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works here permitted is prohibited.

G. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act, (33 USC § 1370).

H. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

I. Severability. The provisions of this permit are severable.

J. Duty to reregister. If the permittee wishes to be eligible to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 60 days prior to the expiration date of this permit.

K. Right of entry. The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;

2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;

3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and

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5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained here shall make an inspection time unreasonable during an emergency.

L. Transferability of permits. This permit may be transferred to another person by a permittee if:

1. The current owner notifies the Department of Environmental Quality Regional Office 30 days in advance of the proposed transfer of the title to the treatment works or property;
2. The notice includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The department does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

M. Continuation of expired general permits. An expired general permit continues in force and effect until a new general permit is issued. Only those treatment works authorized to discharge under the expiring general permit are covered by the continued permit.

N. Public access to information. All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public.

O. Permit modification. The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act (33 USC § 1317(a)); or
3. When the level of discharge of a pollutant not limited in the permit exceeds applicable Water Quality Standards or Water Quality Criteria, or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.

P. Permit termination. After public notice and opportunity for a public hearing, the general permit may be terminated for cause.

Q. When an individual permit may be required. The department may require any owner authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The discharger(s) is a significant contributor of pollution.
2. Conditions at the operating facility change altering the constituents or characteristics, or both, of the discharge such that the discharge no longer qualifies for a general permit.
3. The discharge violates the terms or conditions of this permit.
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.
6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual owner for any of the reasons set forth above after appropriate notice and an opportunity for a public hearing.

R. When an individual permit may be requested. Any owner operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to an owner the applicability of this general permit to the individual owner is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to an owner already covered by an individual permit, such owner may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.

S. Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.

U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

PART II.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 [~~4098~~] or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 [~~4098~~] or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR or reporting form specified by the department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, to animal or aquatic life, to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and

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8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I b. Unusual and extraordinary discharges include, but are not limited to, any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities [~~employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in~~

second quarter 1980 dollars), if, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or other actions taken to gather complete and accurate information for permit application requirements; and where] authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include effective plant performance, adequate funding, adequate staffing, and

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adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible, at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The board may approve an anticipated bypass after considering its adverse effects if the board determines

that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I; and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

NOTICE: The forms used in administering 9 VAC 25-110-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

[Virginia DEQ Registration Statement General VPDES Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons per Day, eff. 8/01.]

**VIRGINIA DEQ REGISTRATION STATEMENT
GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY
Page 2**

- b. A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance and repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours;
 - c. A log of the following items will be maintained by the contract provider:
 - 1. Results of all tests and sampling;
 - 2. Alarm activation incidents;
 - 3. Maintenance, corrective, or repair activities performed;
 - 4. Recommended repair or replacement items; and
 - 5. Copies of all reports prepared by the contract provider.
 - d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring; and
 - e. A minimum of twenty-four months of consecutive coverage under the maintenance contract.
10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an Operation and Maintenance Plan to the Department for review and approval. At a minimum, the Plan shall contain the following information:
- a. An up-to-date Operation and Maintenance Manual for the treatment works;
 - b. A log of maintenance performed on the plant, including, but not limited to, the following:
 - (1) The date and amount of disinfection chemicals added to the chlorinator.
 - (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
 - (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
 - (4) The date and approximate volume of sludge removed;
 - c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;
 - d. Proof of installation of a non-resettable elapsed time meter for electric motor-driven equipment; and
 - e. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A.
11. **Certification:** "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature(s): _____ Date: _____
 _____ Date: _____

For Department of Environmental Quality Use Only

Accepted/Not Accepted by: _____ Date: _____
 Basin _____ Subbasin _____ Stream Class _____ Section _____
 Special Standards _____

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REGISTRATION STATEMENT INSTRUCTIONS GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

General

A Registration Statement must be submitted by the owner of a domestic sewage discharge with a design flow of less than or equal to 1,000 gallons per day on a monthly average, requesting coverage under this general permit. Contact the nearest DEQ regional office if you have questions about filing this form.

Section 1 Facility Information

Provide the name and address of the facility/residence.

Section 2 Owner Information

Provide the name(s), mailing address and telephone number(s) of the owner(s) of the facility. Indicate if the owner is the occupant of the facility.

Section 3 Receiving Water Information

Provide the name of the water body that receives the discharge. Indicate if the receiving water flows during dry weather.

Section 4 Discharge Quantity

Provide amount of discharge in gallons per day on a monthly average.

Section 5 Other Pollutants

Indicate if any pollutants other than domestic sewage are discharged from this facility. Provide further explanation if applicable.

Section 6 Central Sewage Facilities

Indicate if central sewage facilities are available to this facility.

Section 7 VPDES Permit Information

Indicate if this facility is currently covered under any VPDES permit. Provide the permit number if applicable. Also indicate if this facility has been built and begun discharge.

Section 8 Proposed Facility or Any Facility That Has Never Been Covered Under A VPDES Permit

Item a. Map should be legible and of sufficient scale to show the required features clearly marked.
Item b. A site diagram should be legible to show the proposed or existing treatment works. Identify individual treatment units and other required features.
Item c. For treatment works serving single family dwellings, contact the respective local health department and obtain the required notification.
Item d. For discharges into any water impoundment (e.g. lakes), contact the local government and obtain the required notification. Should the local government fail to provide the required notification within 45 days upon request, provide a copy of the request that was sent to the local government.

Section 9 Maintenance Contract Requirements

For any existing treatment works, the owner must submit a copy of a valid maintenance contract that meets the specified requirements with a complete registration statement. For proposed treatment works, the owner must submit a copy of a valid maintenance contract prior to operation.

Section 10 Operation and Maintenance Plan

In lieu of obtaining a maintenance contract per Section 9 above, the owner of any existing treatment works may submit an Operation and Maintenance Plan with the registration statement to the Department for review and approval. The Plan must meet all specified requirements. For proposed treatment works, the owner must submit the Plan to and receive an approval from the DEQ prior to operation.

Section 11 Certification

The certification must bear an original signature in ink; photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

VA.R. Doc. No. R00-101; Filed April 4, 2001, 10:38 a.m.

REGISTRAR'S NOTICE: The State Water Control Board is claiming an exemption from the Administrative Process Act for the following regulatory action. Section 9-6.14:4.1 C 12 of the Code of Virginia excludes from Article 2 of the Administrative Process Act general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.), and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board proceeds under the following conditions: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 9-6.14:7.1 B; (ii) forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit; (iii) provides notice and receives oral and written comment as provided in § 9-6.14:7.1 F; and (iv) conducts at least one public hearing on the proposed general permit. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 25-115-10 et seq. **General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities (amending 9 VAC 25-115-10 through 9 VAC 25-115-50).**

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

Effective Date: July 24, 2001.

Summary:

The State Water Control Board is amending the VPDES General Permit Regulation for Seafood Processing Facilities in order to reissue the general permit for another five-year term. The reissued general permit replaces current General Permit VAG52, which will expire on July 24, 2001.

The existing regulation sets forth guidelines for the permitting of wastewater discharges from seafood processing facilities, and establishes limitations and monitoring requirements for flow, pH, biochemical oxygen demand, total suspended solids, and oil and grease based on the species processed and the applicable effluent guidelines established by the Environmental Protection Agency in 40 CFR Part 408. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit.

No significant changes are made to the existing regulation.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Michael Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:4 VA.R. 530-547 November 6, 2000, with the additional changes shown below. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

9 VAC 25-115-10 through 9 VAC 25-115-40. [No change from proposed.]

9 VAC 25-115-50. General permit.

Any owner whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the VPDES Permit Regulation.

General Permit No.: VAG52*****

Effective Date: *****, 199* July 24, 2001

Expiration Date: *****, 199* July 24, 2006

GENERAL PERMIT FOR SEAFOOD PROCESSING FACILITY

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant ~~thereto~~ to it, owners of seafood processing facilities, other than mechanized clam processing facilities, are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or policies ~~which~~ that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements, Part II - Storm Water Pollution Prevention Plans, ~~and Part III - Monitoring and Reporting, and Part IV - Management Requirements~~ Conditions Applicable to All VPDES Permits, as set forth herein.

REGISTRAR'S NOTICE: Subdivisions 1 through 27 of Part I A of 9 VAC 25-115-50 are intentionally omitted from this proposed regulatory action since no amendments are being proposed to these subdivisions. The full text can be found in the printed volume of the Virginia Administrative Code (Volume 7, pages 1087 through 1101) or on the Internet at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+9VAC25-115-50>. Copies may also be obtained from the Department of Environmental Quality by calling Michael B. Gregory at (804) 698-4065.

B. Special Conditions

1. No sewage shall be discharged from a point source to surface waters at this facility except under the provisions of another VPDES permit specifically issued for that purpose.

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2. There shall be no chemicals added to the water or waste ~~which that~~ may be discharged, including sodium tripolyphosphate, other than those listed on the owner's accepted registration statement, unless prior approval of the chemical(s) is granted by the Regional Office Director.

~~3. Byproducts used in a value added process, such as seasonings or breeding, may be included in the discharge in incidental quantities.~~

4. 3. Wastewater should be reused or recycled whenever feasible.

~~5.~~ 4. The permittee shall comply with the following solids management plan:

a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. All floors, machinery, conveyor belts, dock areas, etc. shall be dry swept or dry brushed prior to washdown.

c. All settling basins shall be cleaned frequently in order to achieve effective settling.

d. All solids resulting from the seafood processes covered under this general permit, other than oyster, clam or scallop shells, shall be handled, stored and disposed of so as to prevent a discharge to state waters of such solids or industrial wastes or other wastes from those solids.

e. The permittee shall install and properly maintain whatever wastewater treatment process is necessary in order to remove organic solids present in the wastewater that may settle and accumulate on the substrate of the receiving waters in other than trace amounts. *By-products used in a value-added process, such as seasonings or breeding, may be included in the discharge in incidental quantities.*

f. All employees shall receive training relative to preventive measures taken to control the release of solids from the facility into surface waters.

~~6.~~ 5. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard, limitation or prohibition for a pollutant which is promulgated or approved under § 307(a)(2) of the Clean Water Act (33 USC § 1317(a)(2)), if the effluent standard, limitation or prohibition so promulgated or approved:

a. Is more stringent than any effluent limitation on the pollutant already in the permit; or

b. Controls any pollutant not limited in the permit.

~~7.~~ 6. Production to be reported and used in calculating effluent discharge levels in terms of kg/kkg shall be the weight in kilograms of raw material processed, in the form in which it is received at the processing plant, on the day of effluent sampling, except for the hand-shucked oyster, steamed and canned oyster, and scallop processing subcategories, for which production shall mean the weight of oyster or scallop meat after processing. The effluent levels in terms of kg/kkg shall be calculated by dividing the

measured pollutant load in kg/day by the production level in kkg (thousands of kilograms).

7. The permittee shall notify the department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur that would result in the discharge on a routine or frequent basis of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. That any activity has occurred or will occur that would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

PART II.

STORM WATER POLLUTION PREVENTION PLANS.

A storm water pollution prevention plan shall be developed for each facility covered by this permit, which ~~falls~~ has storm water discharges and is classified under SIC Code 2091 or 2092. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution ~~which that~~ may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices ~~which that~~ are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for plan preparation and compliance.

~~1. For a storm water discharge associated with industrial activity that is existing on or before the effective date of this permit, the storm water pollution prevention plan:~~

~~a. Shall be prepared within 180 days after the dated coverage under this permit; and~~

~~b. Shall provide for implementation and compliance with the terms of the plan within 365 days after the date of coverage under this permit.~~

~~2. The plan for any facility where industrial activity commences on or after the effective date of this permit, and except as provided elsewhere in this permit, shall be prepared and provide for compliance with the terms of the plan and this permit on or before the date of submission of a registration statement to be covered under this permit.~~

1. Existing facilities and new facilities that begin operation on or before July 24, 2001, shall prepare and implement a plan incorporating the storm water pollution prevention plan requirements of this permit, if not included in an existing plan, as expeditiously as practicable, but not later than six months following notification of coverage under the general permit. Existing storm water pollution prevention plans being implemented as of July 24, 2001, shall continue to be implemented until a new plan, if required, is developed and implemented.

2. Facilities that begin operation after July 24, 2001, shall prepare and implement a plan incorporating the requirements of this permit prior to submitting the registration statement.

3. Upon a showing of good cause, the director may establish a later date in writing for preparing and compliance with a plan for a storm water discharge associated with industrial activity that submits a registration statement in accordance with the registration requirements.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part III ~~G~~ K (signatory requirements), and be retained on-site at the facility covered by this permit in accordance with Part III ~~G~~ B (retention of records) of this permit.

2. The permittee shall make plans available to the department upon request.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit ~~which that~~ are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II D 2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

D. Contents of plan. The plan shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential pollutant sources. Each plan shall provide a description of potential sources ~~which that~~ may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II D 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities *where such activities are exposed to precipitation*: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. *The map must indicate all outfall locations and discharge types in the drainage area of the storm water outfall.*

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants ~~which that~~ are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of exposed materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three

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years prior to the date of coverage under this general permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this general permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. Spills and leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk identification and summary of potential pollutant sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

3. Measures and controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

b. Preventive maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill prevention and response procedures. Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where

appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections. In addition to or as part of the comprehensive site compliance evaluation required under Part II D 4 of this permit, ~~qualified~~ facility personnel *who are familiar with the plant operations, best management practices and the storm water pollution prevention plan* shall be identified to inspect designated equipment and areas of the facility *where potential for exposure to storm water exists including loading and unloading areas, storage areas and waste management units*, at appropriate intervals specified in the plan. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. Employee training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. Sediment and erosion control. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

h. Management of runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part II D 2 (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures.

Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive site compliance evaluation. ~~Qualified Facility~~ personnel who are familiar with the plant operations, best management practices and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part II D 2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with Part II D 3 (measures and controls) of this permit shall be revised as appropriate within 14 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date or dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II D 4 b of this permit shall be made and retained as part of the storm water pollution prevention plan as required in Part III ~~C~~ B. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III ~~C~~ K (signatory requirements) of this permit and retained as required in Part III ~~C~~ B.

d. Where compliance evaluation schedules overlap with inspections required under Part II D 3 d (inspections), the compliance evaluation may be conducted in place of one such inspection.

5. Consistency with other plans. Storm water pollution prevention plans may reflect reference the requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under § 311 of the Clean

Water Act (33 USC § 1321) or Best Management Practices (BMP) Programs otherwise required by a VPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

6. Additional requirements for storm water discharges associated with industrial activity that discharge into or through municipal separate storm sewer systems serving a population of 100,000 or more.

a. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under VPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the permittee has been notified of such conditions.

b. Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system serving a population of 100,000 or more, or a municipal system designated by the board, shall make plans available to the municipal operator of the system upon request.

PART III. MONITORING AND REPORTING.

A. Sampling and analysis methods.

~~1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.~~

~~2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants promulgated at 40 CFR Part 136.~~

~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~

~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.~~

B. Recording of results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

~~1. The date, exact place and time of sampling or measurements;~~

~~2. The person or persons who performed the sampling or measurements;~~

~~3. The dates analyses were performed;~~

~~4. The person or persons who performed each analysis;~~

~~5. The analytical techniques or methods used;~~

~~6. The results of such analyses and measurements;~~

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~~C. Records retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for three years from the date of the sample, measurement or report or until at least one year after coverage under this general permit terminates, whichever is later. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.~~

~~D. Additional monitoring by permittee. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the monitoring report. Such increased frequency shall also be reported.~~

~~E. Water quality monitoring. The director may require every permittee to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the pollutant or pollutants on the water quality or to ensure pollution of state waters does not occur or such information as may be necessary to accomplish the purposes of the Virginia State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia Clean Water Act (33 USC § 1251 et seq.) or the board's regulations.~~

~~The permittee shall obtain and report such information if requested by the board. Such information shall be subject to inspection by authorized state and federal representatives and shall be submitted with such frequency and in such detail as requested by board.~~

~~F. Reporting requirements.~~

~~1. The discharge monitoring reports (DMR) shall be submitted to the appropriate DEQ regional office by January 10, April 10, July 10 and October 10 of each year. Those facilities which require once per year monitoring shall submit the DMR for each monitoring year by the 10th of January of the following year. All laboratory results and calculations shall be submitted with the DMR.~~

~~2. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the department's regional office with the monitoring report at least the following information:~~

- ~~a. A description and cause of noncompliance;~~
- ~~b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and~~
- ~~c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the~~

~~circumstances and by written report within five days. The department's regional office director may waive the written report requirement on a case-by-case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.~~

~~3. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part III F 2 a through c regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~Unusual or extraordinary discharge would include but not be limited to (i) unplanned bypasses, (ii) upsets, (iii) spillage of materials resulting directly or indirectly from processing operations, (iv) breakdown of processing or accessory equipment, (v) failure of or taking out of service, sewage or industrial waste treatment facilities, auxiliary facilities, or (vi) flooding or other acts of nature.~~

~~The report shall be made to the regional office. For reports outside normal working hours, leaving a message shall fulfill the reporting requirements. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.~~

~~G. Signatory requirements. Any registration statement, report, or certification required by this permit shall be signed as follows:~~

~~1. Registration statement.~~

~~a. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency.)~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

~~2. Reports. All reports required by permits and other information requested by the director shall be signed by:~~

~~a. One of the persons described in subdivision G 1 a, b, or c of this part; or~~

b. A duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subdivision G 1 a, b, or c of this part; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the department prior to or together with any separate information, or registration statement to be signed by an authorized representative.

3. Certification. Any person signing a document under subdivision G 1 or 2 of this part shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

PART IV. MANAGEMENT REQUIREMENTS.

A. Change in discharge of pollutants.

1. Any permittee proposing a new discharge shall submit a registration statement at least 30 days prior to commencing erection, construction or expansion, or employment of new processes at any facility. There shall be no construction or operation of said facilities prior to the issuance of a permit.

2. The permittee shall submit a registration statement at least 30 days prior to any planned changes, including proposed facility alterations or additions, production increases, adding new processes or process modifications when:

a. The planned change to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or

b. The planned change could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to the notification level requirements in subdivision A 3 of Part IV; or

c. The planned change may result in noncompliance with permit requirements.

3. The permittee shall promptly provide written notice of the following:

a. Any reason to believe that any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) The level established in accordance with regulation under § 307(a) of the Act and accepted by the board.

b. Any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 ug/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) The level established by the board.

Such notice shall include information on: (i) the characteristics and quantity of pollutants to be introduced into or from such treatment works; (ii) any anticipated impact of such change in the quantity and characteristics of the pollutants to be discharged from such treatment works; and (iii) any additional information that may be required by the board.

B. Treatment works operation and quality control.

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the registration statement filed with the department and in conformity with the conceptual design, or the plans, specifications, and/or other supporting data accepted by the board. The acceptance of the treatment works conceptual design or the plans and specifications does not relieve the permittee of the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.

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~~b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.~~

~~c. Maintenance of treatment facilities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.~~

~~d. Collected solids shall be stored and disposed of in such a manner as to prevent entry of these wastes (or runoff from the wastes) into state waters.~~

~~C. Adverse impact. The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation limitations or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation or limitations or conditions.~~

~~D. Duty to halt, reduce activity or to mitigate.~~

~~1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

~~2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.~~

~~E. Structural stability. The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.~~

~~F. Bypassing. Any bypass ("bypass" means intentional diversion of waste streams from any portion of a treatment works) of the treatment works herein permitted is prohibited unless:~~

~~1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects the board may approve an anticipated bypass if:~~

~~a. The bypass is unavoidable to prevent a loss of life, personal injury, or severe property damage ("severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and~~

~~b. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if a bypass occurs during normal periods of equipment downtime, or~~

~~preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.~~

~~2. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in subdivision IV F 1 of this part and in light of the information reasonably available to the permittee at the time of the bypass.~~

~~G. Conditions necessary to demonstrate an upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance for only technology-based effluent limitations. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:~~

~~1. That an upset occurred and that the cause can be identified;~~

~~2. The facility permitted herein was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;~~

~~3. The permittee submitted a notification of noncompliance as required by subsection F of Part III; and~~

~~4. The permittee took all reasonable steps to minimize or correct any adverse impact to state waters resulting from noncompliance with the permit.~~

~~H. Compliance with state and federal law. Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act except for any toxic standard imposed under § 307(a) of the Clean Water Act (33 USC § 1317(a)).~~

~~Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act (33 USC § 1370).~~

~~I. Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.~~

~~J. Severability. The provisions of this permit are severable.~~

~~K. Duty to reregister. If the permittee wishes to continue to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 120 days prior to the expiration date of this permit.~~

~~L. Right of entry. The permittee shall allow, or secure necessary authority to allow, authorized state and federal representatives, upon the presentation of credentials:~~

- ~~1. To enter upon the permittee's premises on which the establishment, treatment works, or discharges is located or in which any records are required to be kept under the terms and conditions of this permit;~~
- ~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~
- ~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~
- ~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or byproduct; and~~
- ~~5. To inspect at reasonable times any collection, treatment or discharge facilities required under this permit.~~

~~For purposes of this part, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection time unreasonable during an emergency.~~

~~M. Transferability of permits. This permit may be transferred to another person by a permittee if:~~

- ~~1. The current owner notifies the department 30 days in advance of the proposed transfer of the title to the facility or property;~~
- ~~2. The notice to the department includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~
- ~~3. The department does not within the 30 day time period notify the existing owner and the proposed owner of the board's intent to modify or revoke and reissue the permit.~~

~~Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~

~~N. Public access to information. Any secret formulae, secret processes, or secret methods other than effluent data submitted to the department may be claimed as confidential by the submitter pursuant to § 62.1-44.21 of the Code of Virginia. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "secret formulae, secret processes or secret methods" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) and § 62.1-44.21 of the Code of Virginia.~~

~~Claims of confidentiality for the following information will be denied:~~

- ~~1. The name and address of any permit applicant or permittee;~~
- ~~2. Registration statements, permits, and effluent data.~~

~~Information required by the registration statement may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.~~

~~O. Permit modification. The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act (33 USC § 1317 (a)); or~~
- ~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable water quality standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit termination. After public notice and opportunity for a hearing, the general permit may be terminated for cause.~~

~~Q. When an individual permit may be required. The board may require any permittee authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

- ~~1. The discharger(s) is a significant contributor of pollution.~~
- ~~2. Conditions at the operating facility change altering the constituents or characteristics of the discharge such that the discharge no longer qualifies for a general permit.~~
- ~~3. The discharge violates the terms or conditions of this permit.~~
- ~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.~~
- ~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit.~~
- ~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.~~

~~R. When an individual permit may be requested. Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this general permit to the individual permittee is automatically terminated on the effective date of the individual permit. When a general permit is issued which applies to an permittee already covered by an individual permit, such permittee may request exclusion from the provisions of the general permit and subsequent coverage under an individual permit.~~

~~S. Civil and criminal liability. Except as provided in permit conditions on "bypassing" (Part IV F), and "upset" (Part IV G)~~

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~~nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.~~

~~T. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act (33 USC § 1321) or §§ 62.1-44.34:14 through 62.1-44.34:23 of the Code of Virginia.~~

~~U. Unauthorized discharge of pollutants. Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters sewage, industrial wastes, other wastes or any noxious or deleterious substances; or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

PART III.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used

to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.
4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the

use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse [~~affects~~ effects] on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

- a. Any unanticipated bypass; and
- b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the federal Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

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c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities [~~employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars)~~, if provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or other actions taken to gather complete and accurate information for permit application requirements; and where] authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of

plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

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

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the federal Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. *Effect of a permit.* This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights or any infringement of federal, state or local laws or regulations.

O. *State law.* Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. *Oil and hazardous substance liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. *Disposal of solids or sludges.* Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice.

a. *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, prior notice shall be submitted if possible at least 10 days before the date of the bypass.

b. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part III I (reports of noncompliance).

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

V. Upset.

1. An upset [, defined in 9 VAC 25-31-10,] constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part III I; and

d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. *Inspection and entry.* The permittee shall allow the director or an authorized representative, upon presentation of

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credentials and other documents as may be required by law, to:

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* * * * *

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the federal Clean Water Act.
2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

Title of Regulation: 9 VAC 25-260-5 et seq. Water Quality Standards (amending 9 VAC 25-260-50 [, ~~9 VAC 25-260-310, 9 VAC 25-260-380, 9 VAC 25-260-390, 9 VAC 25-260-410, 9 VAC 25-260-420, 9 VAC 25-260-440, 9 VAC 25-260-470, 9 VAC 25-260-480, 9 VAC 25-260-520, and 9 VAC 25-260-530~~] ; adding 9 VAC 25-260-55).

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

Effective Date: 30 days after notice in Virginia Register of EPA approval.

Summary:

The amendments change the state's approach to assessment of dissolved oxygen data in certain waters that are low in dissolved oxygen concentrations due to nonanthropogenic causes and certain chemical and physical processes. The waters where this can occur are the deep stratified tidal waters including the Chesapeake Bay and its tidal tributaries, the deep stratified waters in lakes and reservoirs and areas of stagnant waters with minimal flow velocity and large amounts of decomposing vegetation (swamps). These conditions are considered "natural" and these waters should be listed as "naturally impaired" under § 62.1-44.19:5 C of the Water Quality Monitoring Information and Restoration Act. The amendments also describe the types of information the board will use in making the determination of naturally low dissolved oxygen concentrations.

This procedure will enable staff to make better decisions when doing assessments for Clean Water Act §§ 305(b) reports and 303(d) listings. Currently, even waters that are naturally low in dissolved oxygen must be listed as impaired under § 303(d) with a schedule for development of a total maximum daily load. 9 VAC 25-260-55 A through D would be used during assessments as a basis for determining whether or not to list such waters as "impaired" or "naturally impaired."

9 VAC 25-260-55 E specifies that the board will use these determinations of natural water quality to initiate a rulemaking to set site specific criteria that reflect the findings found in paragraphs A through D.

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

Agency Contact: Copies of the regulation may be obtained from Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

9 VAC 25-260-50. Numerical criteria for dissolved oxygen, pH, and maximum temperature.***

CLASS	DESCRIPTION CLASS OF WATERS	DISS. DISSOLVED OXYGEN (mg/l)****		pH	Max. Temp. (°C)
		Min.	Daily Avg.		
I	Open Ocean	5.0	--	6.0-9.0	--
II	Estuarine Waters (Tidal Water-Coastal Zone to Fall Line)	4.0	5.0	6.0-9.0	--
III	Nontidal Waters (Coastal and Piedmont Zones)	4.0	5.0	6.0-9.0	32
IV	Mountainous Zones Waters	4.0	5.0	6.0-9.0	31
V	Stockable Trout Waters	5.0	6.0	6.0-9.0	21
VI	Natural Trout Waters	6.0	7.0	6.0-9.0	20
VII	Wetlands	*	*	*	**

*This classification recognizes that the natural quality of these waters may fall outside of the ranges for D.O. and pH set forth above as water quality criteria; therefore, on a case-by-case basis, criteria for specific wetlands can be developed which that reflect the natural quality of the waterbody.

**Maximum temperature will be the same as that for Classes I through VI waters as appropriate.

***The water quality criteria in 9 VAC 25-260-50 do not apply below the lowest flow averaged (arithmetic mean) over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years (a climatic year begins April 1 and ends March 31).

****See 9 VAC 25-260-55 for [~~special provisions for implementation of these criteria in~~] waters naturally low in dissolved oxygen.

9 VAC 25-260-55. [Implementation procedure for dissolved oxygen criteria in] waters naturally low in dissolved oxygen.

A. The [board shall implement this procedure when assessing dissolved oxygen data in preparation of Clean Water Act §§ 305(b) and 303(d) reports in accordance with § 62.1-44.19:5 of the Water Quality Monitoring Information and Restoration Act. The board recognizes that] dissolved oxygen concentrations [~~in the waters listed in 9 VAC 25-260-50~~] may seasonally fall below the criteria established in [~~that section 9 VAC 25-260-50~~] due to [nonanthropogenic sources and physical and chemical processes resulting from:

1.] Density stratification and depth in Class II waters [~~or that prevent mixing and reaeration of the deep waters;~~

2.] Temperature stratification and depth in lakes and reservoirs in Class III, IV, V and VI waters [~~which that prevent mixing and reaeration of [the] deep waters [- These dissolved oxygen concentrations do not constitute a violation of the numerical water quality criteria as long as ; or~~

3. Minimal flow velocity and decomposition of vegetation that prevent mixing and reaeration of stagnant, shallow waters.

B. In preparation of the Clean Water Act §§ 305(b) and 303(d) reports, the board shall list waters as naturally impaired in accordance with § 62.1-44.19:5 C of the Code of Virginia when] the board determines [~~these that the low dissolved oxygen] concentrations [do not fall below the natural water quality resulting from stratification and depth result from nonanthropogenic sources and the physical and chemical processes described in subsection A of this section] . The board shall [~~periodically~~] make this determination [~~4.~~] based upon an evaluation of aquatic life [~~uses~~], habitat [(including anadromous fish spawning areas)], [~~available~~] monitoring data, [~~available~~] computer modeling results or other accepted scientific principles [~~and~~ . The board shall also conduct a watershed assessment to document anthropogenic sources that individually or cumulatively cause low dissolved oxygen concentrations including locating and identifying all point and nonpoint sources of pollution and identifying any man-made activities (such as water withdrawals) that cause low flow conditions and result in low dissolved oxygen levels.]~~

[~~2. By providing the public an opportunity to comment through publication of a notice in selected newspapers or through other media as will best serve the purpose of notifying the general public.~~

~~B. The board shall maintain a publicly available list of waters where determinations under this section have been made.~~

C. The proposed determinations in subsection B of this section shall be subject to public comment on draft § 303(d) reports.

D. The final determinations in subsection B of this section shall be made available to the public in final § 303(d) reports.

E. Following a determination made under subsection B of this section, the board shall initiate a rulemaking to set site specific criteria that reflect the natural quality of that water body or segment.]

REGISTRAR'S NOTICE: The proposed amendments to 9 VAC 25-260-310, 9 VAC 25-260-380, 9 VAC 25-260-390, 9 VAC 25-260-410, 9 VAC 25-260-420, 9 VAC 25-260-440, 9 VAC 25-260-470, 9 VAC 25-260-480, 9 VAC 25-260-520, and 9 VAC 25-260-530 that were published in 17:3 VA.R. 361-378 October 23, 2000, were not adopted in final form by the State Water Control Board. Therefore, those sections have been removed and are not being printed in this final regulatory action.

VA.R. Doc. No. R00-57; Filed April 4, 2001, 10:37 a.m.

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TITLE 14. INSURANCE

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: 14 VAC 5-300-10 et seq. Rules Governing Credit for Reinsurance (amending 14 VAC 5-300-130).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: May 1, 2001.

Summary:

The revisions update references to an outdated publication that has been revised since the commission promulgated its Rules Governing Credit for Reinsurance.

The technical revisions at 14 VAC 5-300-130 G and 14 VAC 5-300-130 H update references to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce ("ICC"), which currently is identified in the rules as Publication 400. The amendments replace the reference to ICC Publication 400 with the 1993 replacement version, designated as "Publication 500," and replace the reference to "Article 19" of Publication 400 with a reference to "Article 17" of Publication 500. The revisions also add the language "or any successor publication," which provides an updated reference to the current ICC Publication and allows for automatic reference to future updates to the ICC Publication.

Agency Contact: Copies of the regulation may be obtained from Raquel Pino-Moreno, State Corporation Commission, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9499. There is a charge of \$1 for the first 2 pages and 50¢ for each additional page.

AT RICHMOND, April 3, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010028

Ex Parte: In the matter of Adopting Revisions to the Rules Governing Credit for Reinsurance

ORDER ADOPTING REVISIONS TO RULES

WHEREAS, by order entered herein February 26, 2001, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to March 29, 2001, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Credit for Reinsurance to update references to an outdated publication, unless on or before March 29, 2001, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission:

WHEREAS, the February 26, 2001, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before March 29, 2001;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, as of the date of this Order, no comments have been filed with the Clerk of the Commission;

WHEREAS, the Bureau has recommended that the proposed revisions be adopted; and

THE COMMISSION, having considered the proposed revisions and the Bureau's recommendation, is of the opinion that the attached proposed revisions should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 300 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Credit for Reinsurance," which amend the rule at 14 VAC 5-300-130, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective May 1, 2001;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the adoption of the revisions to the rule by mailing a copy of this Order, including a copy of the attached revised rule, to all insurers, joint underwriting associations, group self-insurance pools, group self-insurance associations, and reinsurers licensed by or otherwise registered with the Commission, and subject to Article 3.1 of Chapter 13 of Title 38.2 of the Code of Virginia or otherwise authorized by Title 38.2 to reinsure risks; and by forwarding a copy of this Order, including a copy of the attached revised rule, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:14 2153-2155 March 26, 2001, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-127; Filed April 4, 2001, 7:51 a.m.

◆ ————— ◆

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Title of Regulation: 18 VAC 30-20-10 et seq. Regulations of the Board of Audiology and Speech-Language Pathology (amending 18 VAC 30-20-10, 18 VAC 30-20-80, and 18 VAC 30-20-160; adding 18 VAC 30-20-300, 18 VAC 30-20-310, and 18 VAC 30-20-320).

Statutory Authority: § 54.1-103 and 54.1-2400 of the Code of Virginia.

Effective Date: May 23, 2001.

Summary:

The amendments provide continued competency requirements for renewal of an active license to practice. For each biennial renewal, the licensee shall be required to complete 30 hours of continuing learning activities, at least 15 of which must be provided by an accredited sponsor as approved by the board through its regulations. A maximum of 15 hours may be in nonaccredited activities that the learner considers beneficial to his practice. In addition, amended regulations establish an inactive license and set the renewal fee and requirements for reactivation of such a license.

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

Agency Contact: Copies of the regulation may be obtained from Elizabeth Young Tisdale, Board of Audiology and Speech-Language Pathology, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

18 VAC 30-20-10. Definitions.

The words and terms "audiologist," "board," "practice of audiology," "practice of speech-language pathology," "speech-language disorders," and "speech-language pathologist," when used in this chapter, shall have the meanings ascribed to them in § 54.1-2600 of the Code of Virginia.

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

["Contact hour" means 60 minutes of time spent in continuing learning activities.]

"School speech-language pathologist" means a person licensed pursuant to § 54.1-2603 of the Code of Virginia to provide speech-language pathology services solely in public school divisions.

"Supervision" means that the audiologist or speech-language pathologist is responsible for the entire service being rendered or activity being performed, is available for

consultation, and is providing regular monitoring of clinical activities and competencies of the person being supervised.

"Type 1" means continuing learning activities that must be offered by an accredited sponsor or organization as specified in 18 VAC 30-20-300.

"Type 2" means continuing learning activities that may or may not be approved by an accredited sponsor or organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning. In Type 2 activities, licensees document their own participation on the Continued Competency Activity and Assessment Form and are considered self-learning activities.

18 VAC 30-20-80. Fees.

A. The following fees shall be paid as applicable for licensure:

- 1. Application for audiology or speech-language pathology license \$100
- 2. Application for school speech-language pathology license \$50
- 3. Verification of licensure requests from other states \$20
- 4. Biennial renewal \$60
- 5. Reinstatement fee \$50 20
- 6. Duplicate wall certificates \$50 15
- 7. Duplicate license \$40 5
- 8. Returned check \$25
- 9. Inactive license renewal \$30

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refunded once submitted.

18 VAC 30-20-160. Reinstatement of lapsed license.

A. When a license is not renewed by the expiration date, the board may consider reinstatement of a license [*for*] up to two years [*from the date*] of expiration. In addition to *payment of the back renewal fee, and a reinstatement fee as prescribed in 18 VAC 30-20-80 shall be paid, the licensee shall provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed.*

B. A licensee who does not reinstate within two years as prescribed by subsection A of this section shall reapply for licensure as prescribed by Part III (18 VAC 30-20-170 et seq.) of this chapter and, meet the qualifications for licensure in effect at the time of the new application and provide documentation of having completed the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years.

C. If the licensee holds licensure in any other state or jurisdiction, he shall provide evidence that no disciplinary action has been taken or is pending.

Final Regulations

PART V.

CONTINUING COMPETENCY REQUIREMENTS.

18 VAC 30-20-300. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially on or after December 31, 2002, a licensee shall complete the Continued Competency Activity and Assessment Form that is provided by the board and which shall indicate completion of at least 30 [contact] hours of continuing learning activities within the two years immediately preceding renewal as follows:

1. A minimum of 15 of the 30 [contact] hours shall be in Type 1 programs or courses related to speech-language pathology or audiology, depending on the license held, and offered by one of the following accredited sponsors or organizations sanctioned by the profession:

- a. The Speech-Language Hearing Association of Virginia or similar state speech-language hearing association of another state;
- b. The American Academy of Audiology;
- c. The American Speech-Language Hearing Association;
- d. The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education,;
- e. Local, state or federal government agencies;
- f. Colleges and universities;
- g. International Association of Continuing Education and Training;
- h. Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);
- i. A sponsor approved by the board provided the sponsor has submitted satisfactory documentation on forms provided by the board.

2. No more than 15 of the 30 [contact] hours may be Type 2 activities or courses, which may or may not be approved by an accredited sponsor or organization but which shall be chosen by the licensee related to the licensed profession. [Type 2 activities may include but not be limited to self-study, consultation with colleagues, independent study, participation on inter-disciplinary teams, and research or writing on subjects related to practice.]

B. If the licensee is dually licensed by this board as an audiologist and speech-language pathologist, no more than 45 continuing education hours are required for renewal. A minimum of 30 of the 45 [contact] hours shall be Type 1 activities or courses, with a minimum of 15 [contact] hours in each profession. The remaining hours of the 45 hours may or may not be Type 2 activities or courses and may be related to either profession.

C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.

E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

F. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

G. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18 VAC 30-20-310. Inactive license.

A speech-language pathologist or audiologist who holds a current, unrestricted license in Virginia may, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be required to maintain continuing competency requirements and shall not be entitled to perform any act requiring a license to practice speech-language pathology or audiology in Virginia.

18 VAC 30-20-320. Reinstatement of an inactive license.

A. A licensee whose license has been inactive and who requests reinstatement of an active license shall file a reinstatement application, pay the difference between the inactive and active renewal fees for the current biennium, and provide documentation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.

B. The board reserves the right to deny a request for reactivation to any licensee who has been determined to have committed an act in violation of 18 VAC 30-20-280.

NOTICE: The forms used in administering 18 VAC 30-20-10 et seq., Regulations of the Board of Audiology and Speech-Language Pathology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Application for Licensure (rev. 7/97).

Application for School Speech-Language Pathologist Licensure (rev. 11/99).

Licensure Reinstatement Application (rev. 7/97).

Endorsement Certification Form A (rev. 11/99).

Renewal Notice and Application (rev. 5/00).

Continued Competency Activity and Assessment Form (eff. 9/00 3/01]).

VIRGINIA BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM
--

Rationale for the Regulation

The Virginia Board of Audiology and Speech-Language Pathology recognizes that the professional responsibility of practitioners requires *continuous learning* throughout their careers, appropriate to the individual practitioner's needs. The Board also recognizes that practitioners are responsible for choosing their own continuing education and for evaluating their own learning achievement. *The regulation of the Board is designed to encourage and foster self-directed practitioner participation in education.*

What is "Continuing Learning"? - Continuing learning includes processes whereby practitioners engage in activities with the conscious intention of bringing about changes in attitudes, skills, or knowledge, for the purpose of identifying or solving ethical, professional, community or other problems which affect the health of the public.

Content of the Regulation

Number of Hours Required:

In order to renew an active license **biennially**, the practitioner must complete the CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM, which is provided by the Board and must indicate completion of at least **30 hours of continuing learning activities**. Programs or courses must be related to speech-language pathology or audiology depending on the type of license held.

15 hours shall be **Type 1** continuing learning activities as documented by an accredited sponsor or organization sanctioned by the profession to designate learning activities for credit or other value. **All required hours may be Type 1 hours.**

15 of the 30 hours may be **Type 2** continuing learning activities which may or may not be approved for credit by an accredited sponsor or organization sanctioned by the profession to designate learning activities for credit or other value. Licensees shall document their own participation in Type 2 learning activities.

Dual Licensure

If a licensee is dually licensed as a audiologist and a speech-language pathologist, at least 45 hours of continuing learning activities are required for renewal. At least 30 of the 45 hours must be Type 1 activities or courses, with a minimum of 15 hours in each profession. The remaining hours of the 45 may or may not be Type 2 and may be related to either profession.

Maintenance and audit of records:

The CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM must be used for recording continuing learning activities. The practitioner is required to retain in his or her records the **completed form with all supporting documentation** for a **period of four years** following the renewal of an active license.

The Board will periodically conduct a **random audit** of one to two percent of its active licensees to determine compliance. The practitioners selected for the audit must provide the completed CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM and any supporting documentation within 30 days of receiving notification of the audit.

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**Instructions for Completing
The CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM**

PART A: ACTIVITY

Learning Activity, Resources, Strategies & Experiences - List resources, strategies & experiences that you used to develop or maintain the selected knowledge or skill listed in Part B; e.g., conferences, quality improvement teams, consultations, discussions with colleagues, preceptorship, teaching, reading peer reviewed journals and textbooks and self instructional media.

Date(s) of Activities - List the date(s) that you were engaged in the learning activity.

PART B: ASSESSMENT (OPTIONAL)

Knowledge or Skills Maintained or Developed - Think about questions or problems encountered in your practice. Describe the knowledge or skills you addressed during the learning activity listed in Part A. Consider ethics, standards of care, patient safety, new technology, communication with patients, the changing health care system, and other topics influencing your practice.

HOURS/TYPE

Hours Actually Spent in Learning Activity - List the hours actually spent in the learning activity to nearest ½ hour. Total hours should be at least 30 hours biennially.

Type of Activities - List the type of activity from the categories described below:

Type 1 continuing learning activities **At least 15 hours required biennially**
 Must be offered by an accredited sponsor or organization which is sanctioned by the profession and which provides documentation of hours to the practitioner (see listing in 18 VAC 20-200 of the Board's regulations). The contact hours (60 minutes of time) may be in any type of self-learning activity, provided they are approved and documented by the accredited sponsor or sanctioned organization.

Type 2 continuing learning activities **No more than 15 hours biennially**
 May or may not be approved by an accredited sponsor or organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning; licensee documents their own participation on the attached form.

PART C: OUTCOME (OPTIONAL)

Outcome - Indicate whether you will: a) make a change in your practice; b) not make a change in your practice; and/or c) need additional information on this topic. (You may include personal notes regarding the outcome of participating in this activity, e.g., learning activities you plan for the future, questions you need to answer or barriers to change.)

CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM

Please photocopy this original form to record your learning activities.

The completed forms and all documentation must be maintained for a period of four years.

PART A: ACTIVITY Learning Activity, Resources, Strategies & Experiences; e.g. conferences, consultations, teaching, peer-reviewed journals, self-instructional material, case studies and staff development.	PART B: ASSESSMENT (Optional for renewal of license)		# OF HOURS/TYPE		PART C: OUTCOME (Optional for renewal)
	Date	Knowledge or Skills You Maintained or Developed. What questions or problems encountered in your practice were addressed by this learning activity?	Type 1 (at least 15 hours)	Type 2 (no more than 15 hours)	

CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM: SUMMARY AND VERIFICATION
This page should be completed at the end of your two-year renewal cycle and inserted as the final page of your CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM.

Record at least 30 contact hours in speech-language or audiology depending on the license held (45 hours if dually licensed in audiology and speech-language pathology) of continuing learning activities you completed during the preceding two-year period of professional licensure. Recorded hours should indicate 15 hours of Type 1 activities approved for credit by an accredited sponsor or organization as specified in regulation. The other 15 hours may be Type 2 educational activities you consider to be beneficial to your career development that may or may not be approved for credit by an accredited sponsor or organization sanctioned by the profession. All 30 hours may be obtained in Type 1 activities or courses. The CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM and all documentation should be maintained in your records for four years.

As you consider your completed CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM, please reflect upon your practice and in the space below identify problems or questions you expect to address during the next biennial period of license renewal:

As required by regulation, I certify that I have completed the CONTINUED COMPETENCY ACTIVITY AND ASSESSMENT FORM and have participated in 30 hours of continuing education or learning activities as required for renewal of licensure in the Commonwealth of Virginia.

Signature

Date

02/01

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

VA.R. Doc. No. R00-65; Filed April 2, 2001, 11:35 a.m.

TITLE 12. HEALTH

BOARD OF PSYCHOLOGY

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.**

Title of Regulation: **12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates-Long Term Care (2000 Nursing Home Payment System).**

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.

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: March 19, 2001

VA.R. Doc. No. R00-212; Filed April 2, 2001, 11:35 a.m.

/s/ James S. Gilmore, III
Governor
Date: March 19, 2001

VA.R. Doc. No. R00-281; Filed April 2, 2001, 11:36 a.m.

* * * * *

Title of Regulation: **Individual and Family Developmental Disabilities Support Waiver.**
12 VAC 30-120-10 et seq. Waivered Services.

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: March 19, 2001

VA.R. Doc. No. R00-231; Filed April 2, 2001, 11:36 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF COUNSELING

Title of Regulation: **18 VAC 115-60-10 et seq. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.**

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: March 19, 2001

GENERAL NOTICES/ERRATA

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Periodic Reviews

The Alcoholic Beverage Control Board invites public comment on:

3 VAC 5-10-10 et seq., Procedural Rules for the Conduct of Hearings before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.

The goals of these regulations are:

1. To provide an efficient process for the adjudication of contested license applications, disciplinary cases, and disputes under the Wine and Beer Franchise Acts, while protecting the public health, safety, and welfare.
2. To provide a reasonable opportunity for public input in the formation, amendment, or repeal of agency regulations.

3 VAC 5-20-10 et seq., Advertising.

The goal of these regulations is to promote the public health, safety, and welfare by promoting moderation in alcoholic beverage advertising, while allowing manufacturers, distributors, and retailers a reasonable opportunity to promote their products in the marketplace.

Pursuant to Executive Order 25 (98), the board will consider whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the efficient performance of an important governmental function; (iii) there are less burdensome and less intrusive alternatives for achieving the essential purpose; and (iv) the regulations are clearly written and easily understandable by the individuals and entities affected.

Comments on the regulations and suggested amendments are welcome and will be accepted until May 31, 2001. Comments should be sent to Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Post Office Box 27491, Richmond, VA 23261, or e-mail to smgillm@abc.state.va.us, or fax to (804) 213-4411.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria 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 second public meeting on the development of the Fecal Coliform Bacteria TMDL for Blacks Run will be held on Thursday, May 10, 2001, 7 p.m. at the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

The public comment period will end on May 25, 2001. 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 should be sent to Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 540-7878 or e-mail rvbodkin@deq.state.va.us.

Revised Prioritization and Closure Schedule for HB 1205 Disposal Areas Under Va. Code §§ 10.1-1408.1 N and 10.1-1413.2

This document gives public notice and announces a period for public comment on a "Revised Prioritization and Closure Schedule for HB 1205 Disposal Areas" (Revised Prioritization). The Revised Prioritization has been prepared by the Department of Environmental Quality (department) pursuant to § 10.1-1413.2 of the Code of Virginia, as amended (Va. Code).

Background

In the July 17, 2000, Virginia Register, the department gave public notice and announced a public comment period for a "Preliminary Prioritization and Closure Schedule for HB 1205 Landfills Under Va. Code §§ 10.1-1408.1 N and 10.1-1413.2" (Preliminary Prioritization). The Preliminary Prioritization was prepared pursuant to the statutory mandate of § 10.1-1413.2 of the Code of Virginia, which states in part as follows:

The Department shall establish a schedule, after public notice and a period for public comment, based upon that prioritization requiring municipal solid waste landfills to cease accepting solid waste in, and to prepare financial closure plans for, disposal areas permitted before October 9, 1993. No municipal solid waste landfill may continue accepting waste after 2020 in any disposal area not equipped with a liner system approved by the Department pursuant to a permit issued after October 9, 1993. Notwithstanding the provisions of subsection N of § 10.1-1408.1, failure by a landfill owner or operator to comply with the schedule established by the Department shall be a violation of this chapter. (2000 Acts c. 308)

The background for the Preliminary Prioritization is more fully set out in the Virginia Register, Volume 16, Issue 22, pages

General Notices/Errata

2801-2802 (July 17, 2000). Following the public notice, the department held six public meetings in different parts of the Commonwealth and held individual meetings with any facility affected by the Preliminary Prioritization that so requested. Comments made at these meetings were accepted as comment on the Preliminary Prioritization. In addition, the department accepted written comments from any person until the close of business on October 13, 2000.

Upon review of the comments, the department has decided to revise the Preliminary Prioritization. Changes made in response to comments affect both the model used to prioritize sites and the data for individual facilities. Because of these changes, the department has decided that a further notice and period of public comment, as announced today, is appropriate, before preparing a final Prioritization and Closure Schedule for HB 1205 Disposal Areas Under Va. Code §§ 10.1-1408.1 N and 10.1-1413.2.

Revised Methodology for Prioritization

The department developed the methodology for the Preliminary Prioritization based on its experience with other methods for assessing the threat to human health and the environment from waste management facilities. The approach used in the Revised Prioritization has not changed. For each facility, the Revised Prioritization examines four pathways (soil, air, ground water, and surface water), and assesses the likelihood that each component of the pathway (i.e., evidence of a release, a route of transport, and a receptor) is complete. Based on a "pathway averaging method" of the threat, landfills have been assigned to high, medium, and low categories.

Nevertheless, commenters suggested several modifications to the model used in the Preliminary Prioritization. Some noted that the model did not readily account for corrective actions that may have been implemented to control releases (particularly corrective actions to control landfill gas). A few commenters noted a problem with the pathway scoring algorithm in the surface water pathway. One commenter noted that the surface water pathway had more receptors than other pathways and suggested that there might be redundancy.

The department has revised the model to address these concerns. The model has been revised to consider site-specific landfill gas data and to acknowledge effective corrective actions. Also, the algorithm scoring the surface water pathway has been corrected. Additionally, the department re-evaluated the scoring criteria for the surface water receptor. The distance to the stream continues to influence the surface water route score, but no longer is considered in the surface water receptor score. Finally, a minor logic error in the code to assess the surface water receptors has been corrected. The Revised Prioritization sets out the evaluation criteria for all factors, indicates all changes that have been made, and includes a more detailed explanation of the changes.

Also, the meetings with facility representatives produced several comments on data input into the model that required verification or revision of model input parameters. For example, commenters stated they had received

determinations from the department stating that they were not required to monitor ground water quarterly since they were not hydraulically connected to wetlands. These facilities requested the department to consider these determinations in the evaluation of the distance to a wetland.

In response, the department changed the evaluation criteria in determining the distance to wetlands. If the director has determined that a facility is not required to monitor ground water quarterly in accordance with Va. Code § 10.1-1408.5, then the score for the surface water receptor factor has been adjusted downward. Other itemized changes to site-specific data input into the model by permit number are included in the Revised Prioritization. Many of these changes involved field verification of data. The prioritization of several sites changed as a result of changes to the model and verification of data.

Schedule for Closing HB 1205 Disposal Areas

The statute directs that no municipal solid waste landfill may continue accepting waste after 2020 in any disposal area not equipped with a liner system approved by the department pursuant to a permit issued after October 9, 1993. The statute also directs the department to establish a schedule based upon its prioritization for landfills to cease accepting waste in HB 1205 disposal areas. The Preliminary Prioritization proposed a schedule of three dates, corresponding to the categorization of threat, for landfills to cease accepting solid waste in HB 1205 disposal areas. Several commenters requested revisions of these dates.

After much consideration, the department decided to change the dates of closure for two of the three categories of disposal areas in the Revised Prioritization. Facilities categorized as having a high score are scheduled to cease accepting waste in such disposal areas by December 31, 2007. Facilities categorized as having a medium score are scheduled to cease accepting waste in such disposal areas by December 31, 2012. Facilities categorized as having a low score are scheduled to cease accepting waste in such disposal areas by December 31, 2020. The reasons are more fully set out in the Revised Prioritization.

Two landfills have already agreed to enforceable orders on consent with the department to cease accepting waste in their HB 1205 disposal areas before the earliest dates in the schedule. Since these facilities are still receiving waste in HB 1205 disposal areas, they are still included in the Revised Prioritization; however, the closure date corresponds to the date or dates in the order. In addition, three facilities have been removed from the Revised Prioritization since they are no longer receiving waste in HB 1205 disposal areas.

Availability of Documents and Invitation of Public Comment

The Revised Prioritization describes in more detail the changes to the model and data, and the responses to all of the public comments. Not all comments and responses are set out in this notice. Copies of the Revised Prioritization are available on the department's website at <http://www.deq.state.va.us> or upon request from the contact listed below.

The public is invited to provide the department with additional information and to participate in the public comment on the Revised Prioritization.

Public comment will be received until the close of business on Wednesday, May 23, 2001. Comments should be addressed to Ms. Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, e-mail msporterfi@deq.state.va.us, telephone (804) 698-4238 or FAX (804)698-4327.

After the closing of the public comment period and after considering public comment, a final Prioritization will be prepared and issued in accordance with Va. Code § 10.1-1413.2.

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

Notice of Periodic Review of Regulation Pursuant to Executive Order 25 (98)

Pursuant to Executive Order 25 (98), the Virginia Department of Labor and Industry and the Apprenticeship Council have scheduled the regulation listed below for review. The agency will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, the department will file the appropriate documentation as required by the Administrative Process Act (APA) (§ 9-6.14:1 et seq. of the Code of Virginia).

Regulation Title: 16 VAC 20-10-10 et seq. Public Participation Guidelines.

Description: This regulation provides information on the process the Council will use to gather information and provide opportunities for the public to participate at every stage in the regulatory process.

The department seeks public comment regarding the following questions:

1. Does the regulation meet the following goals?
 - Provide maximum opportunity for the public to participate in the regulatory process.
 - Ensure that the public is informed of new regulations.
 - Ensure that the public has the opportunity to provide comments on regulatory changes.
 - Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. Is the regulation written clearly and understandably?

Written and electronically submitted comments may be submitted from April 23, 2001, through May 22, 2001, to Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524 or e-mail brh@doli.state.va.us.

Safety and Health Codes Board

Notice of Periodic Review of Regulations Pursuant to Executive Order 25 (98)

Pursuant to Executive Order 25 (98), the Virginia Department of Labor and Industry and the Safety and Health Codes Board have scheduled the regulations listed below for review. The agency will conduct this review to determine whether the regulations should be terminated, amended, or retained as written. If any changes are deemed necessary, the department will file the appropriate documentation as required by the Administrative Process Act (APA) (§ 9-6.14:1 et seq. of the Code of Virginia).

Regulation Title: 16 VAC 25-10-10 et seq. Public Participation Guidelines.

Description: This regulation provides information on the process the board will use to gather information and provide opportunities for the public to participate at every stage in the regulatory process.

The department seeks public comment regarding the following questions:

1. Does the regulation meet the following goals?
 - Provide and publish a fair process for adopting regulations and gaining public participation in rule-making and public meetings.
 - Ensure that the public is informed of any new regulations or amendments to existing regulations and that the public has the opportunity to provide comments on the changes throughout the process.
 - Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. Is the regulation written clearly and understandably?

Regulation Title: 16 VAC 25-60-10 et seq. Administrative Regulation for the Virginia Occupational Safety and Health Program.

Description: This regulation provides an operational framework of rules and procedures for the administration of the Virginia Occupational Safety and Health (VOSH) program such as program jurisdiction, notification and posting requirements, required reporting by employers, access to information, and complaint and discrimination procedures. Also covered are occupational safety and health standards, variances to standards, inspections, citations and penalties, abatement procedures, and inspection case review and settlement.

The department seeks public comment regarding the following questions:

1. Does the regulation meet the following goals?
 - Provide and publish a fair process for enforcing Title 40.1 of the Code of Virginia and the federal Occupational Safety and Health Act.

General Notices/Errata

- Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

2. Is the regulation written clearly and understandably?

Written and electronically submitted comments on any of the listed regulations may be submitted from April 23, 2001, through May 15, 2001, to Bonnie R. Hopkins, Regulatory Coordinator, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 371-2631, FAX (804) 371-6524 or e-mail brh@doli.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

Notice of Periodic Review of Regulations

Pursuant to Executive Order 25 (98), the Department of Social Services is currently reviewing the below listed regulations to determine if they should be terminated, amended, or retained in their current form. The review will be guided by the principles listed in Executive Order 25 (98) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulations' interference in private enterprise and life, essential need of the regulations, less burdensome and intrusive alternatives to the regulations, specific and measurable goals that the regulations are intended to achieve, and whether the regulations are clearly written and easily understandable.

The regulations are:

22 VAC 40-90-10 et seq. Regulations for Criminal Record Checks for Homes for Adults and Adult Day Care Centers.

Written comments may be submitted until May 13, 2001, in care of Judy McGreal, Program Development Consultant, Division of Licensing Programs, 730 East Broad Street, Richmond, VA 23219-1849, by e-mail to jzm7@dss.state.va.us, or by facsimile to (804) 692-2370.

22 VAC 40-160-10 et seq. Fee Requirements for Processing Applications.

Written comments may be submitted until May 13, 2001, in care of Kathryn Thomas, Program Development Consultant, Division of Licensing Programs, 730 East Broad Street, Richmond, VA 23219-1849, by e-mail to kjt7@dss.state.va.us, or by facsimile to (804) 692-2370.

DEPARTMENT OF TAXATION

Virginia Tax Bulletin

March 26, 2001

01-2

Interest Rates Second Quarter 2001

Federal rates change: State and certain local interest rates are subject to change every quarter based on changes in federal rates established pursuant to IRC § 6621. The federal rates for the second quarter of 2001 will be 8% for tax underpayments (assessments), 8% for tax overpayments (refunds) by taxpayers other than corporations, and 10% for "large corporate underpayments" as defined in IRC § 6621(c). Code of Virginia § 58.1-15 provides that the underpayment rates for Virginia taxes will be 2% higher than the corresponding federal rates and overpayment rates for Virginia taxes will be 2% higher than the federal rate for noncorporate taxpayers. Accordingly, the Virginia rates for the second quarter of 2001 will be 10% for tax underpayments (assessments), 10% for tax overpayments (refunds), and 12% for "large corporate underpayments."

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on March 31, 2001: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or on Form 500C (for corporations), the second quarter 10% underpayment rate will apply through the due date of the return, July 16, 2001 (for corporations), and August 1, 2001 (for individuals and fiduciaries).

Taxpayers whose taxable year ends on December 31, 2000: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or on Form 500C (for corporations), the first quarter 11% underpayment rate will apply through the due date of the return, April 16, 2001 (for corporations), and May 1, 2001 (for individuals and fiduciaries).

Local Tax

Assessments: Localities that assess interest on delinquent taxes under Code of Virginia § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the federal underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the second quarter of 2001, the federal underpayment rate is 8%.

Refunds: Effective July 1, 1999, localities which charge interest on delinquent taxes are required paying interest to taxpayers on all overpayments or erroneously assessed taxes at the same rate as they charge interest on delinquent taxes under Code of Virginia § 58.1-3916.

Recent Interest Rates

<u>Accrual Beginning</u>	<u>Period Through</u>	<u>Non-Corporation Overpayment (Refund)</u>	<u>Corporation Overpayment (Refund)</u>	<u>Underpayment (Assessment)</u>	<u>Large Corporate Underpayment</u>
1-Apr-91	30-Jun-91	9%	9%	10%	----
1-Jul-91	31-Dec-91	9%	9%	12%	14%
1-Jan-92	31-Mar-92	8%	8%	11%	13%
1-Apr-92	30-Sep-92	7%	7%	10%	12%
1-Oct-92	30-Jun-94	6%	6%	9%	11%
1-Jul-94	30-Sep-94	7%	7%	10%	12%
1-Oct-94	31-Mar-95	8%	8%	11%	13%
1-Apr-95	30-Jun-95	9%	9%	12%	14%
1-Jul-95	31-Mar-96	8%	8%	11%	13%
1-Apr-96	30-Jun-96	7%	7%	10%	12%
1-Jul-96	31-Mar-98	8%	8%	11%	13%
1-Apr-98	31-Dec-98	7%	7%	10%	12%
1-Jan-99	31-Mar-99	7%	6%	9%	11%
1-Apr-99	31-Dec-99	8%	7%	10%	12%
1-Jan-00	31-Mar-00	10%	10%	10%	12%
1-Apr-00	31-Mar-01	11%	11%	11%	13%
1-Apr-01	30-Jun-01	10%	10%	10%	12%

For additional information: Contact the Office of Customer Services, Virginia Department of Taxation, P.O. Box 1115, Richmond, VA 23218-1115, or call the following numbers for additional information about interest rates and penalties.

Individual & Fiduciary Income Tax	(804) 367-8031
Corporation Income Tax	(804) 367-8037
Withholding Tax	(804) 367-8037
Soft Drink Excise Tax	(804) 367-8098
Aircraft Sales & Use Tax	(804) 367-8098
Other Sales & Use Taxes	(804) 367-8037

STATE WATER CONTROL BOARD

**Proposed Consent Special Order
Mr. Charles R. Draughn**

The State Water Control Board (SWCB) proposes to issue a Consent Special Order (CSO) to Mr. Charles R. Draughn regarding settlement of a civil enforcement action related to compliance with the Permit Regulation, 9 VAC 25-31-10 et seq. On behalf of the SWCB, the department will consider written comments relating to this settlement for 30 days after the date of publication of this notice. Comments should be addressed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road NW, Roanoke, VA 24019.

The final CSO may be examined at the department during regular business hours. Copies are available from Mr. Steele at the address above or by calling him at (540) 562-6777.

**Proposed Consent Special Order
Fauquier County School Board**

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Fauquier County School Board (school board) regarding the Mary Walter Elementary School sewage treatment plant (STP) located in Fauquier County, Virginia.

The STP is subject to VPDES Permit No. VA0064726. The order requires that the school board upgrade the STP to achieve compliance with final permit limits and provides interim limits for ammonia until the upgrade is completed.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through May 24, 2001. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 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 order.

General Notices/Errata

Proposed Consent Special Order Hill Mobile Home Park STP

The State Water Control Board (board) proposes to issue a Consent Special Order (order) regarding the Hill Mobile Home Park sewage treatment plant (STP) located in Caroline County, Virginia.

The STP is subject to VPDES Permit No. VA0082911. The order includes a construction schedule for the construction of a new STP to service the Mobile Home Park with a completion date of June 6, 2002 and provides interim limits for the existing STP until June 6, 2002.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through May 24, 2001. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 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 order.

Proposed Consent Special Order Hoover Treated Wood Products, Inc.

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Hoover Treated Wood Products, Inc. (Hoover) regarding the Milford facility located in Caroline County, Virginia.

The Milford facility is subject to VPDES Permit No. VA0088714. The order requires, among other things, that Hoover submit a groundwater monitoring plan and a remediation plan for the Milford facility.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through May 24, 2001. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 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 order.

Proposed Consent Special Order The McGurn Company, Incorporated

The State Water Control Board proposes to issue a consent special order to the McGurn Company, Incorporated to resolve certain alleged violations of environmental laws and regulations occurring while they were operating a construction site at Benedictine High School in Goochland County, Virginia. The McGurn Company began land-disturbing activity at the school without first registering and obtaining a permit.

In addition, deficiencies in the stormwater management controls led to a release of stormwater high in sediment, which impacted state waters. The proposed order requires payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments related to the proposed consent special order. Comments should be addressed to Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295; or sent to the e-mail address felupini@deq.state.va.us. All comments received by e-mail must include your name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Pioneer Trailer Park

The State Water Control Board proposes to enter into a Consent Special Order with Pioneer Trailer Park (Pioneer) to resolve violations of the State Water Control Law and regulations at the Pioneer's sewage treatment plant in Frederick County. The facility discharges treated wastewater to an unnamed tributary to Crooked Run in the Shenandoah River subbasin, Potomac River basin.

The permit issued January 4, 1996, required Pioneer to upgrade its facility to meet final effluent limits for BOD, TSS, TRC, dissolved oxygen, and ammonia-nitrogen by January 4, 2000. The facility has undergone no upgrades to meet its BOD, TSS, D.O., TRC or ammonia final limits. In addition, the facility exceeded permit limitations for BOD, and/or TRC, and/or ammonia parameters in the period from January 2000 through September 2000.

The proposed Consent Special Order settles the outstanding Notice of Violation and incorporates a schedule of compliance to either connect to the local collection system or to upgrade the facility to meet final effluent limitations. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed Consent Special Order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 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, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Rehrig International, Incorporated

The State Water Control Board proposes to issue a consent special order to Rehrig International, Incorporated to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Richmond, Virginia. The proposed order requires Rehrig International,

Incorporated to apply for a Virginia Pollutant Discharge Elimination System (VPDES) individual Stormwater permit, complete remediation of the site, and pay a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order S.B. Cox, Incorporated

The State Water Control Board proposes to issue a consent special order to S. B. Cox, Incorporated to resolve certain alleged violations of environmental laws and regulations occurring at the Bowles-Valentine Trailer Park in Goochland, Virginia. The proposed order requires S. B. Cox, Incorporated to pay a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Thomasville Furniture Industries

The State Water Control Board proposes to enter into a Consent Special Order with Thomasville Furniture Industries (Thomasville) to resolve violations of the State Water Control Law and regulations at Thomasville's sewage treatment plant in Fluvanna County. The facility discharges treated wastewater to the Rivanna River in the Middle James River basin.

In March 1997 this facility began to experience periodic seasonal difficulty complying with the permit's effluent limitations for pH, TRC, BOD and TSS.

The proposed Consent Special Order settles the outstanding Notice of Violation and incorporates a schedule of compliance to upgrade the facility to meet final effluent limitations. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed Consent Special Order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 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, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Tides Inn, Inc.

The State Water Control Board proposes to issue a consent special order to Tides Inn, Inc. to resolve certain alleged violations of environmental laws and regulations occurring at their facility in Irvington, Virginia. The proposed order requires Tides Inn, Inc. to complete the requirements to achieve conformance with 9 VAC 25-580-60 and 9-VAC 25-580-70, and pay a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Vernon Williams, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060-6295. A copy of the order may be obtained in person or by mail from the above office.

Proposed Special Order Spyridon v. Chakalos Town 'N Country Restaurant Sewage Treatment Plant

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Spyridon V. Chakalos (permittee) regarding the Town 'N Country Restaurant Sewage Treatment Plant (STP) located in Fauquier County, Virginia.

Town 'N Country Restaurant Sewage Treatment Plant is subject to VPDES Permit No. VA0064157. The order requires that the permittee upgrade the STP in phases to meet Permit limits until connecting the STP to the Fauquier County Water and Sanitation Authority public sewer service and eliminating the STP's discharge and provides interim limits for ammonia until the upgrade is completed.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through May 22, 2001. Please address comments to: Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to saoakes@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) 583-3863, in order to examine or to obtain a copy of the order.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

General Notices/Errata

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

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

April 24, 2001 - 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 accountancy@dpor.state.va.us.

COMMONWEALTH COUNCIL ON AGING

† April 25, 2001 - 4 p.m. -- Open Meeting

Tides Inn, Irvington, Virginia  (Interpreter for the deaf provided upon request)

A regular business meeting. Public comments welcomed.

Contact: Marsha Mucha, Administrative Staff Assistant, Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia State Apple Board

May 1, 2001 - 9:30 a.m. -- Open Meeting

Rowe's Restaurant, Route 250, Staunton, Virginia. 

The board will hear and approve, if appropriate, the minutes from the last board meeting; review the board's current financial statement, delinquent accounts, tax collections for the 2000 crop season; provide an update on plans to hire wage/contract assistance; and discuss grants

and funding of marketing projects for the fiscal year 2002. 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 Diane Kearns at least five days before the meeting date so that suitable arrangements can be made.

Contact: Diane Kearns, Chair, Virginia State Apple Board, P.O. Box 2368, Winchester, VA 22604, telephone (540) 667-3390, FAX (540) 667-9943.

Virginia Pork Industry Board

† May 11, 2001 - 3 p.m. -- Open Meeting

Holiday Inn Monticello, 1200 5th Street, Charlottesville, Virginia. 

A general meeting to appoint committees and review and approve the minutes of the last meeting. The board's financial statement will be reviewed and approved. The board's program director will present information gleaned from the past several national pork producers' meetings. 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: John H. Parker, Program Director, Department of Agriculture and Consumer Services, 1100 Bank Street, Suite 1008, Richmond, VA, telephone (804) 786-7092, FAX (804) 371-7786, homepage <http://www.vdacs.state.va.us>.

STATE AIR POLLUTION CONTROL BOARD

May 3, 2001 - 10 a.m. -- Public Hearing

Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

June 12, 2001 - Public comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. A99)**. Article 4 provides a legal mechanism whereby the board is required to make source specific Reasonable Available Control Technology (RACT) determinations for all currently known major sources subject to source specific NO_x RACT requirements under the federal Clean Air Act. Amendments are being proposed to delete the provisions that address seasonal applicability, certain exemptions and the emission allocation system.

Article 8 establishes emission limits along with compliance testing, monitoring, recordkeeping and reporting requirements for fuel burning equipment. Amendments are being proposed to establish an emissions rate limit for nitrogen oxides for electric generating units and nonelectric generating units and create a compliance averaging plan to provide flexibility for the sources subject to the regulation.

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

Public comments may be submitted until June 12, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY ☎

† **May 24, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. A detailed agenda is available approximately seven days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cberndt@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

April 24, 2001 - 9:30 a.m. -- Open Meeting

May 8, 2001 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

An executive staff meeting for receipt and discussion of reports and activities from staff members and other matters not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4442.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

June 6, 2001 - 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 board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 2, 2001 - 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 of the Architects Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 9, 2001 - 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 of the Professional Engineers Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 16, 2001 - 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 of the Land Surveyors Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 23, 2001 - 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 of the Landscape Architects Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

May 30, 2001 - 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 of the Certified Interior Designers Section. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

May 4, 2001 - 10 a.m. -- Open Meeting

June 1, 2001 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

VIRGINIA COMMISSION FOR THE ARTS

April 24, 2001 - 10 a.m. -- Open Meeting

George Mason University, Johnson Center, Assembly Room F, Fairfax, Virginia.

Area 4A panel meeting.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

April 26, 2001 - 10 a.m. -- Open Meeting

Mary Washington College Galleries, Fredericksburg, Virginia.

Area 4B panel meeting.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

May 1, 2001 - 10 a.m. -- Open Meeting

Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

Spring 2001 panel meeting (Area V).

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

May 1, 2001 - 10 a.m. -- Open Meeting

Harrison Opera House, Benefactors Room, 3rd Floor, Norfolk, Virginia.

Area 5 panel meeting.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

May 3, 2001 - 10 a.m. -- Open Meeting

Harrison Opera House, Norfolk, Virginia.

Area 6 panel meeting.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

May 3, 2001 - 10 a.m. -- Open Meeting

May 4, 2001 - 10 a.m. -- Open Meeting

Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

A meeting of the Arts in Education Panel.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd

Calendar of Events

Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

May 9, 2001 - 10 a.m. -- Open Meeting

May 10, 2001 - 10 a.m. -- Open Meeting

Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

A meeting of the Tour Panel.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

VIRGINIA BOARD FOR ASBESTOS AND LEAD

May 17, 2001 - 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, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

April 25, 2001 - 9 a.m. -- Open Meeting

† **May 30, 2001 - 9 a.m.** -- Open Meeting

† **June 27, 2001 - 9 a.m.** -- Open Meeting

† **July 25, 2001 - 9 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. An agenda will be posted on the web (<http://www.csa.state.va.us>) a week prior to the meeting.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 62-9831, e-mail AGS992@central.dss.state.va.us.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and

Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

† **May 17, 2001 - 9:30 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to conduct regular business. Public comments will be heard for 15 minutes prior to the start of the meeting.

Contact: Senita Booker, Administrative Staff Assistant, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St, 4th Floor, Richmond, VA 23230, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail SBooker@dhp.state.va.us.

BOARD FOR BARBERS AND COSMETOLOGY

† **June 4, 2001 - 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 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: Zelda W. Dugger, Board Administrator, 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 barbercosmo@dpor.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

† **June 9, 2001 - 10 a.m.** -- Open Meeting

Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the Statewide Rehabilitation Council for the Blind to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Board for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA, telephone (804) 371-3111.

BOARD FOR BRANCH PILOTS

May 2, 2001 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

The board will conduct examinations.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail branchpilots@dpor.state.va.us.

May 3, 2001 - 9:30 a.m. -- Open Meeting
Virginia International Terminals, Inc., 600 World Trade Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail branchpilots@dpor.state.va.us.

CEMETERY BOARD

April 25, 2001 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

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, telephone (804) 367-2039, FAX (804) 367-2475.

April 25, 2001 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-2039, FAX (804) 367-2475.

CHARITABLE GAMING COMMISSION

April 26, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A commission meeting.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgcs.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **May 8, 2001 - 12 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor Conference Room., Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Grants Coommittee to plan for the next round of competitive grants.

Contact: Margie Reynolds, Grants Administrator, Chesapeake Bay Local Assistance Department, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail mreynolds@cbld.state.va.us.

COMPENSATION BOARD

April 24, 2001 - 11 a.m. -- Open Meeting
May 22, 2001 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff 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.

COMMONWEALTH COMPETITION COUNCIL

† **April 26, 2001 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the council to review strategic plan, annual report, and not-for-profit study results.

Contact: Peggy R. Robertson, Executive Director, Commonwealth Competition Council, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240, FAX (804) 786-1594, e-mail competition@state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

† **April 24, 2001 - 7 p.m.** -- Open Meeting
Crater Planning District Office 1964 Wakefield Street, Petersburg, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A public meeting to discuss the 2001 Virginia Outdoors Plan. Public will be invited to provide input regarding the draft plan.

Contact: Derral Jones, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St. Richmond, VA 23219, telephone (804) 786-9042, e-mail djones@dcr.state.va.us.

† **April 25, 2001 - 7 p.m.** -- Open Meeting
Richmond Regional Planning District Commission, 2104 West Laburnum Avenue, Suite 101, Richmond, Virginia. (Interpreter for the deaf provided upon request)

† **April 26, 2001 - 7 p.m.** -- Open Meeting
Fairlawn Community Center, 1014 Kempsville Road, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public meeting to discuss the 2001 Virginia Outdoors Plan. The public will be invited to provide input regarding the draft plan.

Contact: James Guyton, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St. Richmond, VA 23219, telephone (804) 786-2093, e-mail jguyton@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

May 3, 2001- Noon -- Open Meeting
City Hall, 900 East Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Board on Conservation and Development of Public Beaches

† **May 8, 2001 - 10 a.m.** -- Open Meeting
Ships Cabin Restaurant, 4110 East Ocean View Avenue, Norfolk, 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

April 25, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad St, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Tradesman Committee to consider items of interest relating to the tradesmen/backflow workers

and other appropriate matters pertaining to the Tradesman Section of the Board for Contractors.

Contact: Nancy T. Feldman, Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8540, FAX (804) 367-2474, (804) 367-9753/TTY, e-mail feldman@dpor.state.va.us.

† **May 16, 2001 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 W. Broad Street, 4th Floor, 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 conduct other matters that 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 the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Nancy Taylor Feldman.

Contact: Nancy Taylor Feldman, Administrator, 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

April 25, 2001 - 1 p.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.

The Regulatory Committee will discuss time-limited waiver for licensure of substance abuse treatment practitioners and begin discussion on new standards for CSAC and CSAA relative to the passage of HB 2095. The committee will consider other regulatory issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, 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.

April 26, 2001 - 8:30 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.

The Executive Committee will review the agenda for the board meeting, which will begin at 9 a.m., and divide into work groups with assigned tasks.

Contact: Evelyn B. Brown, Executive Director, 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.

April 27, 2001 - 9 a.m. -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.

A general business meeting to include adoption of proposed regulations for a time-limited waiver of certain requirements and final regulations for Licensed Substance Abuse Treatment Practitioners. The board will consider reports from standing committees and work groups. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, 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.

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Counseling intends to amend regulations entitled: **18 VAC 115-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912.

CRIMINAL JUSTICE SERVICES BOARD

† **May 10, 2001 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting of the Committee on Training. Agenda to be announced.

Contact: George Gotschalk, DCJS Standards and Training Section Chief, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001, FAX (804) 371-8981, e-mail ggotschalk@dcjs.state.va.us.

† **May 10, 2001 - 11 a.m.** -- Open Meeting
General Assembly Building, House Room D, Richmond, Virginia. ♿

A regular meeting to include the director's report, ICJIS Report, grant considerations, etc.

Contact: Christine Wiedemer, Administrative Staff Assistant to the Director, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.

BOARD OF DENTISTRY

April 27, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad St., 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An Informal Conference Committee will hear possible violations of the regulations governing the practice of dentistry. No public comment will be heard.

Contact: Elizabeth Carter, Acting Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail mjmillier@dhp.state.va.us.

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **18 VAC 60-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

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

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

May 21, 2001 - 11 a.m. -- Open Meeting
June 18, 2001 - 11 a.m. -- Open Meeting
Virginia War Memorial, 621 Belvidere Street, Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Please contact the Division of Engineering and Buildings to confirm meeting.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

April 23, 2001 - 9:30 a.m. -- Open Meeting
Location to be announced. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Advisory Board on Teacher Education and Licensure. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P. O. Box 2120, 101 N. 14th St.,

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25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

April 25, 2001 - 9:30 a.m. -- Open Meeting

April 26, 2001 - 9 a.m. -- Open Meeting

April 27, 2001 - 9 a.m. -- Open Meeting

June 21, 2001 - 8:30 a.m. -- Open Meeting

June 22, 2001 - 8:30 a.m. -- Open Meeting

TBA (Interpreter for the deaf provided upon request)

An annual planning session. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

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.

† April 25, 2001 - 9 a.m. -- Open Meeting

Henrico County Public School Administration Center, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A working session of the Accountability Advisory Committee. No public comment will be received.

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.

April 26, 2001 - 9 a.m. -- Open Meeting

Location to be announced. (Interpreter for the deaf provided upon request)

A regular monthly meeting. Persons may register to speak at the meeting by calling Margaret Roberts. Persons requesting 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 23218, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

May 22, 2001- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **8 VAC 20-160-10 et seq. Regulations Governing the Secondary School Transcript.** The Board of Education has approved changes in the proposed regulation, since the proposed text was published in the Virginia Registrar on August 28, 2000, in response to public and gubernatorial comment. The board wishes to afford an additional 30-day public comment on the proposed regulation. Changes since publication of the original proposal are as follows:

1. The definition of "secondary school transcript" is amended to provide that secondary school transcripts

exclude those courses purged from middle school records in accordance with 8 VAC 20-131-10 et seq.

2. A new provision requires SOL test scores to be reflected on high school transcripts beginning in Spring 2004, and that the transcript show the highest SOL test score if a test is taken more than once.

3. In compliance with Chapter 673 of the 2001 Acts of Assembly, language was added to prohibit including the accreditation status of a high school on the school profile data sheet.

Statutory Authority: §§ 22.1-16, 22.1-253.13:3 and 22.1-253.14 of the Code of Virginia.

Contact: Vernon Wildy, Director of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2877 or FAX (804) 225-2524.

June 20, 2001 - 9:30 a.m. -- Open Meeting

Henrico School Board Office, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Accountability Advisory Committee. Unless otherwise notified in advance, sessions will be working sessions and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Ms. Cam Harris, Department of Education, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2102, FAX (804) 225-2524.

June 20, 2001 - 1 p.m. -- Open Meeting

Location to be announced. (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at this meeting.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† May 2, 2001 - 7 p.m. -- Public Hearing

Covington City Hall, Council Chambers, 333 West Locust Street, Covington, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the draft permit amendment and tentative variance for the Hercules Industrial Landfill located on Edgemont Drive in Covington, Virginia.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4271, FAX (804) 698-4327, e-mail lwsyverson@deq.state.va.us.

† **May 9, 2001 - 10 a.m.** -- Open Meeting
† **May 23, 2001 - 10 a.m.** -- Open Meeting
† **June 6, 2001 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ♿

A meeting of a technical advisory committee established to advise the department on long-term solutions for the Virginia Petroleum Storage Tank Fund.

Contact: Elizabeth Lamp, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4322, (804) 698-4021/TTY ☎, e-mail erlamp@deq.state.va.us.

† **May 9, 2001 - 7 p.m.** -- Public Hearing
Lynchburg Public Library, 2315 Memorial Avenue, Public Meeting Room, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed permit amendment and variance for the Lynchburg Sanitary Landfill located on Concord Turnpike approximately 1.5 miles north of the intersection of US Route 460 in the eastern section of Lynchburg, VA.

Contact: James Bernard, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4222, (804) 698-4021/TTY ☎, e-mail jfbernard@deq.state.va.us.

† **May 9, 2001 - 7:30 p.m.** -- Public Hearing
Lynchburg Public Library, Public Meeting Room, 2315 Memorial Avenue, Lynchburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed permit amendment and variance for use of alternate concentration limits for the Campbell County Phase II Landfill located east of US Route 29, at the end of State Route 674 in Campbell County.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, (804) 698-4021/TTY ☎, e-mail lwsyverson@deq.state.va.us.

† **May 10, 2001 - 7:30 p.m.** -- Public Hearing
South Boston Public Library, 509 Broad Street, South Boston, Virginia. ♿

A public hearing to receive comments on the proposed permit amendment establishing ground water protection standards for the South Boston Landfill located on Hamilton Boulevard in South Boston.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, (804) 698-4021/TTY ☎, e-mail lwsyverson@deq.state.va.us.

† **May 15, 2001 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia.

A regular meeting of the Ground Water Protection Steering Committee. Anyone interested in ground water protection

issues is welcome to attend. meeting minutes and agenda are available from the contact person.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, (804) 698-4021/TTY ☎, e-mail mamassie@deq.state.va.us

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

April 25, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting 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 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 30-65-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

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

BOARD OF GAME AND INLAND FISHERIES

May 3, 2001 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will meet and intends to consider for final adoption game, hunting, and trapping regulations to be effective from July 2001 through June 2003. Under board procedures, regulatory actions occur over two sequential board meetings. At the May 3, 2001 meeting, the board will determine whether the amendments to regulations for game, hunting, and trapping that were proposed at its March 1, 2001, meeting will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on May 3, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which

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may be more liberal, or more stringent, than the regulations currently in effect or the regulation amendments proposed at the March 1, 2001, meeting, as necessary for the proper management of wildlife resources.

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. Additional information on this review of regulations, including a list of the specific regulations subject to review and additional details on opportunities for public involvement, was published in a separate announcement in the "General Notices" section of the January 29, 2001 *Virginia Register of Regulations*, and is also available online at www.dgif.state.va.us.

At the May 3 meeting the board may discuss general and administrative issues; it may hold an executive session before the public session begins. The board may elect to hold a dinner Wednesday evening, May 2, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000 or FAX (804) 367-0488.

BOARD FOR GEOLOGY

† **April 26, 2001 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

Contact: William H. Ferguson, II, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail geology@dpor.state.va.us.

DEPARTMENT OF HEALTH

† **May 4, 2001 - 8:30 a.m.** -- Open Meeting
The Trawler Restaurant, 2555 Lankford Highway, U.S. Route 13, Exmore, Virginia. 

A routine business meeting.

Contact: Carrie L. Baskett, Executive Secretary to the Commissioner, Department of Health, Main Street Station, 1500 E. Main St., Suite 214, Richmond, Vi 23219, telephone (804) 786-3561, FAX (804) 786-4616, (800) 828-1120/TTY , e-mail cbaskett@vdh.state.va.us.

BOARD OF HEALTH PROFESSIONS

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health Professions

intends to amend regulations entitled: **18 VAC 75-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth A. Carter, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

BOARD FOR HEARING AID SPECIALISTS

† **May 14, 2001 - 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 persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Susan Luebehusen, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **May 22, 2001 - 8:30 a.m.** -- Open Meeting
University of Virginia, Charlottesville, Virginia.

A regular meeting. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu.

Contact: Lee Rung, Assistant to the Executive Director, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 1, 2001 - 9 a.m. -- Open Meeting
June 5, 2001 - 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, 800 E. Broad, St., Richmond, Virginia 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

JAMESTOWN-YORKTOWN FOUNDATION

May 24, 2001 - 10 a.m. -- Open Meeting

May 25, 2001 - 8 a.m. -- Open Meeting

Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A semi-annual meeting of the Board of Trustees. Specific meeting schedule to be confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, 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.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board

April 25, 2001 - 10 a.m. -- Open Meeting

State Capitol, Richmond, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Patti C. Bell, Board Staff Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail pcb@doli.state.va.us.

Safety and Health Codes Board

NOTE: CHANGE IN MEETING DATE

† **June 11, 2001 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail rpc@doli.state.va.us.

THE LIBRARY OF VIRGINIA

† **May 11, 2001 - 10 a.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Conference Room C, Richmond, Virginia. ♿

A meeting to review Competitive Grant Programs and other issues regarding LSTA.

Contact: Jean H. Taylor, C.P.S., Executive Secretary to the Librarian of Virginia, The Library of Virginia, Library of

COMMISSION ON LOCAL GOVERNMENT

May 14, 2001 - 10 a.m. -- Public Hearing

Pocahontas Building, 900 East Main Street, Auditorium, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing concerning the Commission on Local Government's responsibilities pursuant to House Bill 2476, which deals with the collecting and reporting of information on the use of cash proffers by Virginia localities.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Suite 103, 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

April 24, 2001 - 9:30 a.m. -- Open Meeting

May 22, 2001 - 9:30 a.m. -- Open Meeting

June 26, 2001 - 9:30 a.m. -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿

A monthly meeting.

Contact: LaVerne Lewis, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-2261, FAX (757) 247-2200, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail llewis@mrc.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

April 27, 2001 -- 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 adopt and 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 30-20-10 et seq. Administration of Medical Assistance Services.

12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.

12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.

These proposed amendments establish the time frames necessary for the implementation of the statutory deadlines

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for the completion of both informal and formal appeals as required by HB 892 (2000).

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

Public comments may be submitted until April 27, 2001, to Martha Smith, Director, Appeals Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

† **May 17, 2001 - 2 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. 

A routine business meeting of the Virginia Medicaid Drug Utilization Review Board.

Contact: Marianne Rollings, DUR Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, (800) 343-0634/TTY , e-mail MROLLINGS@dmas.state.va.us.

BOARD OF MEDICINE

April 25, 2001 - 10 a.m. -- Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia.

A formal administrative hearing will be held pursuant to §§ 9-6.14:12 and 54.1-2400 of the Code of the Virginia to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixon, Staff, Board of Medicine, 6606 West Broad Street, Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail PSadler@dhp.state.va.us.

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April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

† **May 9, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting of the Advisory Committee on Acupuncture to consider regulatory and legislative issues and other items as may be presented on the agenda. 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.

† **May 9, 2001 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting of the Advisory Board on Radiologic Technology to consider regulatory and legislative issues and other items as may be presented on the agenda. 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.

† **May 10, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting of the Advisory Board on Occupational Therapy to consider regulatory and legislative issues and other items as may be presented on the agenda. 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.

† **May 10, 2001 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting of the Advisory Board on Respiratory Care to consider regulatory and legislative issues and other items as may be presented on the agenda. 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.

† **May 11, 2001 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia 

A meeting of the Advisory Board on Athletic Training to consider regulatory and legislative issues and other items

as may be presented on the agenda. 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.

† **May 11, 2001 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia ♿

A meeting of the Advisory Board on Physicians Assistants to consider regulatory and legislative issues and other items as may be presented on the agenda. 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.

May 3, 2001 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

May 25, 2001 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

May 31, 2001 - 9:30 a.m. -- Open Meeting
Williamsburg Marriott Hotel, Williamsburg, Virginia.

A meeting of the Informal Conference Committee to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: 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 ☎

May 16, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 5th floor, 6606 West Broad Street, Richmond, VA

An Informal Conference Committee to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. Also, a panel will convene a formal hearing into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee/panel will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler/Renee Dixson, Staff, Board of Medicine, 6606 West Broad Street, Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail PSadler@dhp.state.va.us.

† **May 25, 2001 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A meeting of the Legislative Committee to consider legislative and regulatory issues, to review pending regulations, and to consider other information as may be presented on the agenda. Public comment on agenda items 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.

† **June 7, 2001 - 8 a.m.** -- Open Meeting
† **June 8, 2001 - 8 a.m.** -- Open Meeting
† **June 9, 2001 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia ♿

A meeting to conduct general board business, receive committee and board reports, and discuss any other items, which may come before the board. The board will also meet to review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

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.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Coal Surface Mining Reclamation Fund Advisory Board

† **May 16, 2001 - 10 a.m.** -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Route 23 South, Big Stone Gap, Virginia. ♿

A meeting to discuss passing a resolution to initiate rule making to make changes to Pool Bond participants bond release procedures. Public comments will not be received. An interpreter for the hearing impaired is available upon request.

Contact: Roger L. Williams, AML Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900 Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247, (800) 828-1120/TTY ☎, e-mail rlw@mme.state.va.us.

Calendar of Events

VIRGINIA MUSEUM OF FINE ARTS

† **April 25, 2001 - 12 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO
Parlor, Richmond, Virginia. 📍

A meeting of the Architect Search Committee to report on
architect site visits. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Avenue, telephone
(804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY 📞,
e-mail sbroyles@vmfa.state.va.us.

May 1, 2001 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main
Lobby Conference Room, Richmond, Virginia. 📍

A monthly meeting held for staff to brief the Executive
Committee.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia 23221, telephone (804) 340-1503, FAX
(804) 340-1502, (804) 340-1401/TTY 📞, e-mail
sbroyles@vmfa.state.va.us.

May 16, 2001 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia. 📍

Committee meetings as follows:

- Architect Search Committee - 10 a.m. - CEO 2nd Floor
Meeting Room
- Legislative Committee - 11:30 a.m. - Main Lobby
Conference Room
- Planning Committee - 12:30 p.m. - Auditorium
- Education and Planning Committee - 2 p.m. - CEO 1st
Floor Meeting Room
- Communications and Marketing Committee - 3:15 p.m. -
CEO 2nd Floor Meeting Room
- Exhibitions Committee - 4:30 p.m. - CEO 1st Floor Meeting
Room

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia 23221, telephone (804) 340-1503, FAX
(804) 340-1502, (804) 340-1401/TTY 📞, e-mail
sbroyles@vmfa.state.va.us.

May 17, 2001 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia. 📍

Committee meetings as follows:

- Buildings and Grounds Committee - 8:30 a.m. - CEO 2nd
Floor Meeting Room
- Collections Committee - 9:30 a.m. - Auditorium
- Finance Committee 11 a.m. - Main Lobby Conference
Room

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia 23221, telephone (804) 340-1503, FAX

(804) 340-1502, (804) 340-1401/TTY 📞, e-mail
sbroyles@vmfa.state.va.us.

May 17, 2001 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. 📍

An annual meeting of the full Board of Trustees.
Committees will submit their annual reports. Public
comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Richmond, Virginia 23221, telephone (804) 340-1503, FAX
(804) 340-1502, (804) 340-1401/TTY 📞, e-mail
sbroyles@vmfa.state.va.us.

June 19, 2001 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. 📍

An annual meeting for the Executive and Finance
Committees to approve the museum's annual budget.
Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,
VA 23221, telephone (804) 340-1503, FAX (804) 340-1502,
(804) 340-1401/TTY 📞, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

April 27, 2001 - Public comments may be submitted until this
date.

Notice is hereby given in accordance with § 9-6.14:7.1 of
the Code of Virginia that the Board of Nursing intends to
amend regulations entitled: **18 VAC 90-10-10 et seq.
Public Participation Guidelines**. The purpose of the
proposed amendments is to update the guidelines for public
participation in the regulatory process of the board,
specifically to be consistent with electronic notifications and
submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code
of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of
Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-
1717, telephone (804) 662-9909.

May 21, 2001 - 8:30 a.m. -- Open Meeting
May 23, 2001 - 8:30 a.m. -- Open Meeting
May 24, 2001 - 8:30 a.m. -- Open Meeting
† **July 16, 2001 - 8:30 a.m.** -- Open Meeting
† **July 18, 2001 - 8:30 a.m.** -- Open Meeting
† **July 19, 2001 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, 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 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.

Special Conference Committee

April 23, 2001 - 8:30 a.m. -- Open Meeting

April 24, 2001 - 8:30 a.m. -- Open Meeting

June 5, 2001 - 8:30 a.m. -- Open Meeting

June 12, 2001 - 8:30 a.m. -- Open Meeting

June 18, 2001 - 8:30 a.m. -- Open Meeting

June 19, 2001 - 8:30 a.m. -- Open Meeting

June 20, 2001 - 8:30 a.m. -- Open Meeting

June 28, 2001 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 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.

BOARD OF NURSING HOME ADMINISTRATORS

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing Home Administrators intends to amend regulations entitled: **18 VAC 95-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Marcia J. Miller, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457.

OLD DOMINION UNIVERSITY

May 14, 2001 - 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.

June 14, 2001 - 2:30 p.m. -- Open Meeting

Webb University Center, Old Dominion University, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

The annual 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

† May 4, 2001 - 9 a.m. -- Open Meeting

Department of Professional and Occupational, 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 persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Susan Luebehusen, Board Administrator, 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.

BOARD OF OPTOMETRY

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **18 VAC 105-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

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

BOARD OF PHARMACY

April 26, 2001 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Rooms 1 and 4, Richmond, Virginia. ♿

Calendar of Events

A special conference committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

† May 1, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia 

A general business meeting including adoption of proposed regulations for pilot projects, consideration of regulatory action on registration of pharmacy technicians and fee increases, consideration of disciplinary matters, and other items as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

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 OF PHYSICAL THERAPY

† May 8, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia 

A meeting of the Regulatory/Legislative Committee to begin development of regulations pursuant to legislation passed in the 2001 General Assembly. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg. 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† May 7, 2001 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A public hearing to accept comments regarding the need for and degree of possible regulation of estheticians, those who engage in dermabrasion, permanent makeup, chemical peels, and others who are involved in this type of skin care. Interested parties are encouraged to attend and provide testimony and/or written comments. The board will receive written comments until 5 p.m. on June 7, 2001. Comments should be sent to Debra Vought at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230. Comments may be emailed to vought@dpor.state.va.us or faxed to 804-367-9537.

Contact: Judy Spiller, Administrative and Program Specialist III, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 13, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

BOARD OF PSYCHOLOGY

NOTE: CHANGE IN MEETING DATE

April 24, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia 

The board will conduct a general business meeting including items related to the regulation and discipline of psychologists.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

April 24, 2001 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

Informal conferences will convene to hear possible violations of the regulations and statutes governing the practice of psychology. No public comment will be heard.

Contact: Arnice Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., Fourth 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 RACING COMMISSION

April 25, 2001 - 4 p.m. -- Open Meeting

The Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the Credentials Committee to review applicant credentials. No public comments will be heard.

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, e-mail Anderson@vrc.state.va.us.

REAL ESTATE BOARD

May 2, 2001 - 4 p.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [www.state.va.us/dpor/real estate board](http://www.state.va.us/dpor/real%20estate%20board).

May 3, 2001 - 8 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [www.state.va.us/dpor/real estate board](http://www.state.va.us/dpor/real%20estate%20board).

May 3, 2001 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the full board.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail [www.state.va.us/dpor/real estate board](http://www.state.va.us/dpor/real%20estate%20board).

BOARD OF REHABILITATIVE SERVICES

May 14, 2001 - 11 a.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly board meeting. Public comments will be received. The board will meet jointly with the State Rehabilitation Council beginning at 12:30 p.m.

Contact: Barbara Tyson, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, e-mail drs@drs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

May 8, 2001 - 9 a.m. -- Open Meeting**June 12, 2001 - 9 a.m.** -- Open Meeting

Virginia Resources Authority, 707 East Main Street, 2nd Floor, Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Benjamin Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

DEPARTMENT FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† April 23, 2001 - 4:30 a.m. -- Public Hearing

Virginia Western Community College, Student Center, 3095 Colonial Avenue, SW, Roanoke, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public hearing to provide input to the Department for Rights of Virginians with Disabilities regarding the establishment of program priorities for fiscal year 2002.

Contact: Kim Ware, Program Operations Coordinator, Department for Rights of Virginians with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-

Calendar of Events

2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail wareka@drvd.state.va.us.

† **April 26, 2001 - 10 a.m.** -- Open Meeting
Holiday Inn, University Area and Conference Center, 1901 Emmet Street, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Developmental Disabilities Advisory Council. Public comment is welcome and will be received at approximately 11 a.m.

Contact: Kim Ware, 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 wareka@drvd.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

April 24, 2001 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Board Room, Richmond, Virginia. ♿

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. Meeting time is subject to change depending upon the agenda of the board.

Contact: Cathleen M. Surface, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail csurface@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

May 25, 2001 - 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 40-295-10 et seq. Temporary Assistance for Need Families (TANF)**. This regulation provides the rules for qualifying for TANF assistance. The regulation explains what persons are required to participate together as an assistance unit, resource criteria, income eligibility criteria, and provides streamlined processing procedures.

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

Contact: Mark L. Golden, Human Services Program Consultant, State Board of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1731 or FAX (804) 692-1704.

BOARD OF SOCIAL WORK

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-10-10 et seq.**

Public Participation Guidelines. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914.

COUNCIL ON TECHNOLOGY SERVICES

May 17, 2001 - 9 a.m. -- Open Meeting
Mary Washington College, Fredericksburg, Virginia.

A regular meeting.

Contact: Jenny Wootton, Department of Technology Planning, 1100 Bank St., Room 901, Richmond, VA 23219, telephone (804) 786-1434, FAX (804) 371-7952, e-mail jwootton@egov.state.va.us.

TRANSPORTATION SAFETY BOARD

† **May 8, 2001 - 10 a.m.** -- Open Meeting
The Wyndham Hotel, Roanoke, Virginia ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss highway safety issues.

Contact: Angelisa Jennings, Management Analyst, Transportation Safety Board, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026, FAX (804) 367-6031.

COMMONWEALTH TRANSPORTATION BOARD

† **May 16, 2001 - 1 p.m.** -- Open Meeting
George Washington's Ferry Farm, 268 Kings Hwy, Fredericksburg, Virginia. ♿

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, homepage <http://www.vdot.state.va.us>.

† **May 17, 2001 - 10 a.m.** -- Open Meeting
VDOT Fredericksburg District Office, 87 Deacon Road, Fredericksburg, Virginia. ♿

Monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring Board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to 5 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, homepage <http://www.vdot.state.va.us>.

BOARD OF VETERINARY MEDICINE

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled: **18 VAC 150-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth A. Carter, Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915.

VIRGINIA MILITARY INSTITUTE

May 10, 2001 - 9 a.m. -- Open Meeting
Virginia Military Institute, Smith Hall and Moody Hall, Meeting Rooms, Lexington, Virginia. 

A meeting of the Appeals Committee.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

May 11, 2001 - 9 a.m. -- Open Meeting
Virginia Military Institute, Smith Hall and Moody Hall, Meeting Rooms, Lexington, Virginia. 

Meetings of the Academic Affairs Committee; Audit, Finance, and Planning Committee; Cadet Affairs Committee; Legislative Affairs Committee; Military Affairs Committee; External Affairs Committee; and Nominating Committee.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (540) 464-7206.

VIRGINIA VOLUNTARY FORMULARY BOARD

† June 4, 2001 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, Richmond, Virginia. 

A public hearing to consider the adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the July 27, 1998, revision of the Formulary and the most recent supplement to that revision. Written comments received prior to 5 p.m. on June 4, 2001, will be made a part of the hearing record and considered by the Formulary Board. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, 101 N. 14th St., Room S-45, Richmond, Virginia 23219.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326, FAX (804) 371-0236.

VIRGINIA WASTE MANAGEMENT BOARD

† May 7, 2001 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. Detailed agenda available approximately seven days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

STATE WATER CONTROL BOARD

April 27, 2001 -- 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 25-210-10 et seq. Virginia Water Protection Permit Program Regulation**. The proposed amendments incorporate changes to the Code of Virginia passed by the 2000 General Assembly relating to wetlands.

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 adopt regulations entitled: **9 VAC 25-660-10 et seq. Virginia Water Protection General Permit for Impacts of Less than One-Half Acre of an Acre**. The proposed regulation establishes general permit requirements for activities resulting in impacts to wetlands of less than one-half of an acre.

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 adopt regulations entitled: **9 VAC 25-670-10 et seq. Virginia Water Protection General Permit for Facilities and Activities of Utilities and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The proposed regulation establishes general permit

Calendar of Events

requirements for impact to wetlands resulting from the activities of utility projects.

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 adopt regulations entitled: **9 VAC 25-680-10 et seq. Virginia Water Protection General Permit for Linear Transportation Projects.** The proposed regulation establishes general permit requirements for impact to wetlands resulting from the construction and operation of linear transportation projects.

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 adopt regulations entitled: **9 VAC 25-690-10 et seq. Virginia Water Protection General Permit for Impacts from Development Activities.** The proposed regulation establishes general permit requirements for impacts to wetlands from development activities.

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

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or (804) 698-4021/TTY ☎

† **April 30, 2001 - 1:30 p.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 board in the development of a public participation regulation for the Total Maximum Daily Load and Water Quality Management Planning Processes, and the proposal to repeal the existing Water Quality Management Plan regulations.

Contact: Charles H. Martin, State Water Control Board, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136, (804) 698-4021/TTY ☎, e-mail chmartin@deq.state.va.us, homepage <http://www.deq.state.va.us/>.

† **June 6, 2001 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting of the State Water Control Board. Detailed agenda available approximately 7 days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

† **May 1, 2001 - 1 p.m.** -- Open Meeting
† **June 5, 2001 - 1 p.m.** -- Open Meeting
Offices of Palmer and Cay, 9020 Stony Point Parkway, Suite 200, Richmond ♿

The regular meeting of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board.

Contact: Fran Tarcen, Defined Contribution Analyst, Virginia Retirement System, Palmer and Cay, 9020 Stony Point Parkway, Suite 200, Richmond, VA 23235, telephone (804) 267-3216, FAX (804) 330-1386, e-mail fran_tarcen@palmercay.com.

† **May 16, 2001 - 3 p.m.** -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the following committees:
Audit and Compliance Committee
Benefits and Actuarial Committee
Investment Advisory Committee

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

† **May 17, 2001 - 8 a.m.** -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

The regular meeting of the Virginia Retirement System's Administration and Personnel Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

† **May 17, 2001 - 9 a.m.** -- Open Meeting
† **August 16, 2001 - 9 a.m.** -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

LEGISLATIVE

ADMINISTRATIVE LAW ADVISORY COMMITTEE

May 31, 2001 - 1 p.m. -- Open Meeting
 General Assembly Building, 9th and Broad Streets, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Subcommittee Studying the Hearing Officer System as it Relates to Appeals of Special Education Decisions, composed of four members of the ALAC, will hold a public hearing to elicit comment from the parents of disabled children and their attorneys, local school boards, hearing officers, and the interested public concerning the Virginia Department of Education's (VDOE) Regulations Governing Special Education Programs for Children with Disabilities that went into effect on January 1, 2001, and the VDOE's Internal Operational Procedures for Implementing Virginia's Special Education Regulations Relative to the Due Process Copies of the *Special Education Regulations* may be obtained by contacting the VDOE's Associate Director of Special Education and Student Services, Dr. Lissa Power-deFur, at (804) 255-2818. Copies of the Department's Internal Operational Procedures may be obtained by contacting the Director of the Office of Due Process and Complaints, Dr. Judy Douglas, at (804) 225-2013.

Interested persons are encouraged to submit written comments to the subcommittee prior to May 31, 2001, or at the time of the public hearing. The time allocated for oral presentation will be limited by the Chairman based on the number of individuals desiring to speak at the public hearing.

Contact: Bess Hodges, Program Coordinator, Administrative Law Advisory Committee, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail bhodges@leg.state.va.us.

VIRGINIA CODE COMMISSION

May 16, 2001 - 10 a.m. -- Open Meeting
 General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. 

A meeting to continue with the recodification of Title 63.1 of the Code of Virginia and to conduct any other business that may come before the commission. Public comment will be received at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591 FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

June 20, 2001 - 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.

Contact: Maria Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail meverett@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 23

- Education, Board of
 - Advisory Board on Teacher Education and Licensure
- Labor and Industry, Department of
 - Safety and Health Codes Board
- Nursing, Board of
 - Special Conference Committee

April 24

- Accountancy, Board of
- Alcoholic Beverage Control Board
- Arts, Virginia Commission for the
- Compensation Board
- † Conservation and Recreation, Department of
 - Virginia Outdoors Plan
- Marine Resources Commission
- Nursing, Board of
 - Special Conference Committee
- Psychology, Board of
 - Special Conference Committee
- Small Business Financing Authority, Virginia
 - Board of Directors

April 25

- † Aging, Commonwealth Council on
- At-Risk Youth and Families, Comprehensive Services for
 - State Executive Council
- Cemetery Board
 - Regulatory Review Committee
- † Conservation and Recreation, Department of
 - Virginia Outdoors Plan
- Contractors, Board for
 - Tradesman Committee
- Counseling, Board of
 - Regulatory Committee
- † Education, Board of
 - Accountability Advisory Committee
- Funeral Directors and Embalmers, Board of
 - Special Conference Committee
- Labor and Industry, Department of
 - Virginia Migrant and Seasonal Farmworkers Board
- Medicine, Board of
 - Informal Conference Committee
- † Museum of Fine Arts, Virginia

Calendar of Events

- Architect Search Committee
- Racing Commission, Virginia
- April 26**
- Arts, Virginia Commission for the
- Charitable Gaming Commission
- † Competition Council, Commonwealth
- † Conservation and Recreation, Department of
 - Virginia Outdoors Plan
- Counseling, Board of
 - Executive Committee
- Education, Board of
- † Geology, Board for
- Pharmacy, Board of
 - Special Conference Committee
- † Rights of Virginians with Disabilities, Department of
- † Water Control Board, State
 - Advisory Committee
- April 27**
- Counseling, Board of
- Dentistry, Board of
- Education, Board of
- April 30**
- † Water Control Board, State
 - Advisory Committee
- May 1**
- Agriculture and Consumer Services, Department of
 - Virginia State Apple Board
- Arts, Virginia Commission for the
- Hopewell Industrial Safety Council
- Museum of Fine Arts, Virginia
 - Executive Committee
- † Pharmacy, Board of
- † Retirement System, Virginia
 - Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board
- May 2**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
 - Architects Section
- Branch Pilots, Board for
- Real Estate Board
 - Education Committee
- May 3**
- Arts, Virginia Commission for the
- Branch Pilots, Board for
- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- Game and Inland Fisheries, Board of
- Medicine, Board of
 - Informal Conference Committee
- Real Estate Board
 - Fair Housing Committee
- May 4**
- Art and Architectural Review Board
- Arts, Virginia Commission for the
- † Health, State Board
- † Opticians, Board for
- May 7**
- † Waste Management Board, Virginia

- May 8**
- Alcoholic Beverage Control Board
- † Chesapeake Bay Local Assistance Board
 - Grant's Committee
- † Conservation and Recreation, Department of
 - Board on Conservation and Recreation of Public Beaches
- † Physical Therapy, Board of
 - Regulatory/Legislative Committee
- Resources Authority, Virginia
 - Board of Directors
- † Transportation Safety Board
- May 9**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
 - Professional Engineers Section
- Arts, Virginia Commission for the
- † Environmental Quality, Department of
 - Petroleum Storage Tank Fund Advisory Committee
- † Medicine, Board of
 - Advisory Committee on Acupuncture
 - Advisory Board on Radiologic Technology
- May 10**
- Arts, Virginia Commission for the
- † Criminal Justice Services Board
 - Committee on Training
- † Medicine, Board of
 - Advisory Board on Occupational Therapy
 - Advisory Board on Respiratory Care
- Virginia Military Institute
 - Appeals Committee
- May 11**
- † Agriculture and Consumer Services, Department of
 - Virginia Pork Industry Board
- † Library of Virginia
 - Library Services and Technology Act Advisory Council
- † Medicine, Board of
 - Advisory Board on Athletic Training
 - Advisory Board on Physician Assistants
- Virginia Military Institute
 - Academic Affairs Committee
 - Audit, Finance and Planning Committee
 - External Affairs Committee
 - Cadet Affairs Committee
 - Legislative Affairs Committee
 - Military Affairs Committee
 - Nominating Committee
- May 14**
- † Hearing Aid Specialists, Board for
- Old Dominion University
 - Executive Committee
- Rehabilitative Services, Board of
- May 15**
- † Environmental Quality, Department of
 - Ground Water Protection Steering Committee
- May 16**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of

- Land Surveyors Section
Code Commission, Virginia
- † Contractors, Board for
Medicine, Board of
 - Informal Conference Committee
- † Mines, Minerals and Energy, Department of
 - Coal Surface Mining Reclamation Fund Advisory Board
- Museum of Fine Arts, Virginia
 - Architect Search Committee
 - Communications and Marketing Committee
 - Education and Programs Committee
 - Exhibitions Committee
 - Legislative Committee
 - Planning Committee
- Retirement System, Virginia
 - Audit and Compliance Committee
 - Benefits and Actuarial Committee
 - Investment Advisory Committee
- † Transportation Board, Commonwealth

May 17

- Asbestos and Lead, Virginia Board for
- † Audiology and Speech-Language Pathology, Board of
- † Medical Assistance Services, Department of
 - Virginia Medicaid Drug Utilization Review Board
- Museum of Fine Arts, Virginia
 - Buildings and Grounds Committee
 - Collections Committee
 - Finance Committee
- Retirement System, Virginia
- Technology Services, Council on
- † Transportation Board, Commonwealth

May 21

- Design-Build/Construction Management Review Board
- Nursing, Board of

May 22

- Compensation Board
- † Higher Education for Virginia, State Council of
Marine Resources Commission

May 23

- Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of
 - Landscape Architects Section
- † Environmental Quality, Department of
 - Petroleum Storage Tank Fund Advisory Committee
- Nursing, Board of

May 24

- † Air Pollution Control Board, State
- Jamestown-Yorktown Foundation
 - Board of Trustees
- Nursing, Board of

May 25

- Jamestown-Yorktown Foundation
 - Board of Trustees
- Medicine, Board of
 - Informal Conference Committee
 - Legislative Committee

May 30

- Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of
 - Certified Interior Designers Section

- † At-Risk Youth and Families, Comprehensive Services for
 - State Executive Council

May 31

- † Medicine, Board of
 - Informal Conference Committee

June 1

- Art and Architectural Review Board

June 4

- † Barbers and Cosmetology, Board for
- † Voluntary Formulary Board, Virginia

June 5

- Hopewell Industrial Safety Council
- Nursing, Board of
 - Special Conference Committee
- † Retirement System, Virginia
 - Volunteer Firefighters' and Rescue Squad Workers'
Service Award Fund Board

June 6

- Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of
- † Environmental Quality, Department of
 - Petroleum Storage Tank Fund Advisory Committee
- † Water Control Board, State

June 7

- † Medicine, Board of

June 9

- † Blind and Vision Impaired, Department for the
 - Statewide Rehabilitation Council for the Blind

June 11

- † Labor and Industry, Department of
 - Safety and Health Codes Board

June 12

- Nursing, Board of
 - Special Conference Committee
- Resources Authority, Virginia
 - Board of Directors

June 13

- Polygraph Examiners Advisory Board

June 14

- Old Dominion University
 - Board of Visitors

June 18

- Design-Build/Construction Management Review Board
- Nursing, Board of
 - Special Conference Committee

June 19

- Marine Resources Commission
- Museum of Fine Arts, Virginia
 - Executive and Finance Committees
- Nursing, Board of
 - Special Conference Committee

June 20

- Education, Board of
 - Accountability Advisory Committee
- Freedom of Information Advisory Council
- Nursing, Board of
 - Administration and Personnel Committee

Calendar of Events

- Special Conference Committee

June 21

Education, Board of

June 22

Education, Board of

June 26

Marine Resources Commission

June 27

† At-Risk Youth and Families, Comprehensive Services for
- State Executive Council

June 28

Nursing, Board of
- Special Conference Committee

July 16

† Nursing, Board of

July 18

† Nursing, Board of

July 19

† Nursing, Board of

July 25

† At-Risk Youth and Families, Comprehensive Services for
- State Executive Council

PUBLIC HEARINGS

April 23

† Rights of Virginians with Disabilities, Department of
- Developmental Disabilities Advisory Council

May 2

† Environmental Quality, Department of

May 3

Air Pollution Control Board, State

May 7

† Professional and Occupational Regulation, Board for

May 9

† Environmental Quality, Department of

May 10

† Environmental Quality, Department of

May 14

Local Government, Commission on

May 31

Administrative Law Advisory Committee