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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2001 VAC Supplement includes final regulations published through *Virginia Register* Volume 17, Issue 21, dated July 2, 2001). 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 1. Administration			
1 VAC 17-20-10	Amended	17:24 VA.R. 3556	9/12/01
1 VAC 17-20-40	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-70	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-110	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-180	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-210	Amended	17:24 VA.R. 3557	9/12/01
1 VAC 17-20-250	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-270	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-280	Amended	17:24 VA.R. 3558	9/12/01
1 VAC 17-20-310	Amended	17:24 VA.R. 3558	9/12/01
Title 4. Conservation and Natural Resources			
4 VAC 20-70-120	Amended	18:5 VA.R. 726	12/1/01
4 VAC 20-380-20	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-380-50	Amended	17:23 VA.R. 3455	7/1/01
4 VAC 20-398-10 through 4 VAC 20-398-90	Added	18:6 VA.R. 875-877	11/1/01
4 VAC 20-510-20	Amended	18:5 VA.R. 726	1/1/02
4 VAC 20-610-30	Amended	17:23 VA.R. 3456	7/1/01
4 VAC 20-610-40	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-610-60	Amended	18:8 VA.R. 1103	1/1/02
4 VAC 20-620-10 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-30	Amended	18:8 VA.R. 1104	12/1/01
4 VAC 20-620-40 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-40	Amended	18:8 VA.R. 1105	12/1/01
4 VAC 20-670-20	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-30	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-670-40	Amended	18:1 VA.R. 31	9/15/01
4 VAC 20-720-20	Amended	18:3 VA.R. 354	10/1/01
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	18:3 VA.R. 354-357	10/1/01
4 VAC 20-890-25	Amended	17:23 VA.R. 3457	7/1/01
4 VAC 20-910-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-950-45	Amended	18:3 VA.R. 357	10/1/01
4 VAC 20-970-30	Amended	18:5 VA.R. 727	1/1/02
4 VAC 25-30 (Forms)	Amended	18:8 VA.R. 1130	--
4 VAC 25-130 (Forms)	Amended	17:23 VA.R. 3473	--
4 VAC 25-130 (Forms)	Amended	18:8 VA.R. 1130	--
Title 5. Corporations			
5 VAC 5-30-10 through 5 VAC 5-30-70	Added	17:22 VA.R. 3312-3315	7/1/01
Title 8. Education			
8 VAC 20-120-10 through 8 VAC 20-120-50	Amended	18:8 VA.R. 1106-1108	1/31/02
8 VAC 20-120-60	Repealed	18:8 VA.R. 1108	1/31/02
8 VAC 20-120-70 through 8 VAC 20-120-160	Amended	18:8 VA.R. 1109-1111	1/31/02
8 VAC 20-120-170	Added	18:8 VA.R. 1111	1/31/02
8 VAC 20-160-10	Amended	18:5 VA.R. 728	12/19/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-160-30	Amended	18:5 VA.R. 728	12/19/01
8 VAC 20-160-40	Amended	18:5 VA.R. 729	12/19/01
Title 9. Environment			
9 VAC 5-10-20	Amended	18:7 VA.R. 998	2/1/02
9 VAC 5-20-21	Amended	18:7 VA.R. 1004	2/1/02
9 VAC 5-40-240	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-250	Amended	18:4 VA.R. 586	1/1/02
9 VAC 5-40-310	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-311	Amended	18:4 VA.R. 587	1/1/02
9 VAC 5-40-460	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-890	Amended	18:4 VA.R. 588	1/1/02
9 VAC 5-40-2930	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5210	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-5230	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8130	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-40-8150	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-400	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-50-410	Amended	18:7 VA.R. 1007	2/1/02
9 VAC 5-50-420	Amended	18:7 VA.R. 1011	2/1/02
9 VAC 5-60-60	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-80	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-90	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-100	Amended	18:7 VA.R. 1012	2/1/02
9 VAC 5-60-110	Amended	18:7 VA.R. 1016	2/1/02
9 VAC 5-80-10	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-370	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-390	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-1710	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 5-80-2010	Amended	18:7 VA.R. 1006	2/1/02
9 VAC 20-60-18	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70 Appendices I through VI	Repealed	18:3 VA.R. 377-388	11/21/01
9 VAC 20-70-10	Amended	18:3 VA.R. 359	11/21/01
9 VAC 20-70-41	Repealed	18:3 VA.R. 361	11/21/01
9 VAC 20-70-50 through 9 VAC 20-70-75	Amended	18:3 VA.R. 362-363	11/21/01
9 VAC 20-70-81	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-90	Amended	18:3 VA.R. 363	11/21/01
9 VAC 20-70-111	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-112	Amended	18:3 VA.R. 364	11/21/01
9 VAC 20-70-113	Amended	18:3 VA.R. 365	11/21/01
9 VAC 20-70-150 through 9 VAC 20-70-230	Amended	18:3 VA.R. 366-376	11/21/01
9 VAC 20-70-240	Repealed	18:3 VA.R. 376	11/21/01
9 VAC 20-70-250	Amended	18:3 VA.R. 376	11/21/01
9 VAC 20-70-260	Amended	18:3 VA.R. 377	11/21/01
9 VAC 20-70-280	Repealed	18:3 VA.R. 377	11/21/01
9 VAC 20-70-290	Added	18:3 VA.R. 377	11/21/01
9 VAC 20-130 (Forms)	Added	17:26 VA.R. 3758-3759	--
9 VAC 20-130 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 20-190-10 through 9 VAC 20-190-80	Added	18:3 VA.R. 389-390	11/21/01
9 VAC 25-31 (Forms)	Amended	18:6 VA.R. 909	--
9 VAC 25-210-80	Erratum	17:24 VA.R. 3604	--
9 VAC 25-430-20	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-30	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-430-60	Amended	17:25 VA.R. 3657	9/26/01
9 VAC 25-650-10 through 9 VAC 25-650-200	Added	18:4 VA.R. 590-604	12/5/01
9 VAC 25-650-50	Erratum	18:7 VA.R. 1064	--
9 VAC 25-660-10 through 9 VAC 25-660-100	Added	17:22 VA.R. 3316-3327	10/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-670-10 through 9 VAC 25-670-100	Added	17:22 VA.R. 3328-3344	10/1/01
9 VAC 25-680-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-50	Erratum	17:24 VA.R. 3604	--
9 VAC 25-680-100	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-30	Erratum	17:24 VA.R. 3604	--
9 VAC 25-690-40	Erratum	17:24 VA.R. 3604	--
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	17:22 VA.R. 3345	7/1/01
10 VAC 5-20-30	Amended	17:22 VA.R. 3346	6/27/01
10 VAC 5-40-30	Added	18:8 VA.R. 1111	12/15/01
Title 12. Health			
12 VAC 5-218-10 through 12 VAC 5-218-90 emer	Added	18:4 VA.R. 634-637	11/1/01-10/31/02
12 VAC 5-408-10 through 12 VAC 5-408-360	Amended	18:8 VA.R. 1112-1120	1/30/02
12 VAC 30-10-631	Added	18:7 VA.R. 1016	1/16/02
12 VAC 30-10-640	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-30-10	Amended	18:7 VA.R. 1016	1/16/02
12 VAC 30-40-220	Amended	18:7 VA.R. 1020	1/16/02
12 VAC 30-50-20	Amended	18:7 VA.R. 1022	1/16/02
12 VAC 30-50-30	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-60	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-70	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-100	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-100	Amended	18:7 VA.R. 1023	1/16/02
12 VAC 30-50-105	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-105	Amended	18:7 VA.R. 1025	1/16/02
12 VAC 30-50-140	Amended	18:6 VA.R. 882	1/2/02
12 VAC 30-50-140	Amended	18:7 VA.R. 1027	1/16/02
12 VAC 30-50-210	Amended	18:4 VA.R. 605	12/5/01
12 VAC 30-50-229.1	Amended	18:7 VA.R. 1028	1/16/02
12 VAC 30-50-260	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-60-21	Added	18:6 VA.R. 883	1/2/02
12 VAC 30-60-170	Amended	18:7 VA.R. 1031	1/16/02
12 VAC 30-70-120	Repealed	18:6 VA.R. 883	1/2/02
12 VAC 30-70-201	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-420	Amended	18:6 VA.R. 883	1/2/02
12 VAC 30-70-420	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-70-435	Amended	18:7 VA.R. 1032	1/16/02
12 VAC 30-120-210 emer	Amended	18:5 VA.R. 743	10/17/01-10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-215 emer	Added	18:5 VA.R. 745-751	10/17/01-10/16/02
12 VAC 30-120-220 emer	Amended	18:5 VA.R. 752	10/17/01-10/16/02
12 VAC 30-120-230 emer	Amended	18:5 VA.R. 755	10/17/01-10/16/02
12 VAC 30-120-240 emer	Amended	18:5 VA.R. 758	10/17/01-10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249 emer	Added	18:5 VA.R. 760-771	10/17/01-10/16/02
12 VAC 30-120-250 emer	Amended	18:5 VA.R. 771	10/17/01-10/16/02
12 VAC 30-120-251 through 12 VAC 30-120-255 emer	Added	18:5 VA.R. 772-777	10/17/01-10/16/02
12 VAC 30-120-258 emer	Added	18:5 VA.R. 777	10/17/01-10/16/02
12 VAC 30-120-259 emer	Added	18:5 VA.R. 778	10/17/01-10/16/02
12 VAC 30-120-360 emer	Amended	18:8 VA.R. 1123	12/1/01-11/30/02
12 VAC 30-120-370 emer	Amended	18:8 VA.R. 1124	12/1/01-11/30/02
12 VAC 30-120-380 emer	Amended	18:8 VA.R. 1126	12/1/01-11/30/02
12 VAC 30-120-385 emer	Repealed	18:8 VA.R. 1127	12/1/01-11/30/02
12 VAC 30-120-390 through 420 emer	Amended	18:8 VA.R. 1127-1129	12/1/01-11/30/02
12 VAC 30-141-10 et seq. emer	Added	17:25 VA.R. 3660-3670	8/1/01-7/31/02
12 VAC 30-141-100 emer	Amended	17:26 VA.R. 3757	8/22/01-7/31/02
12 VAC 35-110	Repealed	18:3 VA.R. 391	11/21/01
12 VAC 35-115-10 through 12 VAC 35-115-250	Added	18:3 VA.R. 392-414	11/21/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-250	Erratum	18:6 VA.R. 911	--
12 VAC 35-120	Repealed	18:3 VA.R. 414	11/21/01
12 VAC 35-130	Repealed	18:3 VA.R. 415	11/21/01
Title 13. Housing			
13 VAC 5-175-10	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-20	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-30	Amended	18:7 VA.R. 1033	1/1/02
13 VAC 5-175-40	Amended	18:7 VA.R. 1034	1/1/02
13 VAC 10-40-30	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-110	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-130	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-190	Amended	17:22 VA.R. 3347	6/20/01
13 VAC 10-40-230	Amended	17:22 VA.R. 3347	6/20/01
Title 14. Insurance			
14 VAC 5-170-20	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-30	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-70	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-90	Amended	17:24 VA.R. 3559	9/1/01
14 VAC 5-170-105	Amended	17:24 VA.R. 3562	9/1/01
14 VAC 5-170-120	Amended	17:24 VA.R. 3563	9/1/01
14 VAC 5-170-130	Amended	17:24 VA.R. 3565	9/1/01
14 VAC 5-170-150	Amended	17:24 VA.R. 3566	9/1/01
14 VAC 5-170-180	Amended	17:24 VA.R. 3566	9/1/01
Appendix D	Added	17:24 VA.R. 3566	9/1/01
14 VAC 5-200-20 through 14 VAC 5-200-40	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-70	Amended	18:6 VA.R. 885	2/1/02
14 VAC 5-200-75	Added	18:6 VA.R. 885	2/1/02
14 VAC 5-200-80	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-160	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-200-175	Amended	18:6 VA.R. 886	2/1/02
14 VAC 5-210-70	Amended	18:7 VA.R. 1035	12/1/01
14 VAC 5-300-90	Amended	17:22 VA.R. 3347	8/1/01
14 VAC 5-330-10	Repealed	18:3 VA.R. 415	12/31/01
Title 15. Judicial			
15 VAC 10-10	Amended	18:8 VA.R. 1120	12/3/01
Title 16. Labor and Employment			
16 VAC 25-60-50	Repealed	18:5 VA.R. 729	12/31/01
16 VAC 25-60-60	Repealed	18:5 VA.R. 730	12/31/01
16 VAC 25-60-70	Repealed	18:5 VA.R. 731	12/31/01
16 VAC 25-85-1904.0 through 16 VAC 25-85-1904.09	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.10 (a)&(b)	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.10 (c)	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.11	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.12	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.13 through 16 VAC 25-85-1904.28	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 except (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-85-1904.29 (b)(7)(vi) second sentence	Amended	18:5 VA.R. 731	1/1/03
16 VAC 25-85-1904.30 through 1904.46	Amended	18:5 VA.R. 731	1/1/02
16 VAC 25-90-1910.1030	Amended	17:23 VA.R. 3459	9/15/01
16 VAC 25-90-1910.1043	Amended	17:23 VA.R. 3458	9/15/01
16 VAC 25-175-1926.750 through 16 VAC 25-175-1926.759	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.760 (d) & (e)	Amended	18:5 VA.R. 732	1/18/02

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16 VAC 25-175-1926.761	Amended	18:5 VA.R. 732	1/18/02
16 VAC 25-175-1926.500	Amended	18:5 VA.R. 732	1/18/02
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-10	Amended	18:7 VA.R. 1036	1/16/02
18 VAC 5-21-20	Amended	18:7 VA.R. 1035	1/1/02
18 VAC 5-21-30 through 18 VAC 5-21-70	Amended	18:7 VA.R. 1038-1042	1/16/02
18 VAC 5-21-90	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-120	Amended	18:7 VA.R. 1042	1/16/02
18 VAC 5-21-170	Amended	18:7 VA.R. 1043	1/16/02
18 VAC 10-20-10	Amended	18:7 VA.R. 1045	3/1/02
18 VAC 10-20-15	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-20	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-30	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-40	Amended	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-55	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-75	Added	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-100	Repealed	18:7 VA.R. 1046	3/1/02
18 VAC 10-20-110 through 18 VAC 10-20-170	Amended	18:7 VA.R. 1046-1049	3/1/02
18 VAC 10-20-180	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-190 through 18 VAC 18 VAC 10-20-220	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-240	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-250	Repealed	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-260	Amended	18:7 VA.R. 1049	3/1/02
18 VAC 10-20-270	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-280	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-290	Repealed	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-295	Added	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-300	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-310	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-320	Amended	18:7 VA.R. 1050	3/1/02
18 VAC 10-20-340 through 18 VAC 10-20-380	Amended	18:7 VA.R. 1050-1052	3/1/02
18 VAC 10-20-400	Amended	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-410	Repealed	18:7 VA.R. 1052	3/1/02
18 VAC 10-20-420 through 18 VAC 10-20-450	Amended	18:7 VA.R. 1052-1053	3/1/02
18 VAC 10-20-480	Repealed	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-490	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-505	Amended	18:7 VA.R. 1053	3/1/02
18 VAC 10-20-530 through 18 VAC 10-20-570	Amended	18:7 VA.R. 1053-1054	3/1/02
18 VAC 10-20-590 through 18 VAC 10-20-620	Amended	18:7 VA.R. 1054-1055	3/1/02
18 VAC 10-20-640	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-650	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-660	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-680	Amended	18:7 VA.R. 1055	3/1/02
18 VAC 10-20-720	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-740	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-750	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-760	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 10-20-780	Amended	18:7 VA.R. 1056	3/1/02
18 VAC 15-20	Erratum	18:7 VA.R. 1064	--
18 VAC 15-20-10	Amended	18:6 VA.R. 887	1/2/02
18 VAC 15-20-20	Amended	18:6 VA.R. 888	1/2/02
18 VAC 15-20-21	Added	18:6 VA.R. 890	1/2/02
18 VAC 15-20-30 through 18 VAC 15-20-90	Amended	18:6 VA.R. 890-893	1/2/02
18 VAC 15-20-100	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-101	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-110	Amended	18:6 VA.R. 893	1/2/02

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18 VAC 15-20-120 through 18 VAC 15-20-140	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-150	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-160 through 18 VAC 15-20-240	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-250	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-251	Added	18:6 VA.R. 893	1/2/02
18 VAC 15-20-260	Repealed	18:6 VA.R. 893	1/2/02
18 VAC 15-20-270	Amended	18:6 VA.R. 893	1/2/02
18 VAC 15-20-271	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-280	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-290	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-291	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-300 through 18 VAC 15-20-320	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-330	Amended	18:6 VA.R. 894	1/2/02
18 VAC 15-20-331	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-332	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-340 through 18 VAC 15-20-360	Repealed	18:6 VA.R. 894	1/2/02
18 VAC 15-20-361	Added	18:6 VA.R. 894	1/2/02
18 VAC 15-20-370 through 18 VAC 15-20-390	Repealed	18:6 VA.R. 895	1/2/02
18 VAC 15-20-400 through 18 VAC 15-20-450	Amended	18:6 VA.R. 895	1/2/02
18 VAC 15-20-451 through 18 VAC 15-20-455	Added	18:6 VA.R. 895-896	1/2/02
18 VAC 15-20-455.1	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-456 through 18 VAC 15-20-459	Added	18:6 VA.R. 896	1/2/02
18 VAC 15-20-459.1 through 18 VAC 15-20-459.15	Added	18:6 VA.R. 896-897	1/2/02
18 VAC 15-20-460 through 18 VAC 15-20-500	Amended	18:6 VA.R. 897-899	1/2/02
18 VAC 15-20-510	Repealed	18:6 VA.R. 899	1/2/02
18 VAC 15-20-511	Added	18:6 VA.R. 899	1/2/02
18 VAC 15-20-520 through 18 VAC 15-20-610	Amended	18:6 VA.R. 899-900	1/2/02
18 VAC 15-20-620 through 18 VAC 15-20-690	Repealed	18:6 VA.R. 900	1/2/02
18 VAC 15-20-700 through 18 VAC 15-20-880	Amended	18:6 VA.R. 900-907	1/2/02
18 VAC 15-20-890 through 18 VAC 15-20-960	Repealed	18:6 VA.R. 908	1/2/02
18 VAC 25-21-10 through 18 VAC 25-21-70	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-90	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-110	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-180	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-200	Amended	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-210	Added	18:7 VA.R. 1058	2/1/02
18 VAC 25-21-220	Added	18:7 VA.R. 1059	2/1/02
18 VAC 50-30-10	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-20	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-40	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-50	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-90	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 50-30-90	Erratum	18:4 VA.R. 658	--
18 VAC 50-30-200	Amended	17:26 VA.R. 3756	11/1/01
18 VAC 60-10-10 through 18 VAC 60-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 60-20-10 emer	Amended	18:5 VA.R. 780	12/1/01-10/30/02
18 VAC 60-20-250 through 18 VAC 60-20-330 emer	Added	18:5 VA.R. 780-782	12/1/01-10/30/02
18 VAC 75-10-10	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-20	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-30	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-40	Amended	17:26 VA.R. 3756	10/10/01

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18 VAC 75-10-60	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-70	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-80	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 75-10-100	Amended	17:26 VA.R. 3756	10/10/01
18 VAC 85-20-131	Amended	18:4 VA.R. 607	12/5/01
18 VAC 85-110-100	Amended	18:4 VA.R. 607	12/5/01
18 VAC 90-20-36	Added	18:7 VA.R. 1059	1/16/02
18 VAC 95-10-10 through 18 VAC 95-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 95-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-10 through 18 VAC 105-10-40	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-60	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-70	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-80	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 105-10-100	Amended	17:24 VA.R. 3566	9/12/01
18 VAC 112-10-10 through 18 VAC 112-10-120	Added	18:5 VA.R. 733	12/19/01
18 VAC 112-20-10	Amended	17:25 VA.R. 3657	9/12/01
18 VAC 112-20-10 emer	Amended	18:3 VA.R. 429	11/1/01-10/31/02
18 VAC 112-20-90	Amended	17:25 VA.R. 3658	9/12/01
18 VAC 112-20-130 emer	Amended	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-131 emer	Added	18:3 VA.R. 430	11/1/01-10/31/02
18 VAC 112-20-135 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-135	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-136 emer	Added	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-140 emer	Amended	18:3 VA.R. 431	11/1/01-10/31/02
18 VAC 112-20-150	Amended	18:8 VA.R. 1121	1/30/02
18 VAC 112-20-151	Added	18:8 VA.R. 1121	1/30/02
18 VAC 115-10-10	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-20	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-30	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-40	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-60	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-70	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-80	Amended	18:1 VA.R. 32	10/24/01
18 VAC 115-10-100	Amended	18:1 VA.R. 32	10/24/01
18 VAC 145-20-10	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-20 through 18 VAC 145-20-50	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-70	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-80	Repealed	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-90	Amended	18:7 VA.R. 1059	1/16/02
18 VAC 145-20-91	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-100	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-110	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-111	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-120	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-130	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-140	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-150	Repealed	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-151	Added	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-160	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 145-20-170	Amended	18:7 VA.R. 1060	1/16/02
18 VAC 150-10-10 through 18 VAC 150-10-40	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-60	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-70	Amended	17:24 VA.R. 3567	9/12/01

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 150-10-80	Amended	17:24 VA.R. 3567	9/12/01
18 VAC 150-10-100	Amended	17:24 VA.R. 3567	9/12/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-312-10 through 20 VAC 5-312-110	Added	17:22 VA.R. 3351-3364	8/1/01
20 VAC 5-312-10	Amended	18:4 VA.R. 613	10/10/01
20 VAC 5-312-10	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-70	Amended	18:4 VA.R. 614	10/10/01
20 VAC 5-312-70	Erratum	18:7 VA.R. 1064	--
20 VAC 5-312-80	Amended	18:4 VA.R. 615	10/10/01
20 VAC 5-312-80	Erratum	18:7 VA.R. 1064	--
20 VAC 5-325-10 through 20 VAC 5-325-110	Added	17:23 VA.R. 3464-3466	7/1/01
20 VAC 5-400-10 through 20 VAC 5-400-60	Repealed	18:4 VA.R. 619-628	10/17/01
20 VAC 5-400-100 through 20 VAC 5-400-170	Repealed	18:4 VA.R. 629	10/17/01
20 VAC 5-400-190	Repealed	18:4 VA.R. 630	10/17/01
20 VAC 5-400-200	Repealed	18:4 VA.R. 632	10/17/01
20 VAC 5-401-10 through 20 VAC 5-401-50	Added	18:4 VA.R. 619-620	10/17/01
20 VAC 5-403-10 through 20 VAC 5-403-70	Added	18:4 VA.R. 621-627	10/17/01
20 VAC 5-405-10 through 20 VAC 5-405-130	Added	18:5 VA.R. 735-736	10/23/01
20 VAC 5-409-10 through 20 VAC 5-409-70	Added	18:4 VA.R. 627-628	10/17/01
20 VAC 5-411-10 through 20 VAC 5-411-90	Added	18:4 VA.R. 628-629	10/17/01
20 VAC 5-413-10 through 20 VAC 5-413-40	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-10	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-415-20	Added	18:4 VA.R. 629	10/17/01
20 VAC 5-419-10 through 20 VAC 5-419-40	Added	18:4 VA.R. 630-632	10/17/01
20 VAC 5-421-10	Added	18:4 VA.R. 632	10/17/01
20 VAC 5-421-20	Added	18:4 VA.R. 632	10/17/01
Title 22. Social Services			
22 VAC 20-30-10 through 22 VAC 20-30-60	Amended	17:23 VA.R. 3466-3468	*
22 VAC 20-30-70	Repealed	17:23 VA.R. 3468	*
22 VAC 20-30-80 through 22 VAC 20-30-140	Amended	17:23 VA.R. 3468-3469	*
22 VAC 20-30-150	Added	17:23 VA.R. 3469	*
22 VAC 40-71-10 emer	Amended	17:24 VA.R. 3568	10/9/01-10/8/02
22 VAC 40-71-20 emer	Amended	17:24 VA.R. 3571	10/9/01-10/8/02
22 VAC 40-71-30 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-50 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-60 emer	Amended	17:24 VA.R. 3572	10/9/01-10/8/02
22 VAC 40-71-80 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-90 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-110 emer	Amended	17:24 VA.R. 3573	10/9/01-10/8/02
22 VAC 40-71-130 emer	Amended	17:24 VA.R. 3574	10/9/01-10/8/02
22 VAC 40-71-150 through 22 VAC 40-71-180 emer	Amended	17:24 VA.R. 3574-3579	10/9/01-10/8/02
22 VAC 40-71-210 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-270 emer	Amended	17:24 VA.R. 3579	10/9/01-10/8/02
22 VAC 40-71-275 emer	Added	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-280 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-290 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-310 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-330 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-360 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-410 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-440 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-450 emer	Amended	17:24 VA.R. 3580	10/9/01-10/8/02
22 VAC 40-71-460 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02

* Effective date suspended in 18:1 VA.R. 32.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-480 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-490 emer	Amended	17:24 VA.R. 3581	10/9/01-10/8/02
22 VAC 40-71-530 through 22 VAC 40-71-600 emer	Amended	17:24 VA.R. 3582-3584	10/9/01-10/8/02
22 VAC 40-71-630 through 22 VAC 40-71-700 emer	Amended	17:24 VA.R. 3584-3589	10/9/01-10/8/02
22 VAC 40-560	Repealed	18:5 VA.R. 736	12/19/01
22 VAC 40-690 (Forms)	Amended	18:7 VA.R. 1061	--
22 VAC 40-705-10 emer	Amended	18:5 VA.R. 784	1/1/02-12/31/02
22 VAC 40-705-40 through 22 VAC 40-705-90 emer	Amended	18:5 VA.R. 786-790	1/1/02-12/31/02
22 VAC 40-705-110 through 22 VAC 40-705-160 emer	Amended	18:5 VA.R. 790-794	1/1/02-12/31/02
22 VAC 40-705-180 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-705-190 emer	Amended	18:5 VA.R. 794	1/1/02-12/31/02
22 VAC 40-730-10	Erratum	17:25 VA.R. 3679	--
22 VAC 40-790	Repealed	18:5 VA.R. 736	12/19/01
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-30 emer	Amended	18:3 VA.R. 433	9/21/01-9/20/02
24 VAC 30-40	Repealed	18:3 VA.R. 416	11/21/01
24 VAC 30-41-10 through 24 VAC 30-41-760	Added	18:3 VA.R. 416-427	11/21/01
24 VAC 30-71-160	Amended	18:5 VA.R. 737	12/19/01
24 VAC 30-260-10 et seq.	Repealed	17:25 VA.R. 3658	7/26/01
24 VAC 30-370-10 et seq.	Repealed	17:24 VA.R. 3567	9/12/01
24 VAC 30-520-10	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-520-20	Amended	17:25 VA.R. 3658	7/26/01
24 VAC 30-540-10	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-20	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-30	Added	17:23 VA.R. 3472	6/29/01
24 VAC 30-540-40	Added	17:23 VA.R. 3472	6/29/01

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 § 2.2-4007 of the Code of Virginia that the Commissioner of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use Under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act. The agency invites comment on whether there should be an adviser.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 58.1-3230 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Lawrence Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-7679 or e-mail lredford@vdacs.state.va.us.

VA.R. Doc. No. R02-79; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-340. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to repeal the weights and measures regulation. Amendments to the Virginia Weights and Measures Law by the 1993 Session of the General Assembly have rendered the regulation ineffective. The 1993 amendments included the adoption by reference of sections of the National Institute of Standards and

Technology (NIST), Handbook 130. The adopted sections of Handbook 130 replaced and eliminated the need for regulations addressing labeling and method of sale. All remaining provisions are obsolete or are adequately addressed by other state laws or regulations. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-80; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-380. Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including extending the complaint deadline. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-81; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-390. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including clarifying 2 VAC 5-390-10, Methods of Inspecting, Sampling, Testing, and Application Tolerances; repealing 2 VAC 5-390-60, Weed Seeds and 2 VAC 5-390-100, Origin; creating a new section to require the labeling of transgenic seed; and adding a section to allow the

Notices of Intended Regulatory Action

sale and distribution of certain second-generation hybrid (F2) seed. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-82; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-420. Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need. Among matters to be considered are amendments to address changes in the marketplace and technology now in use in the petroleum industry; modify the specifications for gasoline and diesel fuel to update all product specifications and testing methods of the American Society of Testing and Materials; establish minimum standards for all gasoline and diesel fuel sold in the Commonwealth; delete certain outdated provisions; amend the registration requirements of gasoline and diesel fuel to comply with the 1992 amendments to the Motor Fuels and Lubricating Oils Law; and update the notation for documents incorporated by reference to reflect all documents incorporated by the aforementioned actions. Since the amendments would be extensive, it is recommended that the amendment be accomplished by the repeal of the existing regulation and by the adoption of a new regulation concurrently. The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 59.1-156 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 786-1571, or e-mail jrogers@vdacs.state.va.us.

VA.R. Doc. No. R02-84; Filed November 15, 2001, 3:55 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-470. Rules and Regulations Pertaining to**

the Registration and Certification of Grape Nursery Stock. Virginia grape nursery stock growers have shown no interest in participation in this voluntary program for over 10 years. This lack of interest is attributed to the realization that virus-free certified grape nursery stock does not bring any economic benefit when offering the stock for sale. Grape nursery stock that is not certified as virus-free must still meet pest cleanliness requirements or "apparent disease-free" status for interstate movement as required by the Plants and Plant Products Inspection Law (§ 3.1-188.32 et seq. of the Code of Virginia). The agency invites comment on whether there should be an advisor.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Public comments may be submitted until 5 p.m., March 18, 2002.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793, or e-mail ffulgham@vdacs.state.va.us.

VA.R. Doc. No. R02-83; Filed November 15, 2001, 3:55 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Additional Public Comment Period

The State Water Control Board is receiving additional public comment on the Notice of Intended Regulatory Action for 9 VAC 25-760, James River (Richmond Regional West) Surface Water Management Area, published in 18:3 VA.R. 242-244 October 22, 2001. Additional comments will be accepted until January 16, 2002.

Contact: Erlinda Patron, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, e-mail elpatron@deq.state.va.us.

VA.R. Doc. No. R02-14; Filed November 28, 2001, 11:43 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waivered Services (Managed Care: Medallion and Medallion II).** The purpose of the proposed

Notices of Intended Regulatory Action

action is to promulgate program changes affecting inclusion of foster care or subsidized adoption children into managed care, update the definition of emergency services, shorten the time for the preassigned process, reduce clients' options for at-will changing of primary care physicians, incorporate provider contract changes, and remove the regulatory requirement for the "carve out" of mental health services in Northern Virginia.

The agency does not intend to hold a public hearing after publication.

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

Public comments may be submitted until January 30, 2002.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

VA.R. Doc. No. R02-85; Filed November 30, 2001, 10:10 a.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-11. Public Participation Guidelines**. The purpose of the proposed action is to update provisions to include the use of electronic technology to facilitate public participation in rulemaking and to clarify the legal authority for promulgating regulations.

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

Statutory Authority: §§ 2.2-4007 and 37.1-10 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

VA.R. Doc. No. R02-77; Filed November 14, 2001, 1:43 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider amending regulations entitled: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children**. The purpose of the proposed action is to amend the regulations to eliminate standards that duplicate other regulations and to revise and update the provisions.

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

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

Contact: Leslie Anderson, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-1747 or FAX (804) 692-0066.

VA.R. Doc. No. R02-78; Filed November 14, 2001, 1:43 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARDS OF NURSING AND MEDICINE

Additional Public Comment Period

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners**. The purpose of the proposed action is to seek additional comment on the recommendation to amend the regulation governing prescriptive authority for nurse practitioners to provide less burdensome requirements for site visits and chart reviews by supervising physicians, to make certain changes related to expanded prescriptive authority, and to clarify requirements or terminology which are not easily understood. The Notice of Intended Regulatory Action was originally published in 17:10 VA.R. 1449 January 1, 2001.

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

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R01-83; Filed November 20, 2001, 2:56 p.m.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider promulgating regulations entitled: **22 VAC**

40-135. Treatment Foster Care Standards for Child Placing Agencies. Treatment foster care providers are currently regulated by two different sets of regulations. This regulation will consolidate these two sets of regulations into one, streamlining the department's regulatory oversight of these agencies and creating a more comprehensive regulation. The regulation will apply to all licensed child placing agencies that wish to provide treatment foster care services, whether or not they apply for certification as a Medicaid enrolled provider of treatment foster care case management services and to localities who elect to apply for licensing certification. The regulation enables agencies to become certified to receive reimbursement for treatment foster case management services through Medicaid. The regulation will provide clarification and reduce confusion regarding certification and eligibility for Medicaid reimbursement of treatment foster care case management services. Certification will allow agencies to access an alternative funding source.

The new regulation will meet the requirements of all new federal and state legislation since 2000. Several important criteria will be included to evaluate when making a decision to approve a family for treatment foster care. To comply with the Multiethnic Placement Act, standards will be included stating that placement decisions for children may not be based solely on race. Standards will be included to cover staff training, foster home placement agreements and the scope and applicability of this regulation. Certain information will be required prior to admission of the child. Requirements for maintaining confidentiality will be delineated. Agencies will be required to collect data on and periodically evaluate their programs and services.

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

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public comments may be submitted until February 13, 2002.

Contact: Doris Jenkins, Manager, Child Welfare Licensing Unit, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773 or FAX (804) 692-2429.

VA.R. Doc. No. R02-100; Filed December 12, 2001, 1:44 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-705. Child Protective Services.** The purpose of the proposed action is to strengthen the regulations, particularly in the areas of case documentation and child fatality protocols.

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

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

Public comments may be submitted until February 13, 2002.

Contact: Betty Jo Zarris, CPS Policy Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1220 or FAX (804) 692-2215.

VA.R. Doc. No. R02-104; Filed December 20, 2001, 2:35 p.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Motor Vehicles intends to consider amending regulations entitled: **24 VAC 20-70. Regulations Governing Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The purpose of the proposed action is to amend 24 VAC 20-70-30 by removing subsection D, thereby eliminating acceptability and use of the Residency Certification Form (DL-51) in the application process for driver's licenses and photo identification cards.

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

Statutory Authority: §§ 46.2-203, 46.2-323 and 46.2-345 of the Code of Virginia.

Public comments may be submitted until January 16, 2002.

Contact: Thomas P. Falat, Assistant Commissioner, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone, (804) 367-1848, FAX (804) 367-6631 or toll-free 1-800-272-9268.

VA.R. Doc. No. R02-76; Filed November 21, 2001, 12:05 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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulation filed by the State Water Control Board is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 9 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of Title 62.1 if the board: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007 B; (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action, 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 § 2.2-4007; and (iv) conducts at least one public hearing on the proposed general permit.

Title of Regulation: **9 VAC 25-194. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Car Wash Facilities (amending 9 VAC 25-194-10 and 9 VAC 25-194-40 through 9 VAC 25-194-70; repealing 9 VAC 25-194-80).**

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

Public Hearing Date: February 20, 2002 - 10 a.m.

Public comments may be submitted until March 15, 2002 - 4 p.m.

(See Calendar of Events section for additional information)

Agency Contact: George Cosby, Environmental Engineer, Department of Environmental Quality, Office of Water Permit Programs, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032 or e-mail gecosby@deq.state.va.us.

Summary:

This regulation establishes 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 proposed regulatory action reissues this general permit in order to continue making the permit available for car washes after October 15, 2002. This is a reissuance of an existing regulation, and the only changes to the regulation are designed to clarify the intent of the regulation. The proposed changes and rationale are: (i) the EPA reopener special condition was removed because car wash facilities are not listed as a primary industry in accordance with 40 CFR Part 122, Appendix A; (ii) the

notification levels special condition was added because it is required by the VPDES Permit Regulation, 9 VAC 25-31-200 A, for all-manufacturing, commercial, mining and silvicultural dischargers; (iii) Part II K 1 Registration Statement was revised to reflect changes in signature requirements in accordance with the VPDES Permit Regulation.

9 VAC 25-194-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law 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:

"Car wash" means any manual, automatic or self-service facility where the washing of vehicles including cars, vans and pick-up trucks is conducted as designated by SIC 7542. It includes auto dealer preparation and detailing, and fleet vehicle washing. It does not mean facilities that wash or steam clean engines, buses, *horse/cattle trailers*, tankers or tractor-trailers.

9 VAC 25-194-40. Effective date of the permit.

This general permit will become effective on October 15, 1997-2002. This general permit will expire five years after the effective date. This general permit is effective for any covered owner upon compliance with all the provisions of 9 VAC 25-194-50 and the receipt of this general permit.

9 VAC 25-194-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the board of the registration statement of 9 VAC 25-194-60, files the required permit fee, complies with the effluent limitations and other requirements of 9 VAC 25-194-70, and provided that:

1. The owner ~~shall~~ *has not have* been required to obtain an individual permit ~~as may be required in the VPDES permit regulation~~ according to 9 VAC 25-31-170 B 3.

2. The owner shall not be authorized by this general permit to discharge to state waters specifically named in other board regulations or policies which prohibit such discharges.

B. Receipt of this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.

9 VAC 25-194-60. Registration statement.

The owner shall file a complete VPDES general permit registration statement for car wash facilities. Any owner of an existing car wash ~~which~~ *that* is covered by this general permit, ~~who's~~ *who* has discharge increases above a monthly average

flow rate of 5,000 gallons per day, shall file an amended registration statement at least 30 days prior to commencing operation of the new process. Any owner proposing a new discharge shall file the registration statement at least 30 days prior to the date planned for commencing ~~construction or~~ operation of the new discharge. Any owner of an existing car wash covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing car wash not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file the registration statement. The required registration statement shall ~~be in~~ contain the following ~~form~~ information:

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT REGISTRATION STATEMENT FOR CAR WASH FACILITIES

1. APPLICANT INFORMATION:

- A. Name of Facility: _____
- B. Facility Owner: _____
- C. Owner's Mailing Address
 - a. Street or P.O. Box _____
 - b. City or Town _____ c. State ____ d. Zip Code _____
 - e. Phone Number _____
- D. Facility Location: _____
Street No., Route No., or Other Identifier
- E. Is the operator of the facility also the owner? ____ Yes
____ No

If No, complete F. & G.

- F. Name of Operator: _____
- G. Operator's Mailing Address
 - a. Street or P.O. Box _____
 - b. City or Town _____ c. State ____ d. Zip Code _____
 - e. Phone Number _____

2. FACILITY INFORMATION:

- Will this facility discharge to surface waters? ____ Yes ____ No
- If yes, name of receiving stream _____
- Does this facility currently have an existing VPDES Permit?
____ Yes ____ No If yes, what is the Permit No. _____

3. MAP:

~~Attach a topographic map extending to at least one mile beyond property boundary, indicate location of facility, the discharge and the name of topographic quadrangle.~~

4. NATURE OF BUSINESS: (provide a brief description of the type of car wash and type of vehicles washed)

5. NUMBER OF CAR WASH BAYS: _____

6. AVERAGE FLOW RATE: (The highest average monthly flow rate measured or estimated to be discharged. For existing facilities calculate the average flow rate by adding the flows for each day during the month that the car wash had a discharge divided by the number of days that the car wash discharged. For new facilities estimate the flow rate based on similar car wash facilities.)

_____ gallons per day

7. FACILITY DRAWING AND TREATMENT INFORMATION:

~~Attach a line drawing of the car wash showing the source of the water and its flow through the facility. Show all bays. Provide dimensions or capacities for each unit in the treatment system.~~

8. CHEMICALS USED:

~~List any chemicals added to the water that may be discharged.~~

9. 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.~~

Signature: _____ Date: _____

Name of person signing above: _____

(printed or typed)

Title: _____

REQUIRED ATTACHMENTS:

- Facility Drawing
- Topographic Map

Proposed Regulations

For Department use only:

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____

Special Standards _____

1. Facility name and address, owner name and mailing address and telephone number;
2. Facility location;
3. Facility operator name, address and telephone number if different than owner;
4. Does the facility discharge to surface waters? Name of receiving stream if yes;
5. Does the facility have a current VPDES Permit? Permit Number if yes;
6. A USGS topographic map showing the facility location;
7. Provide a brief description of the type of car wash and type of vehicles washed;
8. Number of car wash bays;
9. Highest average monthly flow rate; reported as gallons per day;
10. Facility line drawing;
11. Treatment information;
12. Information on use of chemicals at the facility; and
13. 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.

The registration statement shall be signed in accordance with 9 VAC 25-31-110.

9 VAC 25-194-70. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the permit regulation 9 VAC 25-31.

General Permit No.: VAG75

Effective Date: *****, 199*

Expiration Date: *****, 200*

GENERAL PERMIT FOR CAR WASH FACILITIES

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, owners of car wash 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 prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I--Effluent Limitations and Monitoring Requirements, Part II-- Conditions Applicable to All VPDES Permits, as set forth herein.

PART I.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater originating from car wash facilities that discharge a monthly average flow rate less than or equal to 5,000 gallons per day from outfall(s) serial number(s):

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	1/Year	Estimate
pH (S.U.)	6.0*	9.0*	1/Year	Grab
TSS (mg/l)	NA	60	1/Year	5G/8HC
Oil and Grease (mg/l)	NA	15	1/Year	Grab

NL--No Limitation, monitoring requirement only

NA--Not applicable

* Where Part IX (9 VAC 25-260-360 et seq.) of the Water Quality Standards establishes (9 VAC 25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

5G/8HC--Eight Hour Composite--Consisting of five grab samples collected at hourly intervals until the discharge ceases, or until a minimum of five grab samples have been collected.

Samples shall be collected by June 30, of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted by the 10th of July 10 of each year.

2. There shall be no discharge of floating solids or visible foam in other than trace amount.

PART I.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater originating from car wash facilities that discharge a monthly average flow rate greater than 5,000 gallons per day from outfall(s) serial number(s):

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	1/6 Months	Estimate
pH (S.U.)	6.0*	9.0*	1/6 Months	Grab
TSS (mg/l)	NA	60	1/6 Months	5G/8HC
Oil and Grease (mg/l)	NA	15	1/6 Months	Grab

NL--No Limitation, monitoring requirement only

NA--Not applicable

* Where Part IX (9 VAC 25-260-360 et seq.) of the Water Quality Standards establishes (9 VAC 25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

5G/8HC--Eight Hour Composite--Consisting of five grab samples collected at hourly intervals until the discharge ceases, or until a minimum of five grab samples have been collected.

Samples shall be collected by December 31 and June 30, of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted by the 10th of the following month--January 10, and July 10 of each year.

2. There shall be no discharge of floating solids or visible foam in other than trace amount.

B. Special conditions.

1. The permittee shall perform inspections of the effluent and maintenance of the wastewater treatment facilities at least once per week and document activities on the operational log. This operational log shall be made available for review by the department personnel upon request.

2. No sewage shall be discharged from a point source to surface waters from this facility except under the provisions

of another VPDES permit specifically issued for that purpose.

3. There shall be no chemicals added to the water or waste which may be discharged other than those listed on the owner's accepted registration statement, unless prior approval of the chemical(s) is granted by the board.

4. Wastewater should be reused or recycled whenever feasible.

5. 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 settling basins shall be cleaned frequently in order to achieve effective treatment.

c. All solids resulting from the car wash facility covered under this general permit, shall be handled, stored and disposed of so as to prevent a discharge to state waters of such solids.

~~6. 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, 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. Washing of vehicles or containers bearing residue of animal manure or toxic chemicals (fertilizers, organic chemicals, etc.) into the wastewater treatment system is prohibited. If the facility is a self-service operation, the permittee shall post this prohibition on a sign prominently located and of sufficient size to be easily read by all patrons.~~

~~8. 7. Any permittee discharging into a municipal separate storm sewer shall notify the owner of the municipal separate storm sewer system of the existence of the discharge within 30 days of coverage under the general permit and provide the following information: the name of the facility, a contact person and phone number, and the location of the discharge.~~

~~8. 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 this permit, if that discharge will exceed the highest of the following notification levels:~~

~~(1) One hundred micrograms per liter;~~

~~(2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;~~

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(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 this permit, if that discharge will exceed the highest of the following notification levels:

(1) *Five hundred micrograms per liter;*

(2) *One milligram per liter 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.

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 individuals who performed the sampling or measurements;

c. The dates and times analyses were performed;

d. The individuals 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 which 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 which 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 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
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 submit the report to the department in writing within five days of discovery of the discharge in accordance with Part II 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 which 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 which shall be reported within 24 hours under this subsection:

- a. Any unanticipated bypass; and

- b. Any upset which 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 Parts 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 Part 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 Services 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 § 306 of the Clean Water Act which are applicable to such source; or

- (2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act which 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 which 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

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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 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-making 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 that 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;~~

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. Reporting requirements. 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 ensure 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 § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 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 § 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 Article 11 (§ 62.1-44.34:14 et seq.) 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) which 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. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II 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 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 which 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 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 causes 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;

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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, 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 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.*

9 VAC 25-194-80. Evaluation of chapter and petitions for reconsideration or revision. (Repealed.)

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

~~results of a review of current state and federal statutory and regulatory requirements, including identification and justification of requirements in this chapter which are more stringent than federal requirements, and (v) the results of a review as to whether this chapter is clearly written and easily understandable by affected entities. Upon review of the department's analysis, the board shall confirm the need to (i) continue this chapter without amendment, (ii) repeal this chapter or (iii) amend this chapter. If the board is to repeal or amend this chapter, the board shall authorize the department to initiate the applicable regulatory process to carry out the decision of the board.~~

~~B. The board shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this chapter.~~

VA.R. Doc. No. R01-161; Filed December 21, 2001, 8:37 a.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

<p>REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 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.</p>
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Title of Regulation: **14 VAC 5-390. Rules Governing Insurance Premium Finance Companies (amending 14 VAC 5-390-20, 14 VAC 5-390-30, and 14 VAC 5-390-40).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Summary:

The following summarizes the changes being made to the Rules Governing Insurance Premium Finance Companies:

1. *Payment books, rate charts, and form letters no longer have to be filed with the Bureau of Insurance. In addition, the type-size for forms used by premium finance companies is being changed from 10-point to 8-point.*

2. *Language is being added to clarify that all fees charged in connection with the financing of insurance policies must be stated in the premium finance contract.*

3. *Language is being added to clarify that records may be retained in an electronic format, and records maintained by the premium finance company no longer have to be maintained at a single location. In addition, the record retention requirement is being changed from two years to three years.*

4. *The regulation no longer prohibits premium finance companies from requesting cancellation during the first 45 days after the premium finance contract is effective. Language is also being changed to clarify that the cancellation notice may be mailed or delivered. In addition,*

language in the regulation has been clarified to say that the cancellation notice may not be mailed to the insurer later than the effective date of cancellation.

5. The time frame for requiring insurers to return gross unearned premiums has been changed from 60 days to 30 days.

6. The regulation clarifies that, after cancellation of the premium finance contract, any outstanding balance may earn interest at a rate no greater than the rate stated in the premium finance contract.

Agency Contact: JoAnne Scott, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9600.

AT RICHMOND, DECEMBER 18, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS010280

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Insurance Premium
Finance Companies

ORDER TO TAKE NOTICE

WHEREAS, § 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia;

WHEREAS, the rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 390 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Insurance Premium Finance Companies," which amend the rules at 14 VAC 5-390-20 through 14 VAC 5-390-40; and

WHEREAS, the Commission is of the opinion that the proposed revisions should be considered for adoption with a proposed effective date of February 1, 2002;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Insurance Premium Finance Companies," which amend the rules at 14 VAC 5-390-20 through 14 VAC 5-390-40, be attached hereto and made a part hereof;

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before January 20, 2002, in writing with the Clerk of the Commission, Document Control Center,

P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS010280;

(3) If no written request for a hearing on the proposed revisions is filed on or before January 20, 2002, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance;

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all persons licensed by the Commission to transact the business of an insurance premium finance company in the Commonwealth of Virginia and to all persons licensed by the Commission to transact the business of a property and casualty insurance company in the Commonwealth of Virginia; and by forwarding a copy of this Order, together with a draft of the proposed revisions, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-390-20. Forms.

A. Every insurance premium finance company shall prepare and file with the commission for its approval the following forms:

- 1. Insurance Premium Finance Contract *and any forms amending such contract*;
- ~~2. Payment Book;~~
- ~~3. 2. Notice of Overdue Payment or Intent to Cancel; and~~
- ~~4. 3. Notice of Cancellation; and.~~
- ~~5. Rate Chart or Charts.~~

~~All forms shall be printed in 10-point type or greater.~~

~~B. Every insurance premium finance company shall file with the Commission all other forms that it prepares for delivery or mailing to a customer or an insurer. This chapter shall not apply to correspondence except for form letters designed for repeated use.~~

~~C. B. All forms used by the insurance premium finance company for delivery or mailing to a customer or an insurer shall be printed in 8-point type or greater and shall disclose:~~

- 1. The name of the licensee exactly as it appears on the license, provided that a licensee may use a legally filed assumed or fictitious name. The licensee shall provide the Bureau of Insurance with proof that an assumed or fictitious name has been legally filed in the appropriate circuit court before the assumed or fictitious name may be used on an insurance premium finance contract;

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2. The ~~street~~ address of the licensee, *except that forms filed with the commission pursuant to subsection A of this section shall include the street address*; and

3. The telephone number of the licensee.

~~D.~~ C. Every form *filed with the commission* shall be filed ~~with the Commission~~ in duplicate. If the form is approved, the commission shall stamp both copies APPROVED with the date of approval. One copy, so stamped, will be returned to the licensee, and the other copy will be retained for the commission's files.

~~E.~~ D. No licensee shall make use of any form *required to be filed with the commission* that has not been given final approval pursuant to subsection ~~D~~ C of this section. In no instance shall tentative approval of a form be deemed to constitute final approval.

~~F.~~ E. Under no circumstances shall any insurance premium finance contract provide for:

1. The financing of any additional premium under any insurance contract listed thereon without either the written consent of the insured or payment of the appropriate down payment by the insured, such consent being given or such down payment being made at the time such additional premium is financed;

2. The financing of notary public fees, fees for obtaining records of the Department of Motor Vehicles, motor club membership fees, or any other charges, costs, or fees other than premiums, taxes, or other fees relative to the policies of insurance.

~~G.~~ F. No licensee shall accept any form which is signed in blank or is lacking any information required by such form except that if the insurance policy has not been issued at the time the insured signs the agreement, the policy number may be left blank and inserted on a copy of the agreement after the insurance policy has been issued. In all cases, the name of the insurer, broker, or residual market facility must be shown. A legible copy of the insurance premium finance contract shall be delivered to each insured at the time the contract is signed.

~~H.~~ G. Any power of attorney authorizing a licensee to cancel an insurance policy shall appear on the face of the insurance premium finance contract.

H. All fees charged in connection with the financing of insurance policies shall be stated in the insurance premium finance contract.

14 VAC 5-390-30. Records.

A. If the licensee engages in any other business, the records relating to the insurance premium finance business shall be kept separate from the records of any other business.

B. Every insurance premium finance contract, all documents relating thereto, and copies of all documents delivered to an insured, shall be retained so as to be readily available for inspection at all reasonable hours during the term of the contract and for a period of ~~two~~ three years thereafter. *Such retention may be in an electronic format.*

C. All records shall be maintained at ~~a single location~~ *locations* as designated in the application for license or at such other ~~single location~~ *locations* as the licensee shall designate by written notice to the commission. Each licensee shall keep records for each insurance premium finance contract, other than those acquired as security for a debt, that shall include the following information:

1. Date of contract or of acquisition;
2. Name and address of insured;
3. Premium for each insurance policy financed;
4. Principal balance at acquisition;
5. Amount of service charge;
6. Time balance;
7. Total finance charge;
8. Annual percentage rate;
9. Number, interval and amount of payments;
10. Distribution of the proceeds showing the date, amount, purpose and name of all persons to whom any part of the proceeds was paid.

14 VAC 5-390-40. Cancellation of insurance.

A. No licensee shall cancel a policy of insurance unless the insurance premium finance contract contains an authorization for the licensee to cancel any insurance policy listed therein. Except as provided in subsection C of this section, no licensee shall cancel a policy of insurance for any default other than a default in the payment of money due the licensee or a default consisting of the transfer of the policy of insurance to a third party.

B. No notice of intent to cancel may be given prior to default in the insurance premium finance contract. ~~In no event shall the date of cancellation of any insurance policy be effective prior to 45 days following the days of execution of the insurance premium finance contract.~~ Prior to any cancellation, the licensee shall advise the insured and the agent ~~by mail~~ *in writing* of its intent to cancel insurance policies referred to in the notice, unless all payments in default are received within 10 days of the date the notice is mailed ~~or delivered~~; or, if the default consists of a transfer of the policy, unless the transferee, within 10 days of the date the notice is mailed ~~or delivered~~, assumes or discharges the transferor's debt to the licensee.

C. After providing the appropriate notice of intent to cancel, the licensee may exercise its right to cancel if the default has not been cured or if the additional premium has not been financed or otherwise paid. A copy of the notice of cancellation shall be mailed ~~or delivered~~ to the insured and insurance agent with an effective date of cancellation no earlier than five days after its mailing ~~or delivery~~. ~~No later than five days after mailing a copy of the notice the effective date of cancellation to the insured and insurance agent,~~ the licensee shall send the notice of cancellation to the insurer, provided the default remains uncured. If more than one insurance policy is listed on an insurance premium finance

contract, a licensee shall not cancel one insurance policy without cancelling all such policies listed thereon.

D. Every insurer, upon receipt of such notice, shall, subject to subsection E hereof, cancel such insurance policy or policies as of the date specified in such notice and shall promptly notify ~~by mail~~, *in writing*, the insured, the insurance agent and the licensee of such cancellation. Such notification shall include but not be limited to the following information:

1. Insured's complete name;
2. Producer's name;
3. Policy number;
4. Effective date of the policy;
5. Effective date of cancellation;
6. Total policy premium;
7. Reason for cancellation.

No insurer shall cancel any insurance policy when notified by the licensee unless such insurer has received a copy of a power of attorney signed by the insured authorizing such cancellation. No insurer shall require the return or surrender of the insurance policy as a prerequisite to such cancellation.

E. Notwithstanding the provisions of subsection D, where notice and a period of time is a prerequisite to cancellation under any statutory, regulatory, or contractual restriction, no insurance policy shall be cancelled until the required notice shall have been given by the insurer and the requisite period of time shall have elapsed, and the insurer shall then cancel the policy as soon as it legally may.

F. Except as provided in § 38.2-1806 of the Code of Virginia, upon any cancellation whenever the insurer has received notice that the return premium has been assigned to a licensee, the insurer shall return any gross unearned premium to the licensee within ~~60~~ 30 days after the effective date of cancellation or within ~~60~~ 30 days after the completion of any audit whichever is later. If the amount returned is in excess of the amount due the licensee, the excess shall be remitted within 10 business days by the licensee to the insured.

No insurer or agent shall apply any return premium due as a result of a cancellation of a particular policy to any outstanding balance on another policy of the insured.

G. If a balance remains due to the licensee after cancellation of the insurance premium finance contract, such outstanding balance may earn interest at a rate no greater than the rate stated in the insurance premium finance contract.

~~G.~~ H. When there is more than one insured, all notices required hereunder shall be given to each insured, unless they reside at the same address.

~~H.~~ I. The provisions of this section hereof shall not apply to the financing of life insurance and annuity premiums by licensees.

VA.R. Doc. No. R02-103; Filed December 20, 2001, 11:49 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-720. **Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-40 and 4 VAC 20-720-50).**

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

Effective Date: January 1, 2002.

Summary:

The amendments extend the harvest season for oysters in the Rappahannock River Hand Scrape Area.

Agency Contact: K.V. Leonard, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120.

4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: October 1, 2001, through April 30, 2002.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2001, through April 30, 2002.
3. Seaside of Eastern Shore: for clean cull oysters only, November 1, 2001, through January 31, 2002.
4. That area of Piankatank River, west of the Route 3 bridge: October 1, 2001, through December 31, 2001.
5. The area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River ~~and the Rappahannock River Hand Scrape Area~~: October 1, 2001, through December 31, 2001.
6. *The Rappahannock River Hand Scrape Area: October 1, 2001, through January 31, 2002.*
- ~~6-~~ 7. That area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini-PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C): October 1, 2001, through December 31, 2001.

~~7-~~ 8. That area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B) except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur): October 1, 2001, through December 31, 2001.

~~8-~~ 9. That area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: October 1, 2001, through December 31, 2001.

~~9-~~ 10. That area of the PTSMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Areas: December 1, 2001 through December 31, 2001.

~~10-~~ 11. Little Wicomico River: October 1, 2001, through December 31, 2001.

4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except that area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River and the Rappahannock River Hand Scrape Area, that area of the Piankatank River west of the Route 3 bridge, that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113, the Little Wicomico River, that area in the PTSMA in Tangier Sound, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area, the James River Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2001, through September 30, 2002.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area, and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2002, through September 30, 2002.
3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1 through October 31, 2001, and February 1, 2002, through September 30, 2002; and for seed oysters, all year. Oyster

harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

4. That area of the Rappahannock River west of the Route 3 bridge, including the Corrotoman River ~~and the Rappahannock River Hand Scrape Area~~, and that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (Nomini PRV6A to PRV6B; Lower Machodoc PRV5A to PRV5C), that area of the Coan River to the Virginia-Maryland state line (Coan PRV1A to PRV1B) except for above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur), that area of the Piankatank River west of the Route 3 bridge, and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113: January 1, 2002, through September 30, 2002.

5. *The Rappahannock River Hand Scrape Area: February 1, 2002, through September 30, 2002.*

5- 6. That area of the PTSMA in Tangier, west of the Tangier Channel from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, including the Tangier Sound Hand Tong Area: October 1, 2001, through November 30, 2001, and January 1, 2002, through September 30, 2002.

6- 7. Little Wicomico River: January 1, 2002, through September 30, 2002.

VA.R. Doc. No. R02-108; Filed December 26, 2001, 11:34 a.m.



TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-21. Licensure Regulations for School Personnel (amending 8 VAC 20-21-10, 8 VAC 20-21-50, and 8 VAC 20-21-80).

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

Public Hearing Date: February 14, 2002.

Summary:

The amendments expand the career switcher alternative route to teacher licensure program, which is currently limited to military personnel, to other professions. The proposed amendments (i) add a definition for "certified provider" and "mentor"; (ii) change wording from "military personnel" to "career professions"; (iii) requires a minimum of 180 clock hours of instruction (160 of the 180 hours must be included in the summer intensive preparation phase; 20 hours of the 180 hours will involve field experience) during the Level I preparation phase; (iv) provide clarification for meeting the professional studies requirements for Levels I and II; (v) require five years of full-time work experience or its equivalent for participation in the program; (vi) set forth the scope of responsibilities of the mentoring program requirements during Level II preparation; (vii) provide for a

five-year renewable license by the employing educational agency; and (viii) include program certification requirements to provide program providers regulatory language for submitting a proposal to conduct a career switcher program.

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: Dr. Margaret N. Roberts, Regulatory Coordinator, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924.

8 VAC 20-21-10. Definitions.

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

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternative route to licensure" means one route to licensure available to individuals employed by a Virginia educational agency who meet the guidelines specified in 8 VAC 20-21-80.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the annulment, voiding, or invalidation of a teaching license following voluntary surrender of the license by the license holder.

"Certified provider" means a provider certified by the Department of Education to provide preparation and training for applicants seeking the eligibility license specified in 8 VAC 20-21-80.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

"Competency" means a capability or skill that a person possesses and can demonstrate, given the appropriate resources and conditions. As used in this chapter, a competency refers to a behavior that a licensure candidate should be able to demonstrate prior to being issued a teaching license. In most cases, entry level proficiency relative to the competency is specified rather than desired mastery level proficiency.

"Content area course work" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

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"*Denial*" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"*Division Superintendent License*" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

"*Eligibility License*" means a one-year license dated July 1 - June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of [~~teaching area~~] requirements for an endorsement in a [~~content teaching~~] area as set forth [~~in the Board of Education's licensure requirements as provided~~] in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on [~~Praxis I (Reading, Writing, and Mathematics) and Praxis II (subject area assessments)~~] the professional teacher's assessment as prescribed by the Board of Education]. If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

"*Mentor*" means a classroom teacher hired by the local school division who has achieved continuing contract status or other instructional personnel including retired teacher who meets local mentor selection criteria. The mentor should work in the same building as the teachers he is assisting or be instructional personnel who is assigned solely as a mentor. A mentor should be assigned a limited number of teachers at any time. Instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at any time. Mentors guide teachers in the program through demonstrations, observations, and consultations.

"*Postgraduate Professional License*" means a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

"*Provisional License*" means a nonrenewable license issued for a period of three years to individuals who have been employed by a Virginia educational agency and meet the requirements specified in 8 VAC 20-21-50 A 4.

"*Pupil Personnel Services License*" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

"*Reciprocity*" means an agreement between two or more states that will recognize and accept one another's regulations and laws for privileges for mutual benefit. See 8

VAC 20-21-90 for conditions for teacher licensure by reciprocity.

"*Revocation*" means the annulment by recalling, repealing, or rescinding a teaching license.

"*Special Education Conditional License*" means a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement but meets the criteria specified in 8 VAC 20-21-50 A 5. This conditional license is not applicable to individuals employed as speech pathologists.

"*Suspension*" means the temporary withdrawal of a teaching license.

"*Technical Professional License*" means a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8 VAC 20-21-50 A 3.

8 VAC 20-21-50. Types of licenses; dating of licenses.

A. The following types of licenses are available:

1. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

2. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

3. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from an accredited college or university. The nine semester hours of professional studies course work must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or foundations of education (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of vocational education, educational technology, and military science. In addition to demonstrating competency in the endorsement area sought, the individual must:

a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a

minimum of two years of satisfactory experience at the journeyman level or an equivalent;

b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or

c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessment requirement.

4. Provisional License. The Provisional License is a three-year, nonrenewable license available to individuals who are employed by a Virginia educational agency and are:

a. Entering the teaching field through the alternative route to licensure upon recommendation of the employing educational agency;

b. Failing to meet an allowable portion of general, professional, or specific endorsement requirements;

c. Seeking the Technical Professional License; or

d. Eligible for licensure but need to complete successfully the professional teacher's assessment prescribed by the Board of Education.

5. Special Education Conditional License. A Special Education Conditional License is a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. The conditional license is not applicable to individuals employed as speech pathologists. To be issued the Special Education Conditional License an individual must:

a. Be employed by a Virginia public or nonpublic school and have the recommendation of the employing educational agency;

b. Hold a baccalaureate degree from an accredited college or university;

c. Have an assigned mentor endorsed in special education; and

d. Have a planned program of study in the assigned endorsement area and have completed a minimum of six semester hours in the core competencies of characteristics of students with disabilities and legal aspects associated with students with disabilities.

During the three years the Special Education Conditional License is valid, the individual must complete all requirements for the special education endorsement area, complete professional studies requirements, and meet Virginia's professional teacher's assessment requirement prescribed by the Board of Education.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8 VAC 20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. "Eligibility License" means a one-year license dated July 1 - June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of [~~teaching area~~] requirements for an endorsement in a [~~content teaching~~] area as set forth [~~in the Board of Education's licensure requirements as provided~~] in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on [~~Praxis I (Reading, Writing, and Mathematics) and Praxis II (subject area assessments)~~] the professional teacher's assessment as prescribed by the Board of Education]. If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

B. All licenses will be effective from July 1 in the school year in which the application is made.

8 VAC 20-21-80. Alternative routes to licensure.

A. *Career switcher alternative route to licensure for career professions.* An alternative route is available to ~~military personnel~~ career switchers who seek teaching endorsements pre-K through grade 12 with the exception of special education.

1. An individual seeking an Eligibility License must meet the following requirements: an application process; a bachelor's degree from a regionally accredited institution; the completion of [~~teaching area~~] requirements for an endorsement in a [~~content teaching~~] area as set forth [~~in the Board of Education's licensure requirements as provided~~] in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on [~~Praxis I (Reading, Writing, and Mathematics) and Praxis II (subject area assessments)~~] the professional teacher's assessment as prescribed by the Board of Education]. The Eligibility License is awarded at the end of Level I preparation. All components of the career switcher alternative route for ~~military personnel~~ career professions must be completed by the candidates.

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2. At least five years of full-time work experience or its equivalent is required for participation in the program.

~~2- 3. The professional studies level one requirements must be completed during the course of a single year through the following three levels of preparation that and may be offered through a variety of delivery systems, including distance learning programs. If an employing agency recommends extending the Eligibility License for a second year, the candidate will enter Level III of the program. Preparation Career switcher programs must be approved certified by the Virginia Department of Education.~~

a. *Level I Preparation.* Intensive Level I preparation phase includes a minimum of 180 clock hours of instruction, including field experience. This phase includes, but is not limited to, the following: curriculum and instruction, including technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, and human growth and development.

~~(1) Introduction to Classroom Management;~~

~~(2) Introduction to the Standards of Learning;~~

~~(3) Introduction to Teaching Strategies; and~~

~~(4) Field experience with summer school students.~~

b. Level II preparation during first year of employment.

(1) Candidate seeks employment in Virginia with the one-year Eligibility License;

(2) Continued Level II preparation during the first year of employment; and with a minimum of five seminars that expand the intensive preparation requirements instructional categories and topics. The five seminars will include a minimum of 20 cumulative instructional hours. A variety of instructional delivery techniques will be utilized to implement the seminars.

(3) One year of successful, full-time teaching experience in an accredited public or nonpublic school under the newly created one-year Eligibility License. A trained mentor must be assigned to assist the candidate through the alternative route during the first year of employment. Responsibilities of the mentor include, but are not limited to, the following:

(a) Collaborate with the beginning teacher in the development and implementation of an individualized professional development plan;

(b) Observe, assess, coach, and provide opportunities for constructive feedback, including strategies for self-reflection;

(c) Share resources and materials;

(d) Share best instructional, assessment, and organizational practices; classroom management strategies; and techniques for promoting effective communication; and

(e) Provide general support and direction regarding school policies and procedures.

(4) Upon completion of Levels I and II of the career switcher alternative route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to apply for a five-year, renewable license. Renewal requirements for the regular license will be subject to current regulations of the Board of Education.

c. Level III preparation continued, if required.

(1) Post preparation (if needed);, if required, will be conducted by the Virginia employing educational agency to address the [~~area of~~] areas where improvement is needed as identified in the candidate's professional improvement plan; and

(2) Upon completion of Levels I, II, and III of the career switcher alternative route to licensure program and submission of a recommendation from employer for a the Virginia educational employing agency, the candidate will be eligible to receive a five-year renewable license; and.

~~(3) Issuance of the five-year renewal license.~~

~~3- 4. Verification of program completion will be documented by the certified program provider and the division superintendent or designee.~~

~~4. Delivery systems of the career switcher for the alternative route to licensure must adhere to requirements specified by the Board of Education when proposals are requested. The programs must include the prescribed scope and sequence of preparation as well as evaluation of the candidate and overall program evaluation. These programs must be approved by the Department of Education.~~

5. Certified providers implementing a career switcher program may charge a fee for participation in the program.

6. Certification of programs.

a. The Department of Education will certify career switcher alternative route to licensure programs. Certified providers will receive a five-year certification after the first year, then subsequent reviews will be conducted on a five-year cycle, or as deemed necessary.

b. Program providers must document that individuals accepted in the career switcher program meet the following prerequisites:

(1) An application process;

(2) A bachelor's degree from a regionally accredited institution;

(3) At least five years of full-time work experience or its equivalent;

(4) The completion of teaching area requirements for an endorsement in a content area as set forth in this

chapter or the equivalent through verifiable experience or academic study; and

(5) Virginia qualifying scores on [~~Praxis I (Reading Writing, and Mathematics) and Praxis II (subject area assessments)~~ the professional teacher's assessment as prescribed by the Board of Education].

c. The proposals submitted for certification must include the following:

(1) Purpose, description, and program design.

(a) A statement outlining the purpose of the career switcher alternative route to licensure;

(b) A description of Level I preparation, including how the intensive preparation program will integrate curriculum, instruction, and the field experience;

(c) A description of the Level II preparation during the first year of employment;

(d) Criteria for the selection, preparation, support, assignment, and compensation of instructors and seminar presenters; and

(e) Tasks, methods, and expected outcomes.

(2) Collaboration.

(a) A description of collaborative and cooperative arrangements with educational agencies;

(b) A description of procedures for assigning mentor teachers;

(c) Letters of cooperation, agreement, and commitment describing partnerships; and

(d) A description of strategies for support and placement of participants seeking employment.

(3) Training.

(a) Identification of the credentials and qualifications of the program and seminar instructors; and

(b) A description of the intensive professional preparation and induction year seminar sites and materials.

(4) Project administration and management. A description of how the program will be administered and managed, including the identification of the program manager and fiscal agent.

(5) Maintenance of data and annual reporting to the department of education.

(a) A description of how records will be maintained and a timeline for reporting progress of participants during the program;

(b) The submission of an evaluation summary of the intensive professional preparation program no later than September 30 following Level I preparation;

(c) The submission of an interim report describing the program, including the progress of the

participants and an assessment of mentor teacher support no later than March 1 of the induction year;

(d) The submission of a final report by July 15 following the end of Levels I and II preparation. The data must include the following:

(i) The number of participants entering the program;

(ii) The number of participants receiving the five-year, renewable license;

(iii) Attrition rates of candidates;

(iv) Percentage of students requiring an additional year of study;

(v) Candidates' evaluation of the program; and

(vi) School divisions' evaluation of the program.

(6) Evaluation of participants. A description of formative and summative evaluation procedures.

B. An alternative route is available to individuals employed by an educational agency who seek teaching endorsements pre-K through grade 12.

1. An individual seeking a Provisional License through the alternative route must meet the requirements specified in 8 VAC 20-21-50 A 4.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternative program to meet the professional studies requirements. The alternative program must include training (seminar, internship, course work, etc.) in human growth and development, curriculum and instructional procedures (including technology), foundations of education, and reading.

3. One year of successful, full-time teaching experience in the appropriate teaching area in an accredited public or nonpublic school must be completed. A fully licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternative route.

C. Alternative programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a Provisional License.

VA.R. Doc. No. R01-36; Filed December 26, 2001, 10:36 a.m.



Final Regulations

TITLE 9. ENVIRONMENT

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: **9 VAC 10-20. Chesapeake Bay Preservation Area Designation and Management Regulations (amending 9 VAC 10-20-30 through 9 VAC 10-20-130, 9 VAC 10-20-150, 9 VAC 10-20-170, 9 VAC 10-20-250, and 9 VAC 10-20-260; adding 9 VAC 10-20-105, 9 VAC 10-20-171, 9 VAC 10-20-181, 9 VAC 10-20-191, [9 VAC 10-20-201,] 9 VAC 10-20-211, 9 VAC 10-20-215, 9 VAC 10-20-221, 9 VAC 10-20-225, and 9 VAC 10-20-231; repealing 9 VAC 10-20-140, 9 VAC 10-20-160, 9 VAC 10-20-180 through 9 VAC 10-20-230, 9 VAC 10-20-270, and 9 VAC 10-20-280).**

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Effective Date: March 1, 2002.

Summary:

The amendments:

1. Clarify language to minimize confusion and misinterpretation.
2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations, while still providing for maximum water quality protection. Specific issues under consideration where conflicts or redundancies are perceived to exist are as follows:
 - a. Stormwater management criteria;
 - b. Erosion and sediment control criteria;
 - c. Septic system criteria;
 - d. Agricultural criteria; and
 - e. Silvicultural criteria.
3. Improve vegetative buffer area criteria to provide greater clarity as well as consistency with the riparian forest buffer policy developed by the Executive Council of the Regional Chesapeake Bay Program.
4. Improve agricultural conservation criteria to correct the inability to meet the existing conservation plan approval deadline, reduce administrative overhead and result in more water quality protection practices on the land.
5. Add criteria regarding a board/department process to review local program implementation for consistency with the regulations.
6. Accomplish numerous technical amendments necessitated by changes in terminology and numbering protocols.

The board made changes to the proposed regulation that clarify (i) definitions, (ii) how local governments identify perennial flow characteristics of streams for the purpose of designating RPAs, (iii) the conditions that apply where better modifications and encroachments are allowed, (iv)

criteria for granting exceptions, and (v) kinds of stormwater management BMPs allowed to be built within RPAs and under what conditions. Another option is added for local governments to offer septic system owners to satisfy the five-year pump-out requirement and several changes are made pertaining to the stormwater management criteria. The board also made changes to (i) the vegetated buffer area criteria, (ii) the process used to enforce the regulations on agricultural lands, and (iii) the requirements pertaining to comprehensive plans. 9 VAC 10-20-181 and 9 VAC 10-20-191 are reorganized to apply more generally to land development ordinances and regulations rather than specifically to zoning ordinances and subdivision ordinances.

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: Scott Crafton, Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 371-7503.

9 VAC 10-20-30. [No change from proposed.]

9 VAC 10-20-40. Definitions.

The following words and terms used in this chapter have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in § 10.1-2101 of the Act.

"Act" means the Chesapeake Bay Preservation Act found in Chapter 21 (§ 10.1-2100 et seq.) of Title 10.1 of the Code of Virginia.

"Best management practice" means a practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

"Board" means the Chesapeake Bay Local Assistance Board.

"Buffer area" means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

"Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III (9 VAC 10-20-70 et seq.) of this chapter and § 10.1-2107 of the Act. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

"Department" means the Chesapeake Bay Local Assistance Department.

"Development" means the construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures.

"Director" means the executive director of the Chesapeake Bay Local Assistance Department.

"Floodplain" means all lands that would be inundated by flood water as a result of a storm event of a 100-year return interval.

"Highly erodible soils" means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, as defined by the ~~"Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Soil Conservation Service,~~ where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

"Highly permeable soils" means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Survey Handbook" of ~~July, 1983~~ November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Soil Conservation Service.

"Impervious cover" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

"Infill" means utilization of vacant land in previously developed areas.

"Intensely Developed Areas" means those areas designated by the local government pursuant to 9 VAC 10-20-100 ~~of this chapter.~~

"Local governments" means counties, cities and towns. This chapter applies to local governments in Tidewater Virginia, as defined in § 10.1-2101 of the Act, but the provisions of this chapter may be used by other local governments.

"Local program" means the measures by which a local government complies with the Act and this chapter.

"Local program adoption date" means the date a local government meets the requirements of ~~[subsections A and B subdivisions 1 and 2]~~ of 9 VAC 10-20-60 ~~[of Part II]~~.

"Nontidal wetlands" means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the federal Clean Water Act, in 33 CFR 328.3b.

"Plan of development" means any process for site plan review in local zoning and land development regulations designed to

ensure compliance with § 10.1-2109 of the Act and this chapter, prior to issuance of a building permit.

"Public road" means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government.

"Redevelopment" means the process of developing land that is or has been previously developed ~~[so that there is no increase in the amount of impervious cover and no further encroachment within the Resource Protection Area]~~.

"Resource Management Area" means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

"Resource Protection Area" means that component of the Chesapeake Bay Preservation Area comprised of lands ~~[at or near the shoreline adjacent to water bodies with perennial flow]~~ that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

~~["Shoreline" means the line describing the interface between land that is continually or, in the case of tidal flows, routinely submerged under water and land that is not continually or routinely submerged.~~

"Silvicultural activities" means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.]

"Substantial alteration" means expansion or modification of a building or development ~~which~~ that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

"Tidal shore" or "shore" means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

"Tidal wetlands" means vegetated and nonvegetated wetlands as defined in § ~~[62.4-13.2~~ 28.2-1300] of the Code of Virginia.

"Tidewater Virginia" means those jurisdictions named in § 10.1-2101 of the Act.

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[~~"Tributary stream" means any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000), or any stream segment that has a drainage area of at least 320 acres (one-half square mile), or both. Alternatively, local governments may conduct more thorough investigations to accurately determine the perenniality of streams.~~]

"Use" means an activity on the land other than development including, but not limited to, agriculture, horticulture and silviculture.

"Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

PART II. LOCAL GOVERNMENT PROGRAMS.

9 VAC 10-20-50. Local program development.

Local governments shall develop measures (hereinafter called "local programs") necessary to comply with the Act and this chapter. Counties and towns are encouraged to cooperate in the development of their local programs. In conjunction with other state water quality programs, local programs shall encourage and promote: (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; [and] (v) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth [; and (vi) assurance, to the extent feasible, that all streams and shorelines will be protected by a forested or other riparian buffer area].

9 VAC 10-20-60. Elements of program.

Local programs shall contain the elements listed below. ~~Local governments shall adopt elements A and B concurrently and no later than 12 months after the adoption date of these regulations. Elements C through G shall also be in place within 12 months after the adoption date.~~

- ~~A.~~ 1. A map delineating Chesapeake Bay Preservation Areas.
- ~~B.~~ 2. Performance criteria applying in Chesapeake Bay Preservation Areas that employ the requirements in Part IV (9 VAC 10-20-110 et seq.) of this chapter.
- ~~C.~~ 3. A comprehensive plan or revision that incorporates the protection of Chesapeake Bay Preservation Areas and

of the quality of state waters, *in accordance with criteria set forth in Part V (9 VAC 10-20-170 et seq.) of this chapter.*

~~D.~~ 4. A zoning ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, as set forth in [~~9 VAC 10-20-194~~ Part VI (9 VAC 10-20-181 et seq.) of this chapter], and (ii) requires compliance with all criteria set forth in Part IV (9 VAC 10-20-110 et seq.) of this chapter.

~~E.~~ 5. A subdivision ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, as set forth in [~~9 VAC 10-20-204~~ Part VI (9 VAC 10-20-181 et seq.) of this chapter], and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV (9 VAC 10-20-110 et seq.) of this chapter.

~~F.~~ 6. An erosion and sediment control ordinance or revision that requires compliance with the criteria in Part IV (9 VAC 10-20-110 et seq.) of this chapter.

~~G.~~ 7. A plan of development process prior to the issuance of a building permit to assure that use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters.

PART III. CHESAPEAKE BAY PRESERVATION AREA DESIGNATION CRITERIA.

9 VAC 10-20-70. [No change from proposed.]

9 VAC 10-20-80. Resource Protection Areas.

A. [*At a minimum,*] Resource Protection Areas shall consist of [sensitive] lands [~~at or near the shoreline adjacent to water bodies with perennial flow~~] that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

B. The Resource Protection Area shall include:

1. Tidal wetlands;
2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or [~~tributary streams water bodies with perennial flow~~];
3. Tidal shores;
4. Such other lands ~~under~~ considered by the local government to meet the provisions of subsection A of ~~9 VAC 10-20-80~~ this section and to be necessary to protect the quality of state waters; and
5. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 4 above, and along both sides of any [~~tributary stream water body with perennial flow~~]. The

full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses or equivalent measures, encroachments, and permitted vegetation clearing in compliance with Part IV (9 VAC 10-20-110 et seq.) of this chapter. ~~Designation of this area shall not be subject to reduction unless based on reliable site-specific information as provided in subsection B of 9 VAC 10-20-110, and subsections C and E of 9 VAC 10-20-220.~~

C. Designation of the components listed in subdivisions 1-4 of subsection B of this section shall not be subject to [reduction modification] unless based on reliable, site-specific information as provided for in 9 VAC 10-20-105 and subdivision 6 of 9 VAC 10-20-130.

[D. For the purpose of generally determining whether water bodies have perennial flow, local governments may use one of the following methods as long as the methodology is adopted into the local program and applied consistently: (i) designation of water bodies depicted as perennial on the most recent U.S. Geological Survey 7½ minute topographic quadrangle map (scale 1:24,000) or (ii) use of a scientifically valid system of in-field indicators of perennial flow. However, site-specific determinations shall be made or confirmed by the local government pursuant to 9 VAC 10-20-105.]

9 VAC 10-20-90. Resource Management Areas.

A. Resource Management Areas shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

B. A Resource Management Area shall be provided contiguous to the entire inland boundary of the Resource Protection Area. The following land categories shall be considered for inclusion in the Resource Management Area and, where mapping resources indicate the presence of these land types contiguous to the Resource Protection Area, should be included in designations of Resource Management Areas:

1. Floodplains;
2. Highly erodible soils, including steep slopes;
3. Highly permeable soils;
4. Nontidal wetlands not included in the Resource Protection Area;
5. Such other lands ~~under~~ considered by the local government to meet the provisions of subsection A of ~~9 VAC 10-20-90~~ this section and to be necessary to protect the quality of state waters.

C. Resource Management Areas shall encompass a land area large enough to provide significant water quality protection through the employment of the criteria in Part IV (9 VAC 10-20-110 et seq.) and the requirements in Parts II (9 VAC 10-20-50 et seq.) and V (9 VAC 10-20-170 et seq.) of this chapter.

1. Local governments with few or no Resource Management Area land types evident from available

mapping resources should evaluate the relationships of the following land categories to water quality protection in making their Resource Management Area designations. The board will consider the degree to which these land categories are included when evaluating the consistency of a locality's Resource Management Area designation for achievement of significant water quality protection:

- a. Known Resource Management Area land types;
- b. Developable land within the jurisdiction;
- c. Areas targeted for redevelopment; and
- d. Areas served by piped or channelized stormwater drainage systems which provide no treatment of stormwater discharges.

2. Localities with no mapping resources or with mapping resources for only portions of their jurisdiction should evaluate the relationships of the following land categories to water quality protection in making their Resource Management Area designations. The board will consider the degree to which these land categories are included when evaluating the consistency of a local government's Resource Management Area designation for achievement of significant water quality protection. Furthermore, such designations may be considered an interim designation until such time as appropriate mapping resources become available if such resources are considered by the board to be useful in determining the Resource Management Area boundaries, in which case the board will reevaluate the interim Resource Management Area designations at a later date:

- a. Known Resource Management Area land types;
- b. Developable land within the jurisdiction;
- c. Areas targeted for redevelopment; and
- d. Areas served by piped or channelized stormwater drainage systems which provide no treatment of stormwater discharges.

3. Local governments should consider extending the Resource Management Area boundary to the remainder of the lot, parcel, or development project upon which Resource Management Area-type features are present.

4. ~~[The board will expect]~~ Local governments ~~[to shall]~~ demonstrate how significant water quality protection will be achieved within designated Resource Management Areas, as well as by each local program as a whole, and to explain the rationale for excluding eligible Resource Management Area components that are not designated.

5. It is not the intent of the board, nor is it the intent of the Act or this chapter, to require that local governments designate all lands within their jurisdiction as Chesapeake Bay Preservation Areas. ~~[It is also not the intent of the board to discourage or preclude jurisdiction-wide designations of Resource Management Areas when the local government considers such designations appropriate, recognizing that greater water quality protection will result from more expansive implementation of the performance criteria.]~~ The extent of the Resource Management Area

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designation should always be based on the prevalence and relation of Resource Management Area land types and other appropriate land areas to water quality protection.

9 VAC 10-20-100. Intensely Developed Areas.

A. At their option, local governments may designate Intensely Developed Areas as an overlay of Chesapeake Bay Preservation Areas within their jurisdictions. For the purposes of this chapter, Intensely Developed Areas shall serve as redevelopment areas in which development is concentrated as of the local program adoption date. Areas so designated shall comply with the performance criteria for redevelopment in Part IV (9 VAC 10-20-110 et seq.) of this chapter.

B. Local governments exercising this option shall examine the pattern of residential, commercial, industrial and institutional development within Chesapeake Bay Preservation Areas. Areas of existing development and infill sites where little of the natural environment remains may be designated as Intensely Developed Areas provided at least one of the following conditions ~~exists~~ existed at the time the local program was [originally] adopted:

~~A.~~ 1. Development has severely altered the natural state of the area such that it has more than 50% impervious surface;

~~B.~~ 2. Public sewer and water ~~is systems, or a constructed stormwater drainage system, or both, have been constructed and currently serves~~ served the area by the effective [original] local program adoption date. This condition does not include areas planned for public sewer and water or constructed stormwater drainage systems;

~~C.~~ 3. Housing density is equal to or greater than four dwelling units per acre.

9 VAC 10-20-105. Site-specific refinement of Chesapeake Bay Preservation Area boundaries.

~~Local governments [may exercise judgement in determining site-specific boundaries of Chesapeake Bay Preservation Area components and in making determinations of the application of this chapter, based on more reliable or specific information gathered from actual field evaluations of the parcel, in accordance with plan of development requirements in subdivision 1 e of 9 VAC 10-20-234 shall, as part of their plan-of-development review process pursuant to subdivision 1 e of 9 VAC 10-20-231 or during their review of a water quality impact assessment pursuant to subdivision 6 of 9 VAC 10-20-130, ensure or confirm that (i) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (ii) Resource Protection Area boundaries are adjusted, as necessary, on the site, based on this evaluation of the site. Local governments may accomplish this by either conducting the site evaluations themselves or requiring the person applying to use or develop the site to conduct the evaluation and submit the required information for review].~~

PART IV. LAND USE AND DEVELOPMENT PERFORMANCE CRITERIA.

9 VAC 10-20-110. Purpose.

A. The purpose of this part is to achieve the goals of the Act and 9 VAC 10-20-50 by establishing criteria to implement the following objectives: prevent a net increase in nonpoint source pollution from new development ~~and development on previously developed land where the runoff was treated by a water quality protection best management practice~~, achieve a 10% reduction in nonpoint source pollution from ~~redevelopment~~ development on previously developed land where the runoff was not treated by one or more water quality best management practices, and achieve a 40% reduction in nonpoint source pollution from agricultural and silvicultural uses.

B. In order to achieve these goals and objectives, [~~these the~~] criteria [in this part] establish performance standards to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, maximize rainwater infiltration, and ensure the long-term performance of the measures employed.

~~A.~~ C. [~~These The~~] criteria [in this part] become mandatory upon the local program adoption date. They are supplemental to the various planning and zoning concepts employed by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas.

~~B.~~ Local governments may exercise judgment in determining site-specific boundaries of Chesapeake Bay Preservation Area components and in making determinations of the application of this chapter, based on more reliable or specific information gathered from actual field evaluations of the parcel, in accordance with plan of development requirements in Part V.

D. Local governments shall incorporate the criteria in this part into their comprehensive plans, zoning ordinances [, and] subdivision ordinances, and [may incorporate the criteria in this part into] such other [~~police and zoning powers ordinances and regulations~~] as may be appropriate, in accordance with §§ 10.1-2108 and 10.1-2111 of the Act and Parts V (9 VAC 10-20-170 et seq.), VI (9 VAC 10-20-181 et seq.), and VII (9 VAC 10-20-211 et seq.) of this chapter. The criteria may be employed in conjunction with other planning and zoning concepts to protect the quality of state waters.

9 VAC 10-20-120. General performance criteria.

~~It [Through their applicable land use ordinances, regulations and enforcement mechanisms,] local governments [must] be demonstrated to the satisfaction of local governments [~~ensure~~ shall require] that any use, development or redevelopment of land in Chesapeake Bay Preservation Areas meets the following performance criteria:~~

1. No more land shall be disturbed than is necessary to provide for the ~~desired~~ proposed use or development.

2. Indigenous vegetation shall be preserved to the maximum extent possible practicable, consistent with the use and or development allowed proposed.

3. Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by the local government through a maintenance agreement with the owner or developer or some other mechanism that achieves an equivalent objective.

4. All development exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development review process consistent with § ~~15.1-491 (h)~~ 15.2-2286 A 8 of the Code of Virginia and subdivision 1 e of 9 VAC 10-20-231.

5. Land development shall minimize impervious cover consistent with the proposed use or development allowed.

6. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of [all single family houses,] septic tanks and drainfields, but otherwise as defined in § 10.1-560 of the Code of Virginia) shall comply with the requirements of the local erosion and sediment control ordinance.

7. On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:

a. Have pump-out accomplished for all such systems at least once every five years;

[~~However, (1)~~] If deemed appropriate by the local health department and subject to conditions the local health department may set, local governments may offer to the owners of such systems, as an alternative to the mandatory pump-out, the option of having a plastic filter installed [and maintained] in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter should satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610 [~~-10 et seq. of the Virginia Administrative Code~~]) administered by the Virginia Department of Health.

[(2) Furthermore, in lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of on-site sewage treatment systems to submit documentation every five years, certified by a sewage handler permitted by the Virginia Department of Health, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.]

b. For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building shall be prohibited on the area of all sewage disposal sites until the structure is

served by public sewer or an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement. *As an alternative to the 100% reserve sewage disposal site, local governments may offer the owners of such systems the option of installing an alternating drainfield system meeting the following conditions:*

(1) *Each of the two alternating drainfields in the system shall have, at a minimum, an area not less than 50% of the area that would otherwise be required if a single primary drainfield were constructed.*

(2) *An area equaling 50% of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that utilize a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system. Expansion of the primary system will require an expansion of this reserve area.*

(3) *The two alternating drainfields shall be connected by a diversion valve, approved by the local health department, located in the pipe between the septic (aerobic) tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one drainfield or the other at a time. However, diversion valves shall not be used for the following types of treatment systems:*

(a) Sand mounds;

(b) Low-pressure distribution systems;

(c) Repair situations when installation of a valve is not feasible; and

(d) Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the local health department.

(4) *The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage and leakproof and designed so that the effluent from the tank can be directed to flow into either one of the two distribution boxes).*

(5) *There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.*

(6) *The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.*

(7) *In lieu of the aforementioned diversion valve, any device that can be designed and constructed to conveniently direct the flow of effluent from the tank into either one of the two distribution boxes may be approved if plans are submitted to the local health department and found to be satisfactory.*

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(8) ~~The local government shall require that the owner(s) alternate the drainfields every 12 months to permit the yearly resting of half of the absorption system.~~

(9) ~~The local government shall [notify ensure that] the owner(s) [are notified] annually of the requirement to switch the valve to the opposite drainfield.~~

8. ~~Stormwater management criteria which accomplish the goals and objectives of this chapter shall apply. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load based upon average land cover conditions. Redevelopment of any site not currently served by water quality best management practices shall achieve at least a 40% reduction of nonpoint source pollution in runoff compared to the existing runoff load from the site. Post-development runoff from any site to be redeveloped that is currently served by water quality best management practices shall not exceed the existing load of nonpoint source pollution in surface runoff consistent with the water quality protection provisions (4 VAC 3-20-71 et seq.) of the Virginia Stormwater Management Regulations (4 VAC 3-20 [-10 et seq.]) shall be satisfied.~~

a. The following stormwater management options shall be considered to comply with this subsection of this chapter:

(1) ~~Incorporation on the site of best management practices that achieve meet the required control water quality protection requirements set forth in this subsection [. For the purposes of this subsection, the "site" may include multiple projects or properties that are adjacent to one another or lie within the same drainage area where a single best management practice will be utilized by those projects to satisfy water quality protection requirements];~~

(2) ~~Compliance with a locally adopted regional stormwater management program [, which may include a Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Department of Environmental Quality to a local government for its municipally owned separate storm sewer system discharges, that is] incorporating pro-rata share payments pursuant to the authority provided in § 15.1-466(j) of the Code of Virginia that results in achievement of equivalent reviewed and found by the board to achieve water quality protection equivalent to that required by this subsection; and~~

(3) ~~Compliance with [an individual permit issued by] a [state or locally implemented program of stormwater discharge permits pursuant to § 402(p) of the federal Clean Water Act, as set forth in 40 CFR Parts 122, 123, 124, and 504] ; and [site-specific VPDES permit issued by the Department of Environmental Quality], provided that the local government specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by this subsection.~~

~~(4) For a redevelopment site that is completely impervious as currently developed, restoring a minimum 20% of the site to vegetated open space.~~

b. Any maintenance, alteration, use or improvement to an existing structure ~~which that~~ does not degrade the quality of surface water discharge, as determined by the local government, may be exempted from the requirements of this subsection.

c. Stormwater management criteria for redevelopment shall apply to any redevelopment, whether or not it is located within an Intensely Developed Area designated by a local government.

9. ~~Land upon which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the local government, shall have a soil and water quality conservation plan. Such a plan shall be based upon the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Soil Conservation Service and accomplish assessment conducted [regarding that evaluates] the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides [, and, where necessary, results in a plan that outlines additional practices needed] to ensure that water quality protection is being accomplished consistent with the Act and this chapter. Such a plan will be approved by the local Soil and Water Conservation District by January 1, 1995.~~

~~The board will request the Department of Conservation and Recreation to evaluate the existing state and federal agricultural conservation programs for effectiveness in providing water quality protection. In the event that, by July 1, 1991, the Department of Conservation and Recreation finds that the implementation of the existing agricultural conservation programs is inadequate to protect water quality consistent with the Act and this chapter, the board will consider the promulgation of regulations to provide more effective protection of water quality from agricultural activities and may require implementation of best management practices on agricultural lands within the Chesapeake Bay Preservation Areas.~~

a. ~~Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed, consistent with cost-share practice standards effective in January [1998 1999] in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the [January 2001 June 2000] edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed shall be as follows:~~

(1) For erosion and sediment control recommendations, the goal shall be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.

(2) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 [-10 et seq.]).

(3) For pest chemical control, referrals shall be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.

b. A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.

c. The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the local Soil and Water Conservation District Board, which will be the plan-approving authority.

10. Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from this chapter provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in its the January 1997 edition of "Forestry Best Management Practices [Handbook] for Water Quality in Virginia [Technical Guide]." The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor ~~in-stream~~ in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas. ~~In the event that, by July 1, 1991, the Department of Forestry programs are unable to demonstrate equivalent protection of water quality consistent with the Act and this chapter, the Department of Forestry will revise its programs to assure consistency of results and may require implementation of best management practices.~~

11. Local governments shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activities to begin.

9 VAC 10-20-130. Performance [Use and] Development criteria for Resource Protection Areas.

~~The following criteria shall apply specifically within Resource Protection Areas and supplement In addition to the general performance criteria set forth in 9 VAC 10-20-120, the criteria in this section are applicable in Resource Protection Areas.~~

~~A. Allowable development. A water quality impact assessment shall be required for any proposed development in accordance with Part V. 1. [Permitted uses.] Land development may be allowed in the Resource Protection Area [, subject to approval by the local government,] only if it (i) is water dependent or; (ii) constitutes [the continuance or] redevelopment [of a use existing at the time of local program adoption]; (iii) [constitutes development or redevelopment within a designated Intensely Developed Area; (iv)] is a new use established pursuant to subdivision 4 a of this section; [~~(v)~~ (v)] is a road or driveway crossing satisfying the conditions set forth in subdivision 1 d of this section; or [~~(vi)~~ (vi)] is a flood control or stormwater management facility satisfying the conditions set forth in subdivision 1 e of this section.~~

~~a. A water quality impact assessment [shall be required for any proposed land disturbance] in accordance with subdivision 6 of this section [shall be required for any proposed land disturbance].~~

~~1- b. A new or expanded water-dependent facility may be allowed provided that the following criteria are met.~~

~~a- (1) It [does not conflict with is proposed to be located in an area designated for such facilities in] the comprehensive plan;~~

~~b- (2) It complies with the performance criteria set forth in this part 9 VAC 10-20-120;~~

~~c- (3) Any nonwater-dependent component is located outside of Resource Protection Areas; and~~

~~d- (4) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where possible practicable, a single point of access will be provided.~~

~~2- c. Redevelopment [outside locally designated Intensely Developed Areas shall be permitted in the Resource Protection Area only if there is no increase in the amount of imperious cover and no further encroachment within the Resource Protection Area, and it] shall conform to applicable stormwater management and erosion and sediment control criteria in this part and stormwater management criteria set forth in subdivisions 6 and 8, respectively, of 9 VAC 10-20-120, as well as all applicable stormwater management requirements of other state and federal agencies.~~

~~3- d. Roads and driveways not exempt under subdivision 4 of subsection B 1 of 9 VAC 10-20-150 and which, therefore, must comply with the provisions of this~~

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chapter, may be constructed in or across Resource Protection Areas if each of the following conditions is met:

~~a-~~ (1) The local government makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area;

~~b-~~ (2) The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality;

~~c-~~ (3) The design and construction of the road or driveway satisfy all applicable criteria of this chapter, including submission of a water quality impact assessment; and

~~d-~~ (4) The local government reviews the plan for the road or driveway proposed in or across the Resource Protection Area in coordination with local government site plan, subdivision and plan of development approvals.

~~e. [Subdivision-scale and regional-scale] Flood control and stormwater management facilities [that drain or treat water from multiple development projects or from a significant portion of a watershed] may be [constructed allowed] in Resource Protection Areas [, provided that (i) the local government has conclusively established that location of the facility within the Resource Protection Area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both; (iii) the facility must be consistent with a stormwater management program that has been approved by the board as a Phase I modification to the local government's program; (iv)] if all applicable permits for construction in state or federal waters [have been must be] obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission [- ; (v) approval must be received from the local government prior to construction; and (vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a Resource Protection Area].~~

2. Exemptions in Resource Protection Areas. The following land disturbances in Resource Protection Areas [may be exempt from the criteria of this part provided that they comply with subdivisions a and b of this subdivision 2]: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails and pathways; and (iii) historic preservation and archaeological activities [may be exempt from the criteria of Part IV (9 VAC 10-20-110 et seq.) of this chapter, provided that they comply with the following requirements]:

a. Local governments shall establish administrative procedures to review such exemptions.

b. Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control criteria in subdivision 6 of 9 VAC 10-20-120.

~~B-~~ 3. Buffer area requirements. The 100-foot wide buffer area shall be the landward component of the Resource Protection Area as set forth in subdivision B 5 of 9 VAC 10-20-80. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is [never not] reduced in width. To minimize the adverse effects of human activities on the other components of the Resource Protection Area, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

[a.] The 100-foot wide buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients. Except as noted in this subsection, a combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area may be employed in lieu of the 100-foot buffer. The following additional performance criteria shall apply:

~~1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:~~

~~a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.~~

~~b. Any path shall be constructed and surfaced so as to effectively control erosion.~~

~~c. Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.~~

~~d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.~~

[b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this chapter.]

~~2-~~ 4. Permitted encroachments into the buffer area.

[a.] When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, ~~modifications to the width of encroachments into~~ the buffer area may be allowed [~~through an administrative process~~] in accordance with the following criteria:

[~~a. (1)~~] ~~Modifications to Encroachments into~~ the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

[~~b. (2)~~] Where ~~possible~~ practicable, ~~an~~ a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area ~~encroaching~~ of encroachment into the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection.

[~~c. (3)~~] ~~In no case shall the reduced portion of the buffer area be less than 50 feet in width. [Regarding the provisions of this subdivision,]~~ The encroachment may not extend into the seaward 50 feet of the buffer area.

[b. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and February 14, 2002, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

(1) The lot or parcel was created as a result of a legal process conducted in conformity with the local government's subdivision regulations;

(2) Conditions or mitigation measures imposed through a previously approved exception shall be met;

(3) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and

(4) The criteria in subdivision 4 a of this section shall be met.]

~~3. Redevelopment within Intensely Developed Areas may be exempt from the requirements of this subsection. However, while the immediate establishment of the buffer area may be impractical, local governments shall give consideration to implementing measures that would establish the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation.~~

5. Permitted modifications of the buffer area.

a. In order to maintain the functional value of the buffer area, existing vegetation may be removed [, subject to approval by the local government,] only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including

those that prevent upland erosion and concentrated flows of stormwater, as follows:

(1) *Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.*

(2) *Any path shall be constructed and surfaced so as to effectively control erosion.*

(3) *Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed [at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist and thinning of trees may be allowed pursuant to sound horticultural practice incorporated into locally-adopted standards].*

(4) *For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.*

4. b. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the buffer area. ~~The Agricultural activities may encroach into the buffer area may be reduced~~ as follows:

a. ~~To a minimum width of 50 feet when the adjacent land is enrolled in a federal, state or locally funded agricultural best management practices program, and the program is being implemented, provided that the combination of the reduced buffer area and the best management practices achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area;~~

b. ~~To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land, provided that the portion of the plan being implemented for the Chesapeake Bay Preservation Area achieves water quality protection at least the equivalent of that provided by the 100-foot buffer area in the opinion of the local Soil and Water Conservation District Board. Such plan shall be based upon the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Soil Conservation Service and accomplish water quality protection consistent with the Act and this chapter;~~

c. ~~The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation~~

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plan approved by the local Soil and Water Conservation District.

(1) Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land -- erosion control or nutrient management -- is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. [~~(a)~~] If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the [~~November 1995 edition of the~~] Virginia Nutrient Management [~~Standards and Criteria,~~ Training and Certification Regulations (4 VAC 5-15)] administered by the Virginia Department of Conservation and Recreation.

[~~(b) In addition, if specific problems are identified which, in the opinion of the local soil and water conservation district board, are causing pollution of the nearby tributary stream or violate performance standards pertaining to the vegetated buffer area, such problems must be corrected within a specified period of time, consistent with time frames and conditions in the implementation guidelines of the Virginia Agricultural Stewardship Act (§§ 10.1-559.1 through 10.1-559.11 of the Code of Virginia). Such problems requiring correction shall be reported to the local government for the purposes of follow-up and, if necessary, enforcement.~~]

(2) Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed, consistent with the [~~November 1995 edition of the~~] Virginia Nutrient Management [~~Standards and Criteria,~~ Training and Certification Regulations (4 VAC 5-15)] administered by the Virginia Department of Conservation and Recreation. [~~In addition, if specific problems are identified which, in the opinion of the local soil and water conservation district board, are causing pollution of the nearby tributary stream or violate performance standards pertaining to the vegetated buffer area, such problems must be corrected within a specified period of time, consistent with time frames and conditions in the implementation guidelines of the Virginia Agricultural~~

~~Stewardship Act (§§ 10.1-559.1 through 10.1-559.11 of the Code of Virginia). Such problems requiring correction shall be reported to the local government for the purposes of follow-up and, if necessary, enforcement.~~] In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

(3) The buffer area is not required to be designated adjacent to agricultural drainage ditches if at least one best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land -- either erosion control or nutrient management -- is being implemented on the adjacent land.

[(4) If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the local government, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

(5) In cases where the landowner or his agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the local government. The local government shall require the landowner to correct the problems within a specified period of time not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.]

6. Water quality impact assessment. A water quality impact assessment shall be required for any proposed development within the Resource Protection Area consistent with [this] part [~~IV (9 VAC 10-20-110 et seq.) of this chapter~~] and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

a. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the Resource Protection Areas consistent with the goals and objectives of the Act, this chapter, and local programs, and to determine specific

measures for mitigation of those impacts. The specific content and procedures for the water quality impact assessment shall be established by each local government. Local governments should notify the board of all development requiring such an assessment. Upon request, the board will provide review and comment regarding any water quality impact assessment [~~within 90 days,~~] in accordance with the advisory state review requirements of § 10.1-2112 of the Act.

b. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the local program.

7. ~~Buffer area requirements for Intensely Developed Areas. In Intensely Developed Areas [and isolated redevelopment and in-fill sites which meet the criteria set forth in 9 VAC 10-20-100 for designating Intensely Developed Areas, establishment of vegetation in the 100-foot wide buffer area may not be required the local government may exercise discretion regarding whether to require establishment of vegetation in the 100-foot wide buffer area]. However, while the immediate establishment of vegetation in the buffer area may be impractical, local governments shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation.~~

9 VAC 10-20-140. [No change from proposed.]

9 VAC 10-20-150. ~~Administrative waivers and Nonconformities, exemptions, and exceptions.~~

A. ~~Nonconforming use uses and development waivers noncomplying structures.~~

1. Local governments may permit the continued use, but not necessarily the expansion, of any structure in existence on the date of local program adoption. Local governments may establish an administrative review procedure to waive or modify the criteria of this part for structures on legal nonconforming lots or parcels provided that:

- a. There will be no net increase in nonpoint source pollutant load; *and*
- b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this part.

2. [~~It is not the intent of this chapter. This chapter shall not be construed~~] to prevent the reconstruction of pre-existing structures within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss unless otherwise restricted by local government ordinances.

B. Public utilities, railroads, [*public*] roads, and facilities exemptions.

1. Construction, installation, operation, and maintenance of electric, [*natural*] gas, *fiber-optic*, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the

Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements will be deemed to constitute compliance with this chapter. The exemption of public roads is further conditioned on the following:

- a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality; *and*
- b. Local governments may choose to exempt (i) all public roads as defined in 9 VAC 10-20-40, or (ii) only those public roads constructed by the Virginia Department of Transportation.

2. Construction, installation and maintenance of [~~local~~] water, sewer ~~and local~~, [*natural*] gas, [~~fiber-optic and underground telecommunications~~] *and cable television lines [owned, permitted, or both, by a local government or regional service authority]* shall be exempt from the criteria in this part provided that:

- a. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas;
- b. No more land shall be disturbed than is necessary to provide for the ~~desired~~ *proposed* utility installation;
- c. All such construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality; *and*
- d. Any land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this part.

~~C. Exemptions in Resource Protection Areas. The following land disturbances in Resource Protection Areas may be exempt from the criteria of this part provided that they comply with subdivisions 1 and 2 below of this subsection: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails and pathways; and (iii) historic preservation and archaeological activities.~~

- 1. ~~Local governments shall establish administrative procedures to review such exemptions.~~
- 2. ~~Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control requirements of this part.~~

C. [*Exceptions.*

1.] ~~Exceptions to the requirements of [Part IV (9 VAC 10-20-110 et seq.) of this chapter 9 VAC 10-20-120 and 9 VAC 10-20-130] may be granted, provided that [~~(i) exceptions to the criteria shall be the minimum necessary to afford relief, (ii) reasonable and appropriate conditions upon any exception granted shall be imposed as necessary so that the purpose and intent of the Act is preserved, and (iii) the~~~~

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~~provisions of § 15.2-2309 of the Code of Virginia are met. Each local government shall design an appropriate process or processes for the administration of exceptions, in accordance with § 15.2-2309 of the Code of Virginia and subdivision 6 of 9 VAC 10-20-130 a finding is made that:~~

- a. ~~The requested exception to the criteria is the minimum necessary to afford relief;~~
- b. ~~Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;~~
- c. ~~The exception is in harmony with the purpose and intent of this part and is not of substantial detriment to water quality;~~
- d. ~~The exception request is not based upon conditions or circumstances that are self-created or self-imposed;~~
- e. ~~Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and~~
- f. ~~Other findings, as appropriate and required by the local government, are met.~~

2. ~~Each local government shall design and implement an appropriate process or processes for the administration of exceptions. The process to be used for exceptions to 9 VAC 10-20-130 shall include, but not be limited to, the following provisions:~~

- a. ~~An exception may be considered and acted upon only by the local legislative body; the local planning commission; or a special committee, board or commission established or designated by the local government to implement the provisions of the Act and this chapter.~~
- b. ~~Local governments implementing this chapter through the local zoning code may provide for specific provisions that allow for consideration of exceptions that comply with subdivision 2 of this subsection.~~
- c. ~~The provision of subdivision 2 b of this subsection notwithstanding, no exception shall be authorized except after notice and a hearing, as required by § 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the notice may be given by first-class mail rather than by registered or certified mail.~~

3. ~~Exceptions to other provisions of this part may be granted, provided that:~~

- a. ~~Exceptions to the criteria shall be the minimum necessary to afford relief; and~~
- b. ~~Reasonable and appropriate conditions upon any exception granted shall be imposed, as necessary, so that the purpose and intent of the Act is preserved.~~

4. ~~Notwithstanding the provisions of subdivisions 2 a through 2 c of this subsection, additions and modifications to existing legal principal structures may be processed through an administrative review process, as allowed by subsection A of this section, subject to the findings required by subdivision 1 of this subsection but without a requirement for a public hearing. This provision shall not apply to accessory structures.]~~

9 VAC 10-20-160. [No change from proposed.]

PART V.

IMPLEMENTATION, ASSISTANCE, AND DETERMINATION OF CONSISTENCY COMPREHENSIVE PLAN CRITERIA.

9 VAC 10-20-170 through 9 VAC 10-20-220. [No change from proposed.]

A. 9 VAC 10-20-171. Comprehensive plans.

Local governments shall review and revise their comprehensive plans, as necessary, for compliance with § 10.1-2109 of the Act [and this chapter]. As a minimum, the comprehensive plan or plan component ~~should~~ shall consist of the following basic elements: (i) a summary of data collection ~~and analysis~~; (ii) a ~~analysis and policy discussion~~ discussion(s); (iii) a land use plan ~~map~~ map(s); and (iv) implementing measures, including specific objectives and a time frame for accomplishment.

1. Local governments ~~should~~ shall establish and maintain, as appropriate, an information base from which ~~to make~~ policy choices are made about future land use and development that will protect the quality of state waters. This element of the plan should be based upon the following, as applicable to the locality:

- a. ~~Information used to designate~~ The location and extent of Chesapeake Bay Preservation Areas;
- b. ~~Other marine resources~~ Physical constraints to development, including soil limitations;
- [c. ~~The character and location of commercial and recreational fisheries and other aquatic resources;~~]
- [~~e. d.~~] Shoreline and streambank erosion problems and location of erosion control structures;
- [~~e. e.~~] Conflicts between Existing and proposed land uses and water quality protection;
- [~~e. f.~~] Catalog of existing [and potential water] pollution sources;
- [~~e. g.~~] Public and private waterfront access areas [, including the general locations of or information about docks, piers, marinas, boat ramps, and similar water access facilities];
- e. [~~e. h.~~] A map or map series accurately representing the above information.

2. As part of the comprehensive plan, local governments [~~should~~ shall] clearly indicate local policy on land use issues relative to water quality protection based on an analysis of the data referred to in subdivision 1 of this

section. Local governments [~~should~~ shall] ensure consistency among the policies developed.

a. Local governments [~~should~~ shall] discuss each component of Chesapeake Bay Preservation Areas in relation to the types of land uses considered appropriate and consistent with the goals and objectives of the Act, this chapter, and their local programs.

b. As a minimum, local governments ~~should~~ shall prepare policy statements for inclusion in the plan on the following issues, as applicable to the locality:

(1) Physical constraints to development, including a discussion of the relationship between soil limitations and existing and proposed land use, with an explicit discussion of soil suitability for septic tank use;

(2) Protection of potable water supply, including groundwater resources and threats to the water supply or groundwater resources from existing [and potential] pollution sources;

(3) Relationship of land use to commercial and recreational fisheries [and other aquatic resources] ;

(4) ~~Appropriate density for~~ [Siting of docks and piers;]

(5) [~~(3)~~] Public and private access to waterfront areas and effect on water quality;

[(6)] ~~Existing pollution sources;~~ [Mitigation of the impacts of land use and its associated pollution upon water quality;]

[~~(4)~~ (7)] Shoreline and streambank erosion problems; and

(7) [~~(5)~~ (8)] Potential water quality improvement [and through] reduction of existing pollution sources [through and] the redevelopment of Intensely Developed Areas and other areas targeted for redevelopment.

c. For each of the policy issues listed above, the plan [~~should~~ shall] contain a discussion of the scope and importance of the issue, ~~alternative policies considered~~, the policy adopted by the local government for that issue, and a description of how the local policy will be implemented.

d. Within the policy discussion, local governments [~~should~~ shall] address consistency the relationship between the plan and all adopted, existing and proposed land use, public services, land use value taxation ordinances and policies, and capital improvement plans and budgets to ensure a consistent local policy.

PART VI.

[ZONING AND SUBDIVISION LAND DEVELOPMENT]
ORDINANCES.

9 VAC 10-20-181. Purpose.

The purpose of this part is to assist local governments in the [development preparation] of [zoning and subdivision ordinances land use and development ordinances and regulations adopted pursuant to § 10.1-2109 and Articles 1

through 7 of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia] that are consistent with the Act [and this chapter] , and to establish guidelines for determining the consistency of [zoning and subdivision ordinances such ordinances and regulations] with the Act [and this chapter. Such ordinances and regulations include, but are not limited to, subdivision ordinances and zoning ordinances].

B. 9 VAC 10-20-191. [Zoning Land development] ordinances [regulations and procedures].

A. Local governments shall review and revise their [zoning ordinances land development regulations], as necessary, to comply with § 10.1-2109 of the Act. ~~The ordinances To achieve this [, each local government shall demonstrate and establish, as necessary, a development suitability hierarchy of land uses and performance standards within the local zoning ordinance that (i) protects sensitive environmental features as listed in 9 VAC 10-20-80 and 9 VAC 10-20-90; (ii) ensures that the uses permitted by the local zoning ordinance are consistent with the comprehensive plan, the Act and this chapter; (iii) minimizes the amount of impervious cover and land disturbance; and (iv) preserves existing vegetation and open space to the maximum extent practicable. Each local zoning ordinance should] :~~

[1. Make provisions for the protection of the quality of state waters; by:

a. ~~Incorporating appropriate design considerations that concentrate development in areas without physical constraints to development as identified in the comprehensive plan or that address the appropriate development density in areas with physical constraints to development; and~~

b. ~~Encouraging compact, efficient development concentrated in the most appropriate portions of the locality as identified in the comprehensive plan, in order to minimize land disturbance and impervious cover and preserve existing vegetation, drainage patterns, and open space.~~

2. ~~Incorporate either explicitly or by direct reference the performance criteria in Part IV; (9 VAC 10-20-110 et seq.) of this chapter. At a minimum, specific development standards that implement the following performance criteria from subdivisions 1, 2, and 5 of 9 VAC 10-20-120 (minimizing land disturbance and impervious cover and preserving existing vegetation, respectively) shall be included as part of the zoning ordinance.~~

3.] ~~Be consistent [Ensure consistency with the water quality protection goals, objectives, policies, and implementation strategies identified in the local comprehensive plan] within Chesapeake Bay Preservation Areas.~~

[1. Local zoning ordinances shall ensure that the uses permitted by the local zoning regulations are consistent with the Act and this chapter;

2. Local land development ordinances and regulations shall incorporate either explicitly or by direct reference the performance criteria in Part IV (9 VAC 10-20-110 et seq.) of this chapter. Specific development standards that

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implement the performance criteria from subdivisions 1, 2 and 5 of 9 VAC 10-20-120 (minimizing land disturbance and impervious cover and preserving existing vegetation, respectively) shall be included;

3. Local land development ordinances and regulations shall protect the integrity of Chesapeake Bay Preservation Areas by incorporating standards to ensure (i) the protection of water quality; (ii) the preservation of Resource Protection Area land categories, as set forth in 9 VAC 10-20-80, including the 100-foot wide buffer area; and (iii) the compatibility of development with Resource Management Area land categories, as set forth in 9 VAC 10-20-90;

4. Local land development ordinances and regulations shall provide for (i) depiction of Resource Protection Area and Resource Management Area boundaries on plats and site plans, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9 VAC 10-20-130; (ii) a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; and (iii) a plat notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area; and

5. Local governments shall require, during the plan of development review process, the delineation of the buildable areas that are allowed on each lot. The delineation of buildable areas shall be based on the performance criteria specified in Part IV (9 VAC 10-20-110 et seq.) of this chapter, local front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverage.]

~~G. Plan of development review. Local governments shall make provisions as necessary to ensure that any development of land within Chesapeake Bay Preservation Areas must be accomplished through a plan of development procedure pursuant to § 15.1-491(h) of the Code of Virginia to ensure compliance with the Act and this chapter. Any exemptions from those review requirements shall be established and administered in a manner that ensures compliance with these this chapter.~~

~~B. Local governments [should evaluate the relationship between the submission standards, performance standards, and permitted uses in local land management ordinances to identify any obstacles to achieving the water quality goals of the Act and this chapter. Local governments should revise these ordinances as necessary to eliminate any identified obstacles based in the procedural or development standards shall undertake the following as necessary, to comply with § 10.1-2109 of the Act:~~

1. Local governments shall evaluate the relationship between the submission requirements, performance standards, and permitted uses in local land development ordinances and regulations to identify any obstacles to achieving the water quality goals of the Act and this chapter as set forth in § 10.1-2107 B of the Act, 9 VAC 10-20-50 and 9 VAC 10-20-110. Local governments shall revise these ordinances and regulations, as necessary,

to eliminate any obstacles identified in the submission requirements or development standards.

2. Local governments shall review and revise their land development ordinances and regulations adopted pursuant to § 10.1-2109 and Articles 1 through 7 of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia to assure that their subdivision ordinances, zoning ordinances, and all other components of their local Chesapeake Bay Preservation Act programs are consistent in promoting and achieving the protection of state waters. In addition, local governments shall identify and resolve any conflicts among the components of the local programs and with other local ordinances, regulations and administrative policies, to assure that the intent of the Act and this chapter is fulfilled.

3. Local governments shall review and revise their land development ordinances and regulations to ensure consistency with the water quality protection goals, objectives, policies, and implementation strategies identified in the local comprehensive plan.]

~~D. [VAC 10-20-201. Subdivision ordinances.~~

~~Local governments shall review and revise their subdivision ordinances, as necessary, to comply with § 10.1-2109 of the Act. The ordinances] should [shall:~~

~~1. Make provisions for the protection of the quality of state waters by:~~

~~a. Incorporating specific development standards in the subdivision ordinance regarding (i) lot sizes, coverage, and layout, and (ii) street widths, materials and layout, in order to minimize land disturbance and impervious cover and preserve existing vegetation; and~~

~~b. Local governments may also incorporate other appropriate standards including, but not limited to, cluster development, conservation easements, open space design, planned unit developments, and common septic systems and artificial wetlands for sewage treatment.]~~

~~1. [2. Include language to ensure the integrity of Chesapeake Bay Preservation Areas; by incorporating standards to ensure (i) the protection of water quality; (ii) the preservation of Resource Protection Area land categories, as set forth in 9 VAC 10-20-80, including the 100-foot wide buffer area; and (iii) the compatibility of development with Resource Management Area land categories, as set forth in 9 VAC 10-20-90.]~~

~~2. [3. Incorporate, either explicitly or by direct reference, the performance criteria of Part IV (9 VAC 10-20-110 et seq.) of this chapter by including standards to (i) limit land disturbance; (ii) limit the clearing of existing vegetation; (iii) limit impervious cover; (iv) delineate Resource Protection Area and Resource Management Area boundaries on plats, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9 VAC 10-20-130; (v) require a plat notation of the requirement for pump-out and 100% reserve drainfield sites for on-site sewage treatment systems, when applicable; and (vi) require a plat notation of the permissibility of only water dependent facilities or~~

~~redevelopment in Resource Protection Areas, including the 100-foot wide buffer area.]~~

~~E. Water quality impact assessment. A water quality impact assessment shall be required for any proposed development within the Resource Protection Area consistent with Part IV and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.~~

~~1. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in Resource Protection Areas consistent with the goals and objectives of the Act, this chapter, and local programs, and to determine specific measures for mitigation of these impacts. The specific content and procedures for the water quality impact assessment shall be established by local governments. Local governments should notify the board of all development requiring such assessment. Upon request, the board will provide review and comment on any water quality impact assessment within 90 days, in accordance with advisory state review requirements of § 10.1-2112 of the Act.~~

~~2. The assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the local program.~~

~~F. Review by the board. The board will review any proposed management program within 90 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and available to accomplish the long-term aspects of the local program. If the program or any part thereof is not consistent, the board will notify the local government in writing stating the reasons for a determination of inconsistency and recommending specific changes. Copies of the adopted program documents and subsequent changes thereto shall be provided to the board.~~

~~[To accomplish these standards, local governments shall require, at a minimum, the delineation of the buildable areas that are allowed on each lot. The delineation of buildable areas shall be based on the performance criteria specified in Part IV (9 VAC 10-20-110 et seq.) of this chapter, local front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverages.~~

~~4. Local governments shall review and revise their subdivision ordinances to assure that their subdivision ordinances, comprehensive plans, zoning ordinances, and all other components of their local Chesapeake Bay Preservation Act programs are consistent with each other in promoting and achieving the protection of state waters. In addition, local governments shall identify and resolve any conflicts among the components of the local programs and with other local regulations and administrative policies to assure that the intent of the Act and this chapter are fulfilled.]~~

PART VII. LOCAL ASSISTANCE AND LOCAL PROGRAM CONSISTENCY REVIEW PROCESS.

9 VAC 10-20-211 through 9 VAC 10-20-230. [No change from proposed.]

9 VAC 10-20-231. Preparation and submission of management program.

Local governments must adopt the full management program, which will consist of Phases I - III as defined in this section and including any revisions to comprehensive plans, zoning ordinances, subdivision ordinances, and other local authorities necessary to implement the Act. Prior to adoption, local governments may submit any proposed revisions to the board for comments. Criteria are provided below for local government use in preparing local programs and the board's use in determining local program consistency.

1. Phase I shall consist of the designation of Chesapeake Bay Preservation Areas and adoption of the performance criteria. This phase of designating Chesapeake Bay Preservation Areas as an element of the local program should include:

a. Utilizing existing data and mapping resources to identify and describe tidal wetlands, nontidal wetlands, tidal shores, [tributary streams water bodies with perennial flow], flood plains, highly erodible soils including steep slopes, highly permeable areas, and other sensitive environmental resources as necessary to comply with Part III (9 VAC 10-20-70 et seq.) of this chapter;

b. Determining, based upon the identification and description, the extent of Chesapeake Bay Preservation Areas within the local jurisdiction;

c. Preparing an appropriate map or maps delineating Chesapeake Bay Preservation Areas;

d. Preparing amendments to local ordinances that incorporate the performance criteria of Part IV (9 VAC 10-20-110 et seq.) of this chapter or the model ordinance prepared by the board;

e. Establishing, if necessary, and incorporating a plan of development review process. Local governments shall make provisions as necessary to ensure that any development of land within Chesapeake Bay Preservation Areas shall be accomplished through a plan of development procedure pursuant to § 15.2-2286 A 8 of the Code of Virginia to ensure compliance with the Act and this chapter. Any exemptions from those review requirements shall be established and administered in a manner that ensures compliance with this chapter.

f. Conducting a public hearing. Prior to adopting Chesapeake Bay Preservation Areas and the performance criteria, each local government shall hold a public hearing to solicit public comment regarding these local program components.

g. Providing copies of the adopted program documents and subsequent changes thereto to the board for

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consistency review, as set forth in subdivision 5 of this section.

2. Phase II shall consist of local governments reviewing and revising their comprehensive plans, as necessary, for compliance with § 10.1-2109 of the Act, in accordance with the provisions set forth in Part V (9 VAC 10-20-170 et seq.) of this chapter.

3. Phase III shall consist of local governments reviewing and revising their [~~zoning and subdivision ordinances~~ land development regulations and processes, which include but are not limited to zoning ordinances, subdivision ordinances, erosion and sediment control ordinances, and the plan of development review process], as necessary, to comply with § 10.1-2109 of the Act [~~, in accordance and to be consistent~~] with the provisions set forth in Part VI (9 VAC 10-20-181 et seq.) of this chapter.

4. Consistent with §§ 10.1-2108, 10.1-2109, and 10.1-2113 of the Act [~~, and to the degree that a local program is adopted pursuant to or as a part of local zoning authority,~~] local governments may use civil penalties [~~consistent with § 15.2-2209 of the Code of Virginia~~] to enforce compliance with the requirements of local programs.

5. Review by the board.

a. The board will review proposed elements of a program phase within 60 days according to review policies adopted by the board. If the proposed program phase is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and available to accomplish the proposed program phase. If the proposed program phase or any part thereof is not consistent, the board will notify the local government in writing, stating the reasons for a determination of inconsistency and specifying needed changes. Copies of the adopted program documents and subsequent changes thereto shall be provided to the board.

b. The board will review locally adopted elements of a program phase according to review policies adopted by the board and as set forth in 9 VAC 10-20-250.

PART ~~VI~~ VIII.

IMPLEMENTATION AND ENFORCEMENT.

9 VAC 10-20-250. Administrative proceedings.

Section 10.1-2103.8 of the Act provides that the board shall ensure that local government comprehensive plans, subdivision ordinances and zoning ordinances are in accordance with the provisions of the Act, and that it shall determine such compliance in accordance with the provisions of the Administrative Process Act. When the board determines to decide such compliance, it will give the subject local government at least 15 days notice of its right to appear before the board at a time and place specified for the presentation of factual data, argument and proof as provided by § [~~9-6.44:44~~ 2.2-4019] of the Code of Virginia. The board will provide a copy of its decision to the local government. If any deficiencies are found, the board will establish a schedule for the local government to come into compliance.

1. In order to carry out its mandated responsibilities under § 10.1-2103.10 of the Act, the board will:

a. [~~Request~~ Require] that each Tidewater local government submit an annual implementation report outlining the implementation of the local program. The board will develop reporting criteria which outline the information to be included in the reports and the time frame for their submission. The board will use the information in these reports to assess local patterns of compliance with the Act and this chapter and to evaluate the need for an administrative proceeding to more closely review any individual local government's compliance. All proceedings of this nature will be developed and conducted in accordance with this section.

b. Develop a [~~four-year~~] compliance review process [~~that will~~. Reviews will occur on a five-year cycle, and, when feasible, will be conducted as part of the local government's comprehensive plan review and update process. The review process shall] consist of a self-evaluation by each local government of local program implementation and enforcement as well as an evaluation by department staff. Based on these evaluations, the board will make a consistency finding regarding the implementation of each local program.

(1) The self-evaluation shall be conducted by each local government according to procedures developed by the board.

(2) At a minimum, the department staff's evaluation will include a review of previous annual reports and site visits.

2. Certification of a local program. Upon a satisfactory finding resulting from the compliance review process, the board will certify that the local program is being implemented and enforced by the local government consistent with the Act and this chapter and is, therefore, in compliance. Such a certification shall be valid for a period of [~~four~~ five] years until the local government's next scheduled review, unless the board finds a pattern of noncompliance during the interim period of time, pursuant to subdivision 1 of this section.

9 VAC 10-20-260. [No change from proposed.]

9 VAC 10-20-270. [No change from proposed.]

9 VAC 10-20-280. [No change from proposed.]

DOCUMENTS INCORPORATED BY REFERENCE

"Field Office Technical Guide," US Department of Agriculture-Natural Resource Conservation Service, Second Edition, 1999.

~~"Natural Soils~~ National Soil Survey Handbook," US Department of Agriculture-Natural Resource Conservation Service, 1996.

Forestry Best Management Practices for Water Quality in Virginia [*Technical Guide*], January 1997, Virginia Department of Forestry.

[~~Virginia Nutrient Management Standards and Criteria, Virginia Department of Conservation and Recreation, 1995.~~]

Virginia Agricultural BMP Manual, Virginia Department of Conservation and Recreation, 2000.

Pest Management Guide, Virginia Polytechnic Institute and State University, 1999.

VA.R. Doc. No. R96-358; Filed December 21, 2001, 3:55 p.m.

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Due to its length, the following regulation filed by the State Water Control Board is not being published. However, in accordance with § 2.2-4031 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/vol18/welcome.htm>.

Title of Regulation: 9 VAC 25-31. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (amending 9 VAC 25-31-10, 9 VAC 25-31-30, 9 VAC 25-31-40, 9 VAC 25-31-100, 9 VAC 25-31-120, 9 VAC 25-31-121, 9 VAC 25-31-150, 9 VAC 25-31-190, 9 VAC 25-31-220, 9 VAC 25-31-230, 9 VAC 25-31-340, 9 VAC 25-31-470, 9 VAC 25-31-500, 9 VAC 25-31-750, 9 VAC 25-31-770, 9 VAC 25-31-780, 9 VAC 25-31-790, 9 VAC 25-31-800, 9 VAC 25-31-810, 9 VAC 25-31-840, 9 VAC 25-31-900).

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

Effective Date: February 15, 2002.

Summary:

The requirements for permit applications from treatment works treating domestic sewage are amended to conform the regulation more closely to corresponding federal regulations. The amendments also update all federal regulation references to the 2000 editions.

Agency Contact: Jon Van Soestbergen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4117 or e-mail jvansoest@deq.state.va.us.

VA.R. Doc. No. R02-105; Filed December 21, 2001, 4:42 p.m.



TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 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: 10 VAC 5-20. State Savings Banks; Corporate Name and Investment Requirement (adding 10 VAC 5-20-40).

Statutory Authority: §§ 6.1-194.141 and 12.1-13 of the Code of Virginia.

Effective Date: December 20, 2001.

Summary:

The amendments permit state-chartered savings banks, notwithstanding certain statutes, to (i) have a corporate name that does not contain the word "savings," and (ii) meet the 60% real estate loan investment requirement by fulfilling the federal qualified thrift lender test.

Agency Contact: John Crockett, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, Tyler Bldg., 1300 E. Main St., Richmond, VA 23219, telephone (804) 371-9704 or e-mail jcrockett@scc.state.va.us.

AT RICHMOND, DECEMBER 19, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Case No. BFI010203

Ex Parte: In re: Powers of state savings banks; corporate name; investment requirement

ORDER ADOPTING A REGULATION

By Order entered herein on September 19, 2001, the State Corporation Commission ("Commission") directed that notice be given of its proposal, acting pursuant to § 6.1-194.141 of the Code of Virginia, to promulgate a regulation applicable to state savings banks. Notice of the proposed regulation was published in the Virginia Register on October 8, 2001, and the proposed regulation was posted on the Commission's website. Interested parties were afforded the opportunity to file written comments in favor of or against the proposal on or before October 22, 2001. Capital One Bank, by counsel, filed written comments suggesting modifications of the proposed regulation, and the Staff also suggested modifications.

The Commission, having considered the record, the proposed regulation, the written comments filed, and Staff suggestions, concludes that the proposed regulation should be modified in

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certain respects. The Commission further concludes that the proposed regulation, as modified, will make the powers of state savings banks comparable to those of federal savings banks in relation to corporate names and investment requirements and that the modified proposed regulation should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) Modified proposed 10 VAC 5-20-40 entitled "State savings banks; corporate name and investment requirement" attached hereto is adopted effective as of the date of this Order.

(2) The modified proposed regulation shall be transmitted for publication in the Virginia Register.

(3) The Commissioner of Financial Institutions shall send a copy of the regulation to all state savings banks.

(4) This case is dismissed, and the papers herein shall be placed among the ended cases.

AN ATTESTED COPY of this Order shall be sent to the Commissioner of Financial Institutions.

10 VAC 5-20-40. State savings banks; corporate name and investment requirement.

Pursuant to § 6.1-194.141 of the Code of Virginia, a state savings bank shall not be required to have as a part of its corporate name the [words word] "savings [bank] ," regardless of [§] § [6.1-112 and] 6.1-194.112 of the Code of Virginia. Further, a state savings bank [may include in its] shall be deemed in compliance with the [investment in "real estate loans [;]" [for purposes of meeting the] requirement of § 6.1-194.62 [of the Code of Virginia, its credit card loans, regardless of the fact that the definition of "real estate loans" in § 6.1-194.62 of the Code of Virginia does not include such loans. The term "credit card loans" shall have the meaning set forth in 12 USC § 1464(e)(i)(T), i.e., loans made through credit cards or credit card accounts if it meets the "qualified thrift lender test" set forth in 12 USC § 1468a (m)(1)(B)] .

VA.R. Doc. No. R02-11; Filed December 20, 2001, 2:55 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

REGISTRAR'S NOTICE: The following regulation filed by the State Board of Health is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 25 of the Code of Virginia, which exempts the State Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35 of the Code of Virginia.

Title of Regulation: 12 VAC 5-90. Regulations for Disease Reporting and Control (amending 12 VAC 5-90-80.)

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

Effective Date: December 18, 2001.

Summary:

The amendments add certain diseases and conditions to the list of diseases that medical care providers and laboratories must report to the health department. The diseases being added are Creutzfeld-Jakob disease in persons under 55 years of age, chronic hepatitis B infection in pregnant women, chronic hepatitis C infection, Q fever, smallpox, invasive pneumococcal disease in young children, tularemia, viral hemorrhagic fever, and any unusual occurrence of disease of public health concern.

Agency Contact: Doug Harris, State Board of Health, 1500 East Main Street, Richmond, VA 23219, telephone (804) 786-3554.

12 VAC 5-90-80. Reportable disease list.

A. The board declares the following named diseases, toxic effects, and conditions to be reportable by the persons enumerated in 12 VAC 5-90-90. Conditions identified by an asterisk (*) require rapid communication as defined in subsection B of this section:

Acquired Immunodeficiency Syndrome (AIDS)
Amebiasis
*Anthrax
Arboviral infections (e.g., EEE, LAC, SLE, WNV)
*Botulism
Brucellosis
Campylobacter infection
Chancroid
Chickenpox
Chlamydia trachomatis infections
*Cholera
Creutzfeld-Jakob disease if <55 years of age
Cryptosporidiosis
Cyclosporiasis
*Diphtheria
Ehrlichiosis
Escherichia coli O157:H7 and other enterohemorrhagic E. coli infections
Giardiasis
Gonorrhea
Granuloma inguinale
*Haemophilus influenzae infection, invasive
Hantavirus pulmonary syndrome
Hemolytic uremic syndrome (HUS)
~~Hepatitis, acute viral~~
*Hepatitis A (IgM +)
Hepatitis B:
 Acute disease (IgM +)
 HBsAg positive pregnant women
Hepatitis C (acute and chronic)
~~Other acute viral Hepatitis~~
Hepatitis, other acute viral
Human immunodeficiency virus (HIV) infection
Influenza
Kawasaki syndrome
Lead-elevated blood levels
Legionellosis
Leprosy (Hansen disease)

Listeriosis
 Lyme disease
 Lymphogranuloma venereum
 Malaria
 *Measles (Rubeola)
 *Meningococcal infection
 Mumps
 Ophthalmia neonatorum
 *Outbreaks, all (including foodborne, nosocomial, occupational, toxic substance-related, waterborne, and other outbreaks)
 *Pertussis (Whooping cough)
 *Plague
 *Poliomyelitis
 *Psittacosis
 Q fever
 *Rabies, human and animal
 Rabies treatment, post-exposure
 Rocky Mountain spotted fever
 Rubella (German measles), including congenital rubella syndrome
 Salmonellosis
 Shigellosis
 Smallpox
 Streptococcal disease, Group A, invasive
Streptococcus pneumoniae, invasive in <5 years of age
 Syphilis (report *primary and *secondary syphilis by rapid means)
 Tetanus
 Toxic shock syndrome
 Toxic substance-related illness
 Trichinosis (Trichinellosis)
 *Tuberculosis disease
 Tuberculosis infection in children ages <4 years (Mantoux tuberculin skin test reaction ≥ 10 mm)
 Tularemia
 Typhoid fever
 Typhus
Unusual occurrence of disease of public health concern
 Vancomycin-resistant *Staphylococcus aureus*
 Vibrio infection
Viral hemorrhagic fever
 *Yellow Fever

B. Reportable diseases requiring rapid communication. Certain of the diseases in the list of reportable diseases, because of their extremely contagious nature or their potential for greater harm, or both, require immediate identification and control. Reporting of persons confirmed or suspected of having these diseases, listed below and identified by asterisks in subsection A of this section and 12 VAC 5-90-90 B, shall be made within 24 hours by the most rapid means available, preferably that of telecommunication (e.g., telephone, telephone transmitted facsimile, telegraph, teletype, etc.) to the local health director or other professional employee of the department:

Anthrax
 Botulism
 Cholera
 Diphtheria
 Haemophilus influenza infection, invasive

Hepatitis A
 Measles (Rubeola)
 Meningococcal infection
 Outbreaks, all
 Pertussis
 Plague
 Poliomyelitis
 Psittacosis
 Rabies in man and animals
 Syphilis, primary and secondary
 Tuberculosis disease
 Yellow Fever

C. Diseases to be reported by number of cases. The following disease in the list of reportable diseases shall be reported as number-of-cases only:

Influenza (by type, if available)

D. Human immunodeficiency virus (HIV) infection. Every physician practicing in this Commonwealth shall report to the local health department any patient of his who has tested positive for human immunodeficiency virus (HIV). Every person in charge of a medical care facility shall report the occurrence in or admission to the facility of a patient with HIV infection unless there is evidence that the occurrence has been reported by a physician. When such a report is made, it shall include the information required in 12 VAC 5-90-90 A. Only individuals who have laboratory results which indicate the presence of HIV antigen, nucleic acid, or antibodies (such as at least two enzyme-linked immunosorbent assays (done in duplicate at the same time or singly at different times), and a supplemental test such as the western blot or by rapid tests with confirmation) are considered to have HIV infection.

E. Toxic substance-related diseases or illnesses. All toxic substance-related diseases or illnesses, including pesticide and heavy metal poisoning or illness or disease resulting from exposure to an occupational dust or fiber or radioactive substance, shall be reported.

If such disease or illness is verified or suspected and presents an emergency or a serious threat to public health or safety, the report of such disease or illness shall be by rapid communication as in subsection B of this section.

F. Outbreaks. The occurrence of outbreaks or clusters of any illness which may represent a group expression of an illness which may be of public health concern shall be reported to the local health department by the most rapid means available.

G. Unusual or ill-defined diseases or emerging or reemerging pathogens. Unusual or emerging conditions of public health concern shall be reported to the local health department by the most rapid means available. In addition, the commissioner or his designee may establish temporary surveillance systems for diseases or conditions that are not on the list of reportable diseases. Such surveillance may be established to identify cases (delineate the magnitude of the situation), to identify the mode of transmission and risk factors for the disease, and to identify and implement appropriate action to protect public health. Any person reporting information at the request of the department for special surveillance or other epidemiological studies shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

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H. Contact tracing. When notified about a disease specified in subsection A of this section, the local health department shall perform contact tracing for HIV infection, infectious syphilis, and tuberculosis and may perform contact tracing for the other diseases if deemed necessary to protect the public health. The local health director shall have the responsibility to accomplish contact tracing by either having patients inform their potential contacts directly or through obtaining pertinent information such as names, descriptions, and addresses to enable the health department staff to inform the contacts. All contacts of HIV infection shall be afforded the opportunity for appropriate counseling, testing, and individual face-to-face disclosure of their test results. In no case shall names of informants or infected persons be revealed to contacts by the health department. All information obtained shall be kept strictly confidential.

VA.R. Doc. No. R02-102; Filed December 18, 2001, 11:22 a.m.

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TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 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.

Attachments A and C referenced in the following order are not being published. However, the attachments are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday.

Attachment B referenced in the following order will be published in the proposed section of Volume 18, Issue 10 of the Virginia Register of Regulations.

Title of Regulation: **20 VAC 5-302-10 et seq. [Information Filing] Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility (amending 20 VAC 5-302-10 [; and] 20 VAC 5-302-20 [; and 20 VAC 5-302-30] ; adding [20 VAC 5-302-25 and] 20 VAC 5-302-40 [; repealing 20 VAC 5-302-30]).**

Statutory Authority: §§ 12.1-13, 56-234.3 and 56-265.2 of the Code of Virginia.

Effective Date: December 14, 2001.

Summary:

The amendments incorporate statutory changes that have occurred since the original adoption of the regulations in 1990. In addition, the changes broaden the scope of the rules to include all electric generating facilities, with a few

exceptions, rather than just facilities proposed by independent power producers.

After weighing all of the evidence gathered in the docket, the commission proposes changes to the filing requirements for electric generating facilities in Virginia. The changes reflect decisions made by the commission as to what information it requires to make a finding that an electric generating facility proposed to be built in Virginia is not contrary to the public interest. The changes also reflect the commission's decision that § 56-580 D of the Code of Virginia supplants §§ 56-234.3 and 56-265.2.

Agency Contact: Tommy Oliver, 1300 East Main Street, Richmond, Virginia 23219, telephone (804) 371-9358 or e-mail toliver@scc.state.va.us.

AT RICHMOND, DECEMBER 14, 2001

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE010313

CASE NO. PUE010665

Ex Parte: In the matter of amending filing requirements for applications to construct and operate electric generating facilities

ORDER ADOPTING RULES AND PRESCRIBING ADDITIONAL NOTICE

On June 12, 2001, the State Corporation Commission ("Commission") entered its Order Establishing Proceeding and Prescribing Notice in Case No. PUE010313 ("June 12 Order") to establish new filing requirements to be applicable to all entities seeking authority to construct and operate electric generating facilities in Virginia. The new regulations to be promulgated in this proceeding will amend the Commission's existing filing requirements for applications submitted by independent power producers pursuant to §§ 56-234.3 and 56-265.2 of the Code of Virginia.¹ We noted in our June 12 Order that significant changes have occurred in the electric utility industry in Virginia since the adoption in 1990 of the current filing requirements, and that, moreover, statutes governing the Commission's approval of electric generating facilities have been amended significantly. These statutory changes include amendments to § 56-265.2 and the enactment in 1999 of the Virginia Electric Utility Restructuring Act ("the Restructuring Act" or "the Act").²

The proposed amendments to the existing filing requirements were developed by our Staff after receiving suggestions from numerous interested parties. Before new rules were proposed formally and noticed by our June 12 Order, the Staff informally solicited input on rule revisions from interested parties and held a meeting attended by stakeholders to review and discuss an initial draft of amendments to the rules.

¹ 20 VAC 5-302-10 et seq.

² Chapter 23 of Title 56 of the Code of Virginia, §§ 56-576 et seq.

After receiving briefs from the Commission Staff and certain interested parties,³ we ruled in our Order of August 3, 2001, on a threshold legal question as to whether §§ 56-234.3 and 56-265.2 of the Code of Virginia will continue to have applicability after January 1, 2002, with regard to applications to construct and operate generating facilities, or if instead § 56-580 D of the Restructuring Act becomes the primary statutory mechanism for the approval of electric generating facilities. We found that although the Restructuring Act is not as clear as it could have been on the issue, § 56-580 D does supplant §§ 56-234.3 and 56-265.2 in the Commission's approval process of electric generating facilities on and after January 1, 2002.

After resolution of the threshold legal issue, we received comments on the proposed amendments to the rules from the following parties: AEP-Virginia; the American Lung Association of Virginia; CPV; Columbia Gas of Virginia, Inc., together with Washington Gas Light Company, and Virginia Natural Gas, Inc. ("the Gas Companies"); AP; Dominion Virginia Power; Dynegy; Mirant Danville, LLC; Virginia electric distribution cooperatives⁴ together with Old Dominion Electric Cooperative and the Virginia, Maryland & Delaware Association of Electric Cooperatives; PG&E National Energy Group; Piedmont Environmental Council; Reliant Resources, Inc.; Tenaska; the Virginia Department of Environmental Quality ("DEQ"); and the Virginia Department of Conservation and Recreation.

NOW THE COMMISSION, upon consideration of the record established herein and the applicable law, is of the opinion and finds that the filing requirements in support of applications for authority to construct and operate an electric generating facility as amended and attached hereto as Attachment A should be adopted, effective as of the date of this Order for applications filed on and after January 1, 2002. In addition, because of increasing concerns expressed in this proceeding and elsewhere regarding the environmental impacts that may be caused by the many proposed new electric generating facilities, and because the law requires that we give consideration to the environmental effects of the construction and operation of such new power plants, we find it appropriate to consider these issues in the context of a rulemaking.⁵ Accordingly, we also are publishing additional proposed rules for further comment and consideration in a new docket (Case No. PUE010665).

³ Appalachian Power Company d/b/a/ American Electric Power ("AEP-Virginia"); Competitive Power Ventures, Inc. ("CPV"); Dynegy Power Corp. ("Dynegy"); Tenaska, Inc. ("Tenaska"); The Potomac Edison Company, d/b/a Allegheny Power ("AP"); and Virginia Electric and Power Company ("Dominion Virginia Power").

⁴ A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Inc., Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative, Inc.

⁵ As noted at p. 7, *infra*, the issue of cumulative environmental impacts and other issues addressed in the adopted and proposed rules are before the Commission in presently pending cases. Such issues will be addressed in the pending cases.

We also include in the proposed additional rules filing requirements related to market power. The Commission has made revisions to the Staff proposal on this issue that was noticed initially. The revisions are sufficiently substantial that we find that it is appropriate that the parties should have an additional opportunity to offer further comments before we make a final determination.

Finally, § 56-578 D states that the Commission "shall consider developing expedited permitting processes for small generation facilities of fifty megawatts or less." Our Staff advises us that, although this matter was considered in the meeting of stakeholders, parties were unable to provide guidance as to how the process may be streamlined for smaller facilities. We invite the Staff and parties to consider this issue further as part of the continuation of this matter in the new docket and to make recommendations to the Commission. We note that distributed generation facilities, as they may be defined by the Commission in future proceedings, are excluded from the rules we are adopting.

Rules Adopted (Case No. PUE010313)

Our amendments to the rules have been made after consideration of proposals from the Staff and parties, and reflect our earlier ruling as to the future inapplicability of certain Code provisions after January 1, 2002, with respect to generation. While we will not elaborate on each change we have made, we do address certain key provisions of the amended rules.

In the "Applicability and scope" provision of the rules, 20 VAC 5-302-10, we are removing the references to §§ 56-234.3 and 56-265.2 consistent with our ruling on August 3, 2001. We were urged to exclude the reference to § 56-46.1 from this provision in new rules. We decline to do so as this statute will continue to constitute a critical component of our review process for applications for approval of electric generating facilities.

Some parties expressed a concern that certain information required by the proposed rules may be considered confidential or proprietary by the applicant. This is presently the case with various provisions of the existing filing requirements. Procedures for the filing of confidential or proprietary information are expressly provided for within the Commission's existing Rules of Practice and Procedure at 20 VAC 5-20-170. The rules we adopt here provide that such material shall be treated in accordance with our procedural rules.

In 20 VAC 5-302-20 6, we retain the requirement that applicants include a discussion of the operational history of any other projects developed or managed by the applicant. Some comments questioned the scope of this requirement. "Operational history" should include such information as equivalent availability factors, capacity factors, and other similar data. Detail beyond a summary of such data may be obtained through informal discussion with the applicant or through formal discovery.

While we are eliminating much of the information formerly required concerning applicant's construction plans, we will continue to require certain basic information about the applicant's proposed facility, such as a description of major

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systems and configuration, estimated costs, and project schedules. The Commission must know precisely what it is that an applicant would have us approve. Moreover, a facility's design features affect its environmental impacts, which we must consider pursuant to §§ 56-46.1 and 56-580 D.

At 20 VAC 5-302-20 9, we include a requirement that applicants furnish specific information concerning any natural gas facilities associated with applicant's proposed generating plant. Such information is needed to understand all aspects of the proposed project.⁶ In addition, as requested by the Gas Companies, the rules will require that when natural gas facilities are to be constructed to serve the proposed generating facility the applicant shall serve notice of its application upon any natural gas local distribution company in whose service territory the natural gas facilities will be constructed or operated. An applicant's natural gas facilities could impact local distribution companies and thus it is appropriate for these potentially affected companies to receive notice.

Subsection 20 VAC 5-302-20 12 requires that an applicant submit the designated information to DEQ simultaneously with its filing with the Commission.⁷ We recognize that applicants may be eager to initiate the certification process at the Commission before information relative to every environmental issue is available. However, by requiring that the information identified in the rules be submitted to DEQ simultaneously with its filing at the Commission, the DEQ should be able to present a timely and complete environmental assessment report to the Commission. This should help ensure that the Commission's procedural schedule established for an application at the time of its filing is not interrupted, thus resulting in a more expeditious proceeding and a more timely decision.

As part of the discussion relative to the public interest, 20 VAC 5-302-20 14 requires an analysis of any reasonably known impacts the proposed facility may have on service to, and rates paid by, customers of any regulated public utility service in the Commonwealth, including water service, gas distribution service, electric distribution service, and electric transmission service. While on and after January 1, 2002, the generation of electric energy will no longer be subject to regulation under Title 56 of the Code except as specified in the Restructuring Act, we cannot ignore possible implications affecting the rates and services that we continue to regulate. Thus, we find that the public interest criterion of § 56-580 should include, but is not limited to, a consideration of these factors.

⁶ Section 56-580 D refers not merely to an applicant's proposed electric generating facility but to such facility "and associated facilities."

⁷ The rules require a discussion of any necessary air and water permits, but do not necessarily require that the permit applications themselves be filed with the Commission in order to make the certificate application complete. We note, however, that many applicants routinely do file copies of their permit applications with the Commission. If such applications are not filed they may be obtained through the discovery process.

Rule 20 VAC 5-302-30 is repealed.⁸

The amended rules we are adopting will be effective as of the date of this Order and applicable to applications filed on and after January 1, 2002.⁹ A number of applications are presently pending before the Commission. Issues in those cases may relate to matters covered by the rules we adopt in this Order or matters included in the proposed rules we offer for publication and comment today. Neither the adopted nor proposed rules limit what we may consider in those pending cases; such matters or issues will be considered on a case-by-case basis in each proceeding.

Additional Rules Proposed (Case No. PUE010665)

In the past, when facilities were not constructed absent a showing of need, projects were brought on line in an incremental fashion and were dispersed among the various service territories of Virginia's incumbent electric utilities. New power plants were proposed, most often, one at a time, although sometimes several were proposed over a period of a few years. Presently, Virginia has power plants with a total capacity of approximately 20,000 megawatts ("MW")¹⁰ that were constructed over the last half-century.

With the Federal Energy Regulatory Commission's efforts in recent years in providing "open access" for electricity transmission and developing competition in wholesale markets, and with the elimination of the "need" requirement for plants in Virginia, the Commonwealth, like much of the nation, has been inundated with proposed power plant projects. Nationwide, power plant projects proposed to be built in the next few years total more than 368,000 MW.¹¹ In Virginia the story is the same. Depending on who is counting and how, more than 30 new power plants are proposed in the Commonwealth totaling almost 20,000 MW.¹² Additional new plants are also being announced on a regular basis. A recent industry-government task force focusing on attracting high-technology industries to Virginia concluded that it is not possible at this time to predict accurately how many or which projects will be successful.¹³ Another report from industry and economic development interests estimated that only 40 to 50 percent of the proposed plants would be constructed.¹⁴ If that prediction is correct then perhaps 12 to 15 new power plants with 8,000 to 10,000 MW of new capacity will be added in

⁸ This subsection dealt with need, viability, and cost effectiveness of proposed projects.

⁹ For applications filed prior to January 1, 2002, information required by the amendments to the rules we adopt herein need not be included by the applicant. The Staff and other parties may, of course, obtain this information through discovery.

¹⁰ This does not include purely private generation facilities.

¹¹ Electric Power Supply Association, *Announced Merchant Plants*, October 26, 2001.

¹² The reports referenced herein provide figures on the number of proposed plants ranging from 28 (Report of Industrial and Economic Development Subgroup, *see infra* pp. 8-9, at 8) to 33 (Virginia Tech Study, *see infra* pp. 9-10 and note 19, at 45-46).

¹³ Virginia Tech Study, *see infra* pp. 9-10 and note 19, at 45.

¹⁴ Report of Industrial and Economic Development Subgroup, *see infra* pp. 8-9, at 7.

Virginia in the next few years. That would represent a 40 to 50 percent increase over our current capacity.

Due to this dramatic increase in proposed generating facilities, there have been concerns voiced about the cumulative environmental impacts from the growth of these new sources of air emissions. Such concerns have not been limited to electric plant proceedings at the Commission. The Virginia State Advisory Board on Air Pollution ("SAB") selected the issue of cumulative impacts of new power plants for evaluation this year.¹⁵ The SAB formed a Cumulative Effects Work Group ("CEWG"), consisting of members representing industrial, economic development, environmental, and health interests. The CEWG could not reach a consensus on the issues and ultimately split into two subgroups, one representing industrial and economic development interests and the other representing environmental and health interests.¹⁶ Each subgroup presented separate reports to the Air Pollution Control Board on November 7, 2001.

The Environment and Health Subgroup stated in its report:

No existing policies require state regulatory agencies or applicants to analyze the cumulative effects of historically significant new emissions growth embodied by Virginia's current energy development program levels. However, current impacts of air pollution on environmental health combined with rapidly expanding power plant development has greatly elevated the need for a state-wide, cumulative "environmental and human health" effects analysis on an expedited time line to inform key VDEQ and SCC decisions. The Commonwealth needs to assure balance between environmental impacts, one of two primary SCC considerations, and economic development that is a secondary SCC consideration. . . . based on agency and nonprofit missions, the Environment and Health Subgroup believes we must err on the side of protecting public health and welfare, including but not limited to sensitive Class I and Piedmont resources.¹⁷

While the Industrial and Economic Development Subgroup did not embrace cumulative effects modeling, it did recognize that:

The proliferation of announcements of new power plant developments in the state is a valid reason to continue to investigate cumulative impacts even when the emissions

from each of the individual plants are below the threshold levels for a major source category.¹⁸

The issue of the overall impacts of new power plants on the environment was also raised as a concern in a recent study conducted by Virginia Tech's Alexandria Research Institute, which was guided by the Task Force on Electric Power for Virginia's High-Technology Industry ("Virginia Tech Study").¹⁹ The Task Force was composed of individuals representing technology and energy services industries in Virginia.²⁰ The Virginia Tech Study began by stating that the Commonwealth must now confront a critical question:

How can Virginia continue to improve its already competitive position in attracting high-technology industries, by meeting energy infrastructure challenges without negatively impacting its citizens or degrading the quality of our environment?²¹

The Task Force's conclusions in the Virginia Tech Study included the following:

There are 33 new electric power plant projects under development that, if completed, will be located in Virginia. If less than half of the projects planned are successful, the Commonwealth will change from an electricity importing state (~30%) to that of a significant exporter in a relatively short period, the natural gas consumption could double, the demand for water use would increase significantly, and the air quality would be impacted. The overall impacts of these projects on Virginia's resources, infrastructures, and environment need to be assessed and better understood.²²

The Task Force also included the following as one of its recommendations:

An assessment should be undertaken to examine the impacts on Virginia's existing industries of the pending expansion of the Commonwealth's Ozone Nonattainment Areas. The assessment also needs to include both the impacts on and impacts by the proposed power plant projects, the existing fossil-fueled power plants, fuel switching options for already installed industrial and commercial facilities, and potential new applications and technologies, such as distributed generation.²³

¹⁵ The State Advisory Board on Air Pollution was organized to evaluate key air quality issues of concern and to offer recommendations to the State Air Pollution Control Board for consideration and further action.

¹⁶ The Industry and Economic Development Subgroup consisted of individuals representing American Electric Power, Consolidated Energy, Dominion Virginia Power, International Paper, Virginia Economic Development Partnership, Virginia Independent Power Producers, and Yokohama Tire Corp.

The Environmental and Health Subgroup members represented the American Lung Association of Virginia, the National Park Service, and the Piedmont Environmental Council.

¹⁷ Environment & Health Subgroup Report at 14-15 (emphasis in original).

¹⁸ Industrial and Economic Development Subgroup Report, Conclusion No. 1 at 16.

¹⁹ Rahman, Saifut, and Bigger, John, "Improving Virginia's Attractiveness for High-Technology Industries," Task Force on Electric Power for Virginia's High Technology Industry, Alexandria Research Institute, Virginia Polytechnic Institute and State University, October 31, 2001.

²⁰ The organizations represented were: America Online, Inc.; Columbia Gas of Virginia; Distributed Power Coalition of America; Dominion Semiconductor, Inc.; Dominion Virginia Power; Einhorn, Yaffee, Prescott Mission Critical Facilities, Inc.; EPRI-Power Electronics Applications Center, Corp.; McGuireWoods LLP; National Institute of Standards and Technology; Northern Virginia Electric Cooperative; Old Dominion Electric Cooperative; Rappahannock Electric Cooperative; Resource Dynamics, Corp.; Virginia's Center for Innovative Technology; Virginia Economic Development Partnership; Virginia Tech Alexandria Research Institute; and 7x24 Exchange, Mid-Atlantic Chapter.

²¹ Virginia Tech Study at 2.

²² *Id.* at 82.

²³ *Id.* at 84.

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The cumulative impact issue is not limited to Virginia. Neighboring states Kentucky, Tennessee, and Maryland, as well as Georgia, have begun to take measures for cumulative effects analysis of new power plants; it also appears that in Georgia, Kentucky and Tennessee, moratoriums have been issued on new plant construction pending cumulative impacts analyses.²⁴ In the Pacific Northwest, the Bonneville Power Administration ("BPA")²⁵ has initiated measures to analyze and disclose pertinent impacts on regional air quality from the combined emissions of all proposed combustion-related generation projects in Washington, Oregon, and Idaho.²⁶ The BPA states that more than 40 new electric generation projects in those three states, providing more than 25,000 MW of power, have requested access to the transmission grid it administers. The concentration of proposed power plants in Virginia is far greater than in the BPA area of concern.²⁷

The BPA has described the issue in the following manner:

Impacts from generation and transmission carry both site specific and cumulative implications. Both must be examined. Single facility impacts to resources like air and water may not be so significant, but when considered together with similar impacts from other plants the cumulative effects may warrant appropriate mitigation actions, including the curtailment of site development. For example, the air emissions from one turbine may have slight impacts on an airshed but when combined with the emissions from several plants within the same airshed their cumulative impacts may prove to be considerable.²⁸

The BPA found that "[a]ll past, present, and reasonably foreseeable actions potentially affecting relevant environmental resources need to be addressed in the cumulative impact analysis." It recognized that it is unlikely all of the proposed plants will be built. However, BPA plans to consider all of them "reasonably foreseeable" because, at this time, all of them are concrete proposals and [BPA is] unable to determine which plants will be built and which will not be built.²⁹

The objective of BPA's Modeling Protocol dated March 30, 2001, is "[t]o analyze and disclose pertinent impacts to regional air quality from the combined emissions of all proposed combustion-related generation projects in Washington, Oregon and Idaho."³⁰ The BPA Protocol presents a regional modeling approach designed to assess the cumulative air quality impacts from the proposed power projects. BPA completed Phase I of its study on August 1, 2001.

The cumulative environmental impacts of proposed new power plants are not limited to air quality issues. The proposed growth in construction also presents questions as to cumulative impacts on Virginia's water resources. The Virginia Tech Study notes that:

Depending upon how many of these [new power generation] projects are successful, they could individually become a significant factor in the demand for water in specific areas and in aggregate have a significant impact on the Commonwealth's overall water requirements.³¹

In light of the foregoing activity in Virginia and throughout the country in response to the issue of cumulative environmental impacts caused by new power plant construction, coupled with the Commission's statutory obligations under §§ 56-46.1 A and 56-580 D, we believe that it is appropriate to consider this issue in the context of our rules governing the filing requirements for proposed electric generating facilities. Accordingly, we have developed additional rules to address cumulative impacts in our approval process for plant applications. With respect to impacts on air quality, the newly proposed amendment to 20 VAC 5-302-20 12 a would require the presentation of data that identifies the cumulative impacts on air quality resulting from the applicant's proposed facility, other proposed projects, and existing emitting facilities. We have attempted to have these rules, on the one hand, be sufficiently expansive in scope to include consideration of all proposed facilities that require air permits (not just electric plants), while at the same time limited so that only those projects where there has been significant action taken toward development (zoning, permitting, etc.) need be included in the analysis.

We have proposed similar amendments to 20 VAC 5-302-20 12 b and 20 VAC 5-302-20 9 i to address cumulative impacts on water sources and fuel supplies, respectively. We are concerned with the cumulative impacts on water quality and levels, and on the infrastructure and transmission capacities and supply for natural gas and fuel oil.³²

In addition, new rule 20 VAC 5-302-20 15 is proposed to address market power issues. A variation of this rule was proposed originally at 20 VAC 5-302-25, but it applied only to incumbent electric utilities and their affiliates. The new rule we propose would be applicable to all applicants and therefore we believe further comment is warranted on this issue.

²⁴ Industrial and Economic Development Subgroup Report, Conclusion No. 11 at 17; Environment & Health Subgroup Report at 12-13.

²⁵ The BPA is an agency of the U.S. Department of Energy that owns and operates 15,000 miles of high-voltage transmission facilities serving substantial portions of the Pacific Northwest, including Washington, Oregon, and Idaho. In addition, BPA markets power produced primarily by federally owned facilities. According to BPA, when it enables a generation plant by providing transmission service to it, the National Environmental Policy Act requires and evaluation of the environmental effects of both the generation unit and the ancillary transmission facilities required to integrate the plant.

²⁶ Regional Air Quality Modeling Protocol, Bonneville Power Administration, March 30, 2001 ("BPA Protocol").

²⁷ On a per square mile basis, the concentration of proposed plants in Virginia measured by both the number of plants and total megawatts, far exceeds that of the proposed plants in Washington, Oregon, and Idaho combined. According to the United States Census Bureau, the land area in Virginia is 39,594 square miles. Washington (66,544), Oregon (95,997), and Idaho (82,747) are all larger, with an aggregate land area of 245,288 square miles. On a per square mile basis, Virginia has approximately 5 times the amount of proposed new generation than do these states in the Pacific Northwest.

²⁸ BPA Protocol at 1.

²⁹ *Id.*

³⁰ *Id.*

³¹ Virginia Tech Study at 60.

³² The cumulative impact of new facilities on transmission systems will be addressed in part by the studies referenced in rule 20 VAC 5-302-20 13 b.

We recognize that these proposed rules will likely be controversial and generate significant debate. The Commission welcomes full and vigorous debate on these issues; we expect and welcome comments and advice on all aspects of the rules we present today. We also direct our Staff to convene one or more work groups of interested parties to explore the ramifications of the additional rules we are proposing.³³ In addition, the Staff and interested parties should continue to explore and provide recommendations on whether, and, if so, how the Commission might develop expedited permitting processes for small generating facilities of 50 MW or less. The Staff shall file a report detailing the work groups' efforts and making Staff's recommendations. Participants will have the opportunity to file their own comments on the Staff report and the proposed rules. Finally, there will be an opportunity to request a hearing in this matter. We will fully consider all comments and procedures prior to taking any final action with respect to the proposed rules.

Accordingly, IT IS ORDERED THAT:

(1) Regulations amending the filing requirements for applications to construct and operate electric generating facilities are hereby adopted in Case No. PUE010313 as set forth in Attachment A to this Order, effective as of the date of this Order and applicable to applications filed on and after January 1, 2002.

(2) A proceeding for consideration of further amendments to the rules as set forth in Attachment B to this Order, as well as to consider development of expedited permitting processes for small generating facilities of 50 MW or less, is docketed and assigned Case No. PUE010665.

(3) The Commission Staff shall invite interested parties to participate in a work group or work groups for discussion of the Commission's proposed amendments as shown on Attachment B to this Order, and the development of expedited permitting processes for small generating facilities of 50 MW or less, and the Staff shall file with the Clerk of the Commission in Case No. PUE010665 a report, on or before April 19, 2002, with recommendations for further action by the Commission.

(4) On or before April 2, 2001, any interested person or entity desiring to become a party in Case No. PUE010665 for the consideration of the additional matters described herein shall file a notice of participation with the Clerk of the Commission at the address set forth below.

(5) On or before May 24, 2002, any party or other interested person or entity may file with the Clerk of the Commission, at the address set forth below, comments on the proposed amendments to the rules and on the Staff report.

(6) Any party or other interested person or entity desiring a hearing on the proposed amendments in this matter shall file such a request on or before May 24, 2002, and shall state in detail why a hearing is necessary. Such a request should

identify the factual issues likely in dispute upon which the party seeks hearing together with the evidence expected to be introduced at any hearing.

(7) On or before December 17, 2001, the Commission's Division of Information Resources shall make a downloadable version of the proposed rules and this Order available on the Commission's Web site, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(8) The Staff, parties, and any other interested persons or entities making filings in Case No. PUE010665 shall file an original and fifteen (15) copies of their filing with the Clerk of the Commission, c/o , Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, referencing case No. PUE010665, and shall serve a copy of their filings on all other parties to this proceeding who have filed a notice of participation pursuant to ordering paragraph (4) above.

(9) On or before December 28, 2001, the Commission's Division of Information Resources shall cause to be published the follow notice as display advertising in newspapers of general circulation throughout the Commonwealth:

NOTICE TO THE PUBLIC OF A PROCEEDING TO
CONSIDER THE ADOPTION OF REVISED FILING
REQUIREMENTS FOR APPLICATIONS SEEKING
AUTHORITY TO CONSTRUCT ELECTRICAL
GENERATING FACILITIES IN VIRGINIA TO INCLUDE
AN ANALYSIS OF CUMULATIVE ENVIRONMENTAL
IMPACTS AND MARKET POWER
CASE NO. PUE010665

On December 14, 2001, the Virginia State Corporation Commission ("Commission") entered an order in Case No. PUE010313 adopting amendments to its rules governing the filing requirements for applications for authority to construct and operate electric generating facilities. The Commission's December 14, 2001, order also docketed Case No. PUE010665 and proposed additional rules on which it seeks comment. The Commission noted in its order that a significant number of new power plants may be constructed within the next several years in Virginia. In light of this and other factors, the additional rules proposed pertain to cumulative impacts of proposed electric generating facilities and associated facilities on air quality, water sources, and fuel supply. The proposed rules also address issues relative to how an applicant's proposed facility may impact its ability to exert market power within the control area in which the facility is expected to be constructed.

The Commission's Staff has been directed to convene one or more work groups of interested parties to explore the ramifications of the proposed rules. In addition, the Staff and interested parties are to continue to explore and provide recommendations on whether, and, if so, how the Commission might develop expedited permitting processes for small generating facilities of 50 megawatts or less. The Commission Staff is to file a report detailing the work groups' efforts and making Staff's recommendations on or before April 19, 2002.

On or before January 15, 2002, any person desiring to participate in the Staff work group(s) should notify

³³ Persons desiring to participate in the Staff work group(s) should, on or before January 15, 2002, notify Lawrence T. Oliver, Assistant Director of Economics and Finance at: State Corporation Commission, Division of Economics and Finance, P.O. Box 1197, Richmond, Virginia 23218, or by e-mail at: toliver@scc.state.va.us.

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Lawrence T. Oliver, Assistant Director, Economics and Finance at: State Corporation Commission, Division of Economics and Finance, P.O. Box 1197, Richmond, Virginia 23218, or by e-mail at: toliver@scc.state.va.us.

Any interested person may obtain a copy of the Commission's December 14, 2001, order and proposed rules from the Commission's Web site, <http://www.state.va.us/scc/caseinfo/orders.htm>, or by requesting them in writing from the Clerk of the Commission at the address listed below. The proposed regulations will also appear in the Virginia Register of Regulations. On or before April 2, 2002, any interested person or entity desiring to become a party in this proceeding shall file with the Clerk of the Commission a notice of participation. On or before May 24, 2002, any party or other interested person or entity may file comments on the proposed amendments to the rules and on the Staff report, and may also file a request for hearing on the proposed rules. Any request for hearing should identify the factual issues likely in dispute, together with the evidence expected to be introduced at any hearing. Such persons should obtain a copy of the Commission's December 14, 2001 order for further procedural details.

All filings with the Commission in this matter shall include an original and 15 copies directed to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, shall reference case No. PUE010665, and a copy shall be served on all parties filing a notice of participation.

VIRGINIA STATE CORPORATION COMMISSION

(10) There being nothing further to come before the Commission in Case No. PUE010313, this case shall be removed from the docket and the papers filed herein placed in the file for ended causes.

(11) Case No. PUE010665 shall be continued for further proceedings consistent with this Order.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: the service list as set out in Attachment C; and the Commission's Divisions of Energy Regulation, Economics and Finance, and Office of General Counsel.

CHAPTER 302.

[INFORMATION FILING] REQUIREMENTS IN SUPPORT OF PETITIONS APPLICATIONS FOR INDEPENDENT POWER FACILITIES AUTHORITY TO CONSTRUCT AND OPERATE AN ELECTRIC GENERATING FACILITY.

20 VAC 5-302-10. Independent power producers Applicability and scope.

Independent Power Producers (IPPs) Any application, except as noted herein, filed by a person planning to construct electric generating facilities and incidental or associated facilities in the Commonwealth of Virginia and who must apply for a certificate of public convenience and necessity approval from the State Corporation Commission ("commission"), pursuant to §§ 56-46.1, [~~56-234.3, 56-265.2~~] and 56-580 D of the Code of Virginia and for approval pursuant to ~~§ 56-234.3~~ of the Code of Virginia must comply with the

~~provisions of this chapter. The petition Distributed generation facilities as [they may be] defined by the commission and net energy metering facilities as defined in § 56-594 of the Code of Virginia are not subject to this chapter. Applications filed pursuant to this chapter must set forth the nature of the proposed facility and its necessity in relation to the purchasing utility's projected programs of operation. An applicant must notify the Commission of its intent to file a petition at least 30 days prior to filing, the applicant's technical and financial fitness to construct, operate and maintain the proposed facility, the effects of the facility on the environment and economic development, the effects of the facility upon reliability of electric service provided by any regulated public utility, and why construction and operation of the proposed facility is not [otherwise] contrary to the public interest.~~

~~[Some of the information described in the following sections and necessary to support an]-IPP's [application for approval may be considered to be confidential or proprietary by the] developer, the purchasing utility, or both [applicant. The commission recognizes the need for confidential treatment of some, although certainly not all, data required herein. Therefore, the need for confidential treatment of data should first be carefully scrutinized before submitting an application and supporting information.] That data deemed to be confidential may be temporarily withheld from the initial filing while a confidentiality agreement is being negotiated with the staff. Upon execution of a confidentiality agreement that information should then be provided directly to staff. The application, however, will not be processed as complete until the confidentiality agreement is executed and the confidential information and data are provided to the staff. [Requests for confidential treatment of data The filing of confidential information] will be [handled under procedures set forth treated] in [accordance with 20 VAC 5-20-170 of] the Commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.).~~

~~The petition shall present the information specified in the following sections:~~

~~20 VAC 5-302-20—General information, generating facility information and documents to be included in the petition.~~

~~The information in 20 VAC 5-302-20 should be provided primarily by the IPP applicant.~~

~~20 VAC 5-302-30—Demonstration of the need, viability, and cost effectiveness of the project.~~

~~The information in 20 VAC 5-302-30 should be provided primarily by the purchasing utility.~~

~~Any modifications to these information requirements will be determined by the Commission on a case by case basis. Applicants should update the materials filed during the course of their proceedings.~~

20 VAC 5-302-20. General information, electric generating facility information and documents to be included in the petition application.

~~The following information in this section [should shall] be provided primarily by the IPP applicant for all proposed electric generating facilities. [In addition, an applicant requiring the construction of natural gas facilities in~~

conjunction with the construction, ownership or operation of an electric generating facility shall serve notice of its application for construction of the electric generating facility upon all natural gas local distribution companies in whose certificated service territories the natural gas facilities will be constructed or operated.]

1. Applicant's name and address *Legal name of the applicant as well as any trade name.*

2. Name, title and address of the person authorized to receive communications regarding the petition *A description of the applicant's authorized business structure, identifying the state authorizing such structure and the date thereof, e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date thereof.*

3. Name and business addresses of all principal corporate officers and directors, partners, and LLC members, as appropriate.

~~3.~~ 4. [*Financial information for the applicant, or principal participant or participants in the project. If the applicant or principal participant or participants is a private entity, financial information should include an analysis of the entity's financial condition and audited financial statements for the two most recent fiscal years. If the applicant or principal participant or participants is a public company, financial information should include the entity's most recent stockholder report and most recent Securities and Exchange Commission Form 10-K.*

5.] Prefiled testimony in support of the application.

4. [~~5.~~ 6.] A discussion of the applicant's qualifications, including:

a. A summary of other projects developed and managed by the applicant. Include location, status, and operational history.

b. A detailed description of the organizational structure of the applicant. Include the division of ownership, if applicable.

c. A description of any affiliation(s) *affiliation or affiliations with the purchasing utility an incumbent electric utility as defined in § 56-576 of the Code of Virginia.*

5. [~~6.~~ 7.] Specific information about the site for the proposed facility, including:

a. A written description of the location [~~and including identification of the~~] city or county in which the facility will be constructed. *Such description should be suitable for newspaper publication and be sufficient for identification of affected areas.*

b. A description of the site, and a depiction on topographic maps of the ~~applicable information proposed site.~~

c. The status of site acquisition (i.e., purchase option, ownership, etc.).

d. A description of any applicable local zoning or land use approvals needed *required* and the status of these *such* approvals.

~~6.~~ [~~7.~~ A summary of the proposed project, including relevant design features, estimated costs,] the schedule for engineering, [~~and preliminary schedules for construction, testing and commercialization,~~] and decommissioning plans [~~of the proposed facility.~~]

7. 8. Specific information about the proposed facility, including:

a. Description of all major systems, *facility configuration* and expected suppliers of major components.

b. Nameplate capacity, gross dependable capacity [~~and~~ ,] net dependable capacity [~~for generating unit and expected seasonal heat rates~~].

~~c.~~ Projected plant life, heat rates, equivalent availability and capacity factors.

[~~c.~~ *Estimated costs, and schedule for construction, testing and commercialization.*]

~~8.~~ [~~9.~~ Preliminary construction plans including *(Note: information in this subdivision will not be required if § 56-234.3 of the Code of Virginia is deemed to be inapplicable.)*

a. The names and addresses of the architects, engineers, contractors, subcontractors, when known, proposed to do such work.]

[~~b.~~] A description of how the project will be managed including: [~~The plan by which the applicant will monitor construction of the proposed facility.~~]

(1) Organization plan;

(2) Designation of responsibilities for management of all project functions;

(3) Identification of the relationship between the petitioner and contractors;

(4) The plan by which the applicant will monitor the construction.

[~~c.~~] A description of any vendor guarantees or penalties for non-performance included in equipment supplier or construction contracts [~~The methods by which the work will be contracted, by competitive bid or otherwise.~~

~~d.~~ A description of nonperformance guarantees between the applicant and all major vendors and contractors.]

[~~9.~~ 10. A description of the fuel procurement strategy including fuel type, quality,] source(s) [~~source or sources,~~ and transportation arrangements for fuel delivery. Describe fuel storage arrangements, if any. *Description should also include identification of any new natural gas facilities, if any, needed to serve the proposed facility, ownership of any such natural gas facilities and plans for constructing such facilities. A description of the fuel supply arrangement for the proposed facility. The description should detail:*

a. Fuel type, quality and source or sources.

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- b. ~~Transportation and fuel storage arrangements for fuel delivery.~~
- c. ~~Identification of all new pipeline facilities, if any, needed to serve the proposed facility.~~
- d. ~~Ownership of any such facilities.~~
- e. ~~Plans for constructing such facilities.~~
- f. ~~The location and routing of any such facilities.~~
- g. ~~The size of such facilities.~~
- h. ~~Whether such facilities will be utilized to provide or enhance fuel supplies to other entities.]~~

~~10. The estimated cost of the project. Cost estimates should be detailed, including:~~

- ~~a. Annual capacity costs.~~
- ~~b. Annual production costs (operation and maintenance costs, less fuel costs).~~
- ~~c. Projected unit fuel costs by primary, alternate and ignition fuel categories on an annual basis over the life of the facility. Costs should be provided on both a cents/KWH and cents/MBTU basis.~~
- ~~d. Annual total cost in Mills per KWH.~~

~~11. Expected financing for the project (development phase, construction and permanent financing) including sources, amounts, terms, conditions, and expected financial closing date.~~

~~12. [11. Financial information for the applicant, or principal] participant(s) [participant or participants in the project. If the applicant or principal participant or participants is a] special purpose entity with no history, including: [private entity, financial information should include an analysis of the entity's financial condition and financial statements for the two most recent fiscal years. If the applicant or principal participant or participants is a public company, financial information should include the entity's most recent stockholder report or other financial statement.]~~

- ~~a. Analysis of financial condition.~~
- ~~b. Financial statements for the two most recent fiscal years.~~

~~13. [42. 10.] A discussion of economic impacts [(both positive and negative)], [including tax and employment implications] , and environmental impacts of the project. [The discussion should address the tax and employment implications of the project.]~~

~~14. Copies of project related filings with the Federal Energy Regulatory Commission, and a copy of the contract between the IPP and the purchasing utility.~~

~~15. [43. 11.] A list of other local, state or federal government agencies having whose requirements which must be met in connection with the construction or operation of the project and a statement of the status of the approval procedure procedures for each of these agencies.~~

~~Include [14. A discussion of the environmental impact of the proposed facility with respect to the following, if applicable: 12. An analysis of the environmental impact of the project shall be provided sufficient to enable the commission to make the determinations required by §§ 56-46.1 and 56-580 D of the Code of Virginia. This analysis shall include, but is not limited to, the impacts on the environment and natural resources, analysis of alternatives considered, unavoidable adverse impacts, mitigation measures proposed to minimize unavoidable impacts, and any irreversible environmental changes. The information required by this subdivision shall be submitted to the Department of Environmental Quality, simultaneously with its filing with the commission, for coordination and review by state agencies responsible for environmental and natural resource protection. Such information shall include at a minimum, the following:]~~

~~a. Air permit type, restriction, quality [(.] Discussion should identify [needed required] air permits, expected restrictions, expected emissions, rates of emissions, and any needed emissions offsets or allowances [.)] .~~

~~b. [Water quality and wetlands protection (discussion should include identification of any streams, rivers, lakes, ponds, tidal and non-tidal wetlands located near the proposed site). Water source. Discussion should include required permits for water withdrawals, expected restrictions, the amount of water estimated to be used, the source of such water, identification of a backup source of water, if any, and identification of any facilities that need to be constructed to provide such water.]~~

~~c. [Natural heritage, threatened and endangered species Discharge of cooling water. Discussion should include an identification of required permits for water discharge and potential impacts on regional water flows] .~~

~~d. [Source and discharge of cooling water (discussion should address potential impacts on regional water flows) Tidal and nontidal wetlands. Discussion should include an identification of any required permits related to the wetlands and an identification of any tidal and nontidal wetlands located near the proposed site and how such wetlands will be impacted by applicant's proposed facility] .~~

~~e. Solid and hazardous wastes [(.] Discussion should address impact on local water resources [.)] .~~

~~[f. Natural heritage, threatened and endangered species.]~~

~~[f. g.] Erosion and sediment control.~~

~~[g. h.] Archaeological, historic, [scenic, cultural,] or architectural resources in the area.~~

~~[h. i.] Chesapeake Bay Preservation Areas designated by the locality.~~

~~[i. j.] Wildlife resources.~~

~~[j. k.] Recreation, agricultural and forest resources [(.] Discussion should identify federal, local, state or private parks and recreation areas [.)] .~~

[~~k. l.~~] ~~The use of pesticides and herbicides.~~

[~~l. m.~~] ~~Geology and mineral resources, caves, and sinkholes.~~

[~~m. n.~~] ~~Transportation infrastructure.~~

[~~45. 13.~~] ~~A general discussion of reliability impacts including:~~

a. ~~A description of transmission interconnection requirements and [a preliminary discussion of the potential impact of the proposed facility on the interconnected transmission system needed interconnection facilities].~~

[b. ~~A description of the potential impact of the proposed facility on the interconnected transmission system. Discussion should identify and summarize any system impact studies or proposed studies.~~]

[~~b. c.~~] ~~A description of anticipated services (ancillary services, re-dispatch, energy imbalance, etc.) that may be provided to any transmission service provider.~~

[~~c. d.~~] ~~A discussion of existing and expected generation reserves in the region and the impact of the proposed facility on such reserves.~~

[~~16. A discussion of any impact that the proposed facility will have upon the rates paid by customers of any regulated public utility in the Commonwealth.~~]

[~~17. 14.~~] ~~A discussion of whether the proposed facility is [~~is not contrary to~~] the public interest. [Such discussion shall include, but is not limited to, an analysis of any reasonably known impacts the proposed facility may have upon reliability of service to, and rates paid by, customers of any regulated public utility for service in the Commonwealth, including water service, gas distribution service, electric distribution service, and electric transmission service.~~

15. ~~A discussion of whether and, if so, how the project will further the goals of advancement of electronic competition in Virginia.~~]

[~~20 VAC 5-302-25. Information required from incumbent electric utilities and affiliates of incumbent electric utilities.~~

~~The information in this section should be provided by any incumbent electric utility as defined in § 56-576 of the Code of Virginia and any affiliate of an incumbent electric utility proposing to construct electric generating facilities in the Commonwealth of Virginia.~~

1. ~~Total capacity controlled by the incumbent electric utility and its affiliates located within the incumbent utility's control area and reasonably accessible to the control area through transmission interconnections, with and without the proposed facility.~~

2. ~~Total capacity located within the incumbent utility's control area and reasonably accessible to the control area through transmission interconnections, prior to construction of the proposed facility.~~

~~3. Five year projections of total expected capacity additions by size, technology and fuel type within the incumbent electric utility's control area and expected increases in transmission interconnection capacities into the control area.~~

~~4. Five year projections of capacity additions by size, technology and fuel type within the incumbent electric utility's control area to be made by the incumbent electric utility and its affiliates.~~

~~5. A description of the impact of the proposed facility on transmission interconnection capabilities and transmission congestion.~~

~~6. A discussion of the impact of the proposed facility on the development of a competitive generation market in Virginia.~~

~~20 VAC 5-302-30. Demonstration of the need, viability, and cost effectiveness of] the project [proposed facilities subject to the necessity determinations of § 56-265.2 A of the Code of Virginia.~~]

[~~The information~~] in [~~required by this section should be provided~~] primarily by the purchasing utility. In some instances, the utility may have already submitted the requested information in filings with the Commission. If so, the utility may reference these filings rather than provide duplicates [~~for any facility that will be included in the rate base of any regulated utility whose rates are established pursuant to Chapter 10 (§ 56-232 et seq.) of Title 56 of the Code of Virginia.~~

1.] ~~Provide [A thorough discussion of the need for the facility as it relates to the] purchasing utility's projected peak load and energy requirements. Provide a copy of the Company's peak load and energy forecast at the time the project was selected. Provide a copy of the current peak load and energy forecast, if different. Include all assumptions [incumbent electric utility's obligations to provide capped rate service and default service.]~~

[2.] ~~Provide [Cost/benefit analyses or studies of the proposed facility and all supply alternatives considered to meet] projected load [the incumbent utility's on-going service obligations.] All major factors should be addressed, including, but not limited to:~~

a. ~~System load characteristics, and operating characteristics of existing and planned utility plants.~~

b. ~~System reliability criteria and adequacy of projected capacity.~~

c. ~~Transmission system, interconnection capability and pooling agreements.~~

d. ~~Power interchange with other systems and feasibility of selling and purchasing power (including cogeneration/small power production).~~

[3.] ~~Provide [Cost/benefit analyses or studies of all demand side alternatives considered to modify projected load in order to postpone or avoid the proposed facility. This should include, but not be limited to, discussions of existing and potential demand modification programs for each customer sector.]~~

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~~4. Provide sensitivity and risk analyses for major assumptions in the demand and supply side analyses presented above.~~

~~5. Demonstrate that with the proposed generation facility, the utility's resource plans are reasonably calculated to promote the maximum effective conservation and use of energy and capital resources in providing energy services.~~

~~6. Provide a description of all utility procedures to assure the financial and technical viability of the proposed project.~~

20 VAC 5-302-40. Waivers.

Requests for waivers of any of the provisions of this chapter shall be considered by the State Corporation Commission on a case-by-case basis [] and may be granted upon such terms and conditions as the State Corporation Commission deems appropriate in the public interest.

VA.R. Doc. No. R01-223; Filed December 14, 2001, 4:26 p.m.

* * * * *

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

The distribution lists that are referenced as Appendices A through D in the following order are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-400. Telecommunications (repealing 20 VAC 5-400-90).

Title of Regulation: 20 VAC 5-407. Rules for Payphone Service and Instruments (adding 20 VAC 5-407-10 through 20 VAC 5-407-70).

Statutory Authority: §§ 12.1-13 and 56-508.16 of the Code of Virginia.

Effective Date: December 14, 2001.

Summary:

The rules govern payphone service and instruments in Virginia and replace those now contained in 20 VAC 5-400-90. These rules eliminate the rate cap on operator-assisted services for calls made from payphones, instead requiring that operator service providers provide to payphone users a real-time rate quote for the selected service prior to completing the call. This change from price regulation to disclosure regulation conforms to the new era of competition in the telecommunications industry where the consumer is able to readily obtain sufficient information to make his own decisions. Also, the rules better correlate accountability with the control over various payphone

service elements, thereby including operator service providers, in addition to payphone service providers and serving local exchange carriers, among the providers now subject to the rules.

Changes from the proposed rules to the final rules include: a change permitting up to three coinless payphones installed in the same physical area to be attached to one access line, new restoral standards for out-of-service conditions, and a change permitting payphone service providers to charge fees for incoming calls in excess of one minute.

Agency Contact: Steven Bradley, Deputy Director, Division of Communications, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9420 or e-mail sbradley@scc.state.va.us.

AT RICHMOND, DECEMBER 14, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC010186

Ex Parte: In the matter of revising rules governing payphone service and instruments

ORDER ADOPTING RULES

By Order dated November 24, 1993, the State Corporation Commission ("Commission") adopted Regulations for Payphone Service and Instruments (20 VAC 5-400-90). On October 17, 2001, the Commission entered an Order inviting comments and requests for hearing on the Staff's new proposed rules governing payphone service and instruments ("Proposed Rules"). As stated in that Order, the Proposed Rules were designed to update and modernize the current rules adopted in 1993.

In the October 17, 2001, Order, the Commission also recognized the fact that payphone service remains essential to many Virginians and the traveling public who depend upon payphones to satisfy their communications needs and who rely on operator assistance to complete their calls and provide emergency assistance.

By November 14, 2001, the Commission had received comments on the Proposed Rules from WorldCom, Inc. ("WorldCom"), Cox Virginia Telcom, Inc. ("Cox"), the Division of Consumer Counsel, Office of the Attorney General, Verizon Virginia Inc. and Verizon South Inc. ("Verizon"), the Atlantic Payphone Association ("APA"), USLD Communications, Inc., Sprint, and one private citizen.

NOW THE COMMISSION, having considered the Proposed Rules and the comments thereto, finds that we should adopt the rules appended to this Order as Attachment A, effective December 14, 2001.

The rules we adopt herein contain several modifications and clarifications to those originally proposed by the Staff and published in the Virginia Register of Regulations on November 5, 2001. These modifications were made after our consideration of the changes proposed by the various

interested parties in this proceeding and our analysis of how best to balance the interests of payphone users, payphone service providers, serving local exchange carriers, and operator service providers. We will not review each rule in detail but will comment briefly on several of them.

First, however, we will address issues raised by WorldCom and Cox in their comments. In its comments, WorldCom states that the Proposed Rules are inconsistent with the Commission's determinations in Case No. PUC990157, Robert E. Lee Jones, Jr. v. MCI WorldCom Network Services of Virginia, Inc. et al.¹ because they specifically exempt from regulation "[p]ayphone instruments located in confinement facilities. . ." Cox simply requests that the Commission establish rules governing service from payphone instruments in confinement facilities, either in this proceeding or in a future rulemaking proceeding, that are generally applicable to all companies providing or interested in providing payphone instruments and/or service in confinement facilities.

WorldCom mischaracterizes Proposed Rule 20 VAC 5-407-10 B. This Proposed Rule exempts payphone instruments located in confinement facilities from the provisions of proposed Chapter 407. The Staff's Proposed Rules govern distinct aspects of payphone service and instruments, including registration, renewal, and cancellation procedures, service requirements, and housing card requirements for payphone service providers ("PSPs"), operator service providers ("OSPs"), and serving local exchange carriers ("serving LECs"). The Proposed Rules are deliberately narrow in application and do not preclude the Commission from exercising regulatory authority in appropriate circumstances in the future. In fact, Cox urges the Commission to establish a generic rulemaking proceeding to consider regulation of payphone instruments in confinement facilities. While we have no immediate intention to establish such a proceeding, we believe this is a reasonable request and will consider it.

Next, the APA recommended a revision to Rule 20 VAC 5-407-50 B to permit more than one payphone instrument to be attached to one access line in certain circumstances. The APA stated that there are circumstances where the monthly recurring access line fees are too great to allow each instrument its own access line, i.e., truck-stop restaurants. We agree with the APA that where multiple coinless phones are installed in the same physical area, one access line is sufficient to connect up to three coinless phones. Thus, Rule 20 VAC 5-407-50 B has been revised to incorporate the APA's comments.

In addition, based on the APA's comments, we have revised Rule 20 VAC 5-407-50 J to permit PSPs sufficient time to implement changes to central office codes and local and extended calling areas rather than requiring that the changes be implemented by the effective date of the change.

¹ *Commonwealth of Virginia, ex rel. Robert E. Lee Jones, Jr. v. MCI WorldCom Network Services of Virginia, Inc., and MCI WorldCom Communications of Virginia, Inc.*, Case No. PUC990157, Doc. Cont. Ctr. No. 010840017 (August 22, 2001 Final Order), *reconsideration granted*, Doc. Cont. Ctr. No. 010920111 (*Order Granting Petition for Reconsideration and Motion to Suspend Final Order*, September 11, 2001).

With regard to Rule 20 VAC 5-407-50 K, we considered the comments of both the APA and Verizon and have revised the rule accordingly. This Rule now contains an exception to restoral standards for out-of-service payphones where site construction has interrupted service and requires serving LECs to restore 80% of all out-of-service conditions within 24 hours and 100% of all such conditions within 48 hours from receipt of the trouble report. We believe this rule now contains reasonable standards for both PSPs and serving LECs.

Further, we revised Proposed Rule 20 VAC 5-407-50 N, which mandated that PSPs could not charge fees for incoming calls, and, instead, we will permit such fees for calls in excess of one minute. This should be posted on the housing card in accordance with Rule 20 VAC 5-407-60 A 12.

Finally, we revised Rule 20 VAC 5-407-50 O (now 20 VAC 5-407-50 O and P) to ensure consistency with the Commission's Order in Case No. PUC970029, Petition of PayTel Communications, Inc., et al., For rejection of and investigation of tariffs filed by Virginia local exchange carriers pursuant to § 276 of the Telecommunications Act of 1996. In the May 11, 2001, Final Order in that case, we stated that the Federal Communications Commission's ("FCC") regulations implementing § 276 of the Telecommunications Act of 1996 ("the Act") attempt to impose upon the Commonwealth, in its sovereign capacity, a role pursuant to § 276 of the Act that is in violation of the Tenth Amendment. We, therefore, found that the Commission does not have the authority independent of the Constitution of Virginia and state statutes to strictly assist the FCC in fulfilling the FCC's statutory and regulatory duties. To assure consistency with that finding, we revised Rule 20 VAC 5-407-50 O to remove the reference to FCC tariffs and, instead, included an additional rule clarifying the compliance requirements as they may relate to the FCC.

Accordingly, IT IS ORDERED THAT:

(1) We hereby repeal the Regulations for Payphone Service and Instruments, 20 VAC 5-400-90 et seq., and adopt the Rules For Payphone Service and Instruments, 20 VAC 5-407-10 et seq., appended hereto as Attachment A.

(2) Because these rules may require changes to effective or proposed tariffs currently on file at the Commission, operator service providers and serving local exchange carriers are directed to file revised tariffs, if necessary, on or before January 18, 2002, incorporating changes required by these rules.

(3) A copy of this Order and the rules adopted herein shall be forwarded promptly for publication in the Virginia Register of Regulations.

(4) This case is dismissed and the papers filed herein shall be placed in the file for ended causes.

AN ATTESTED COPY HEREOF shall be sent by the Clerk of the Commission to: John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in

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Appendix B; all payphone service providers registered in Virginia as set out in Appendix C; other known operator service providers operating in Virginia as set out in Appendix D; and the Commission's Division of Communications.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:4 VA.R. 566-572 November 5, 2001, with the additional changes shown below. Therefore, pursuant to § 2.2-4031 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.

20 VAC 5-400-90. [No change from proposed.]

CHAPTER 407.

RULES FOR PAYPHONE SERVICE AND INSTRUMENTS.

20 VAC 5-407-10. [No change from proposed.]

20 VAC 5-407-20. General provisions; enforcement; waiver requests.

A. A PSP, OSP, or serving LEC shall provide records, documents, and special reports to the commission as requested [*in writing*] by the staff. [*Any such requests and responses may be submitted via electronic mail or facsimile.*]

B. A PSP shall provide written responses to data requests from the commission staff regarding payphone services and instruments within 21 calendar days [~~of the request~~, unless additional time is otherwise provided in the request or agreed upon by the parties] .

C. The commission may enforce the provisions of this chapter by any means authorized under applicable law or regulation [, and subject to the right of appeal set out in § 12.1-39 of the Code of Virginia and in Article IX Section 4 of the Virginia Constitution] . Enforcement actions may include, without limitation, the refusal to issue a registration certificate for which application has been made and the revocation or suspension of a registration certificate previously granted. This chapter shall not be deemed to preclude a person aggrieved by a violation of these regulations from pursuing any civil relief that may be available under state or federal law, including, without limitation, private actions for damages or other equitable relief.

D. A request for a waiver of any of the provisions in this chapter may be considered by the commission on a case-by-case basis and may be granted upon such terms and conditions as the commission may impose.

20 VAC 5-407-30. Registration, renewal, and cancellation procedures for OSPs.

A. OSPs [, excluding those with commission-issued certificates of public convenience and necessity,] shall register and pay a registration fee of \$25 each year to provide operator services from payphones starting January 16, 2002. Registration forms may be obtained by visiting the commission's website at: <http://www.state.va.us/scc/division/puc/index.htm>, by calling the Division of Communications, or by making a request in writing to the State Corporation Commission, Division of Communications, P.O. Box 1197, Richmond, Virginia 23218.

B. Upon completion of the registration process, the commission shall issue a registration certificate to the OSP to provide operator services from payphones in accordance with the provisions of this chapter.

C. Each OSP shall renew its registration certificate by January 16 of each year. To renew, each OSP shall:

1. Submit to the commission's Public Service Taxation Division a completed renewal form.

2. Pay a nonrefundable renewal fee of \$25, payable to the Treasurer of Virginia and mailed to the State Corporation Commission, Public Service Taxation Division, P. O. Box 1197, Richmond, Virginia 23218.

3. In addition to the renewal fee, pay a late filing fee of \$10 for all renewals postmarked after January 16 of each year.

D. To cancel its registration certificate with the commission, an OSP shall return its renewal form marked "cancel" or send a letter requesting cancellation of its certificate by January 16 of the year it wishes to cancel its certificate.

E. After March 16 of each year, the commission may issue a Rule to Show Cause ordering any OSP that has not properly registered or canceled its registration certificate to show cause why it should not be penalized for violation of this chapter. In addition, after notice and hearing, if the OSP is found to be in violation of [any of] the provisions of this chapter, a fine of \$50, or as determined by the commission, may be imposed on the OSP, and its certificate to provide operator services from payphones in the Commonwealth of Virginia may be canceled.

20 VAC 5-407-40. Registration, renewal, and cancellation procedures for PSPs.

A. PSPs shall register and pay a registration fee of \$4.00 per payphone instrument before providing service to the public. Registration forms may be obtained by visiting the commission's website at: <http://www.state.va.us/scc/division/puc/index.htm>, by calling the Division of Communications, or by making a request in writing to the State Corporation Commission, Division of Communications, P. O. Box 1197, Richmond, Virginia 23218.

B. Upon completion of the registration process, the commission shall issue a registration certificate to the PSP to provide payphone service in accordance with the provisions of this chapter.

C. [The commission staff shall send out renewal notices and forms to all registered PSPs by December 16 of each year.] Each PSP shall renew its registration certificate by January 16 of each year. To renew, each PSP shall:

1. Submit to the commission's Public Service Taxation Division a completed renewal form and list of payphone instruments owned in Virginia, specifying a telephone number, physical address, the name of the serving LEC, and the OSP for each payphone instrument. The physical address of each payphone instrument shall be confidential unless and until the commission orders otherwise.

2. Pay a nonrefundable renewal fee of \$4.00 per payphone instrument, payable to the Treasurer of Virginia and mailed

to the State Corporation Commission, Public Service Taxation Division, P. O. Box 1197, Richmond, Virginia 23218.

3. In addition to the renewal fee, pay a late filing fee of \$1.00 per payphone, or a minimum of \$50, whichever amount is greater, for all renewals postmarked after January 16 of each year.

D. To cancel its registration certificate with the commission, a PSP shall return its renewal form marked "cancel" or send a letter requesting cancellation of its certificate by January 16 of the year it wishes to cancel its certificate.

E. After March 16 of each year, the commission may issue a Rule to Show Cause ordering any PSP that has not properly registered or canceled its registration certificate to show cause why it should not be penalized for violation of this chapter. In addition, after notice and hearing, if the PSP is found to be in violation of [any of] the provisions of this chapter, a fine [of not to exceed] \$50 per payphone, or as determined by the commission, for all payphones previously registered may be imposed on the PSP, and the serving LEC may be ordered to disconnect service to the PSP.

20 VAC 5-407-50. Payphone instrument and service requirements.

A. A payphone instrument shall be equipped for "dial-tone first."

B. [~~No more than one payphone instrument shall be attached to any one access line.~~ Each coin payphone instrument must be connected to an individual access line. When multiple coinless phones are installed in the same physical area, one access line shall not be connected to more than three coinless phones, provided that such access promotes economical and convenient use by the public and retains immediate telephone access to emergency services.]

C. A payphone instrument shall receive incoming calls unless it is prominently marked with the words "OUTGOING CALLS ONLY," "NO INCOMING CALLS," or similar language.

D. A payphone instrument shall provide users with free access to the Telecommunications Relay Service system by dialing 711, as prescribed by the commission's final order in Case No. PUC000045.

E. A payphone instrument shall allow users access to the serving LEC operator without charge. Where the access code "0" is reserved for carriers other than the serving LEC operator, access to the serving LEC operator shall be provided through the access code "*0."

F. A payphone instrument shall allow users to [~~access reach~~] "800" numbers and other types of toll-free service without [~~charge~~ having to deposit a coin or make a prepayment].

G. A payphone instrument shall allow users to [~~access reach~~] all OSP networks [with access service arrangements with the serving LEC] through their "950," "800," or "101-XXXX-0" [number] without [~~charge~~ having to deposit a coin or make a prepayment].

H. A coin-operated payphone instrument shall accept any combination of nickels, dimes, and quarters for local and long-

distance calling charges and return any deposited amount to the user if the call is not completed.

I. PSPs shall have established procedures for making prompt refunds to users. Refunds must be made within 21 calendar days of a valid request to the PSP.

J. PSPs shall be responsible for acquiring and implementing programming information and necessary changes to central office codes and local and extended calling areas no later than [60 days after] the effective date of the change.

K. A payphone instrument reported to a PSP as being out of service must be removed or restored to service as quickly as possible [~~but in no event shall~~ .] Removing the payphone or restoring service [shall not] take more than seven calendar days from receipt of the trouble report [unless site construction interrupted the service].

1. The serving LEC shall restore [~~an~~ 80% of all] out-of-service [~~condition~~ conditions] within 24 hours [and 100% of all out-of-service conditions within 48 hours] from receipt of [the] trouble report.

2. The 24- [and 48-] hour restoral [~~standard~~ ~~excludes~~ standards exclude] trouble reports received on Sundays, legal holidays, and during emergency operating conditions.

[~~3. Out-of-service conditions that require construction shall be restored within seven calendar days from receipt of the trouble report.~~]

L. Prior to call completion and before any charges are incurred, each provider of intrastate operator services, whether local or toll, shall:

1. Identify itself audibly and distinctly, whether automated or live, to the user or billed party; and

2. If automated, provide instructions for the user to dial no more than two digits to obtain rate information and, if live, [~~offer to~~] provide rate information [upon request]; and

3. If rate information is requested pursuant to subdivision 2 of this subsection, disclose within [~~60~~ 90] seconds [~~to the user or billed party~~ of such request] a quote of its rates or charges for the call [to the user or billed party]; and

4. After providing rate information, permit the user or billed party to terminate the call at no charge before the call is connected.

M. A payphone instrument shall allow access to 911 emergency service, where available, at no charge to the user. If not available, [~~a user must be able to reach an operator without charge by dialing 0 or *0 or the posted emergency agency's contact number~~ the PSP must post dialing instructions for accessing emergency service or the emergency agency's number].

N. PSPs [~~shall not charge fees for incoming calls~~ may charge fees for incoming calls in excess of one minute].

O. Where available from the serving LEC, [~~unless otherwise required to file payphone tariffs by the Federal Communications Commission,~~] the access line service rates for PSPs shall be offered:

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1. At a rate not to exceed the serving LEC's private branch exchange trunk flat rate; or

2. At optional message business rate, measured business rate, or a special payphone rate, subject to commission approval.

[P. Compliance with subsection O is not intended to preclude the serving LEC from complying with any Federal Communications Commission pricing guidelines or mandates.]

20 VAC 5-407-60. Housing card.

A. A payphone housing card shall contain, at a minimum, the following information:

1. Clear operating instructions.

2. The physical address and phone number (area code + seven-digit number) of the payphone instrument. This must be the same physical address that is provided to the serving LEC and used by 911 emergency services.

3. The PSP's certificated name, address, and free contact telephone number (area code + seven-digit number) that can be reached during normal business hours. If the PSP's contact number is posted for refunds and repairs, then posting another contact number for the PSP is not needed.

4. Procedures for repairs, refunds, and billing disputes, including a specific contact number [~~such as 211 or a toll-free number~~ for these types of services that users can reach without charge]. Such contact numbers shall reach a live or automated attendant.

5. Instructions on how to contact both local and long-distance directory assistance.

6. Prominent instructions specifying how to reach the serving LEC operator by dialing 0 or *0.

7. Clear and prominent instructions on how payphone users may reach emergency agencies. These instructions shall refer to 911 where that code is in use as a locality's emergency contact number. Where 911 is not used as the local emergency contact number, [~~the provide~~] instructions [~~shall provide the emergency agency's telephone number or specify that users may dial 0 or *0 for emergency assistance for contacting the emergency agency~~]. The operator must provide prompt, efficient, and accurate emergency service; and if such service is not provided, the commission may require a PSP to route 0 or *0 calls to the serving LEC.

8. Prominent instructions that read "OUTGOING CALLS ONLY," "NO INCOMING CALLS," or similar language, if the payphone instrument does not permit incoming calls.

9. A statement notifying payphone users that the long-distance carrier of their choice can be obtained by following the dialing instructions provided by that carrier.

10. The identity of the OSP, with address and toll-free number, making the charge for any intrastate long distance or local operator assisted call, whether automated or live, not handled by the serving LEC operator.

11. A posted charge for a local call, including a notice of any time limits.

[12. A posted notice of any charges for incoming calls on the housing card.]

B. Information pertinent only to jurisdictions other than the Commonwealth of Virginia shall not be posted on a payphone instrument in Virginia.

C. If the information on the housing card is determined to be inaccurate or violates any provisions of this chapter, the PSP shall replace its housing card with correct information either during its next scheduled collection of coins or at its next regularly scheduled maintenance visit. In no event shall the housing card contain inaccurate information or violate any provision of this chapter for more than 60 calendar days.

D. Maintenance and coin collection activity shall include the replacement of housing cards that have been vandalized.

20 VAC 5-407-70. Penalties.

Failure to comply with the provisions of this chapter may result [, following proper notice and an opportunity for a hearing,] in appropriate action by the commission, which may include, but is not limited to, disconnection of the payphone instruments, additional fines, registration certificate revocation, or any combination of these penalties which in the judgment of the commission is necessary to protect the public interest.

<p>NOTICE: The forms used in administering 20 VAC 5-407, Rules for Payphone Service and Instruments, are listed below. The forms are not being published in the <i>Virginia Register of Regulations</i>, but are available for inspection by contacting the State Corporation Commission, Division of Communications, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9420.</p>

FORMS

[~~Proposed~~] Application for Registration as an Operator Service Provider, eff. [~~4/02~~ 12/14/01].

[~~Proposed~~] Application for Registration as a Payphone Service Provider, eff. [~~4/02~~ 12/14/01].

VA.R. Doc. No. R02-52; Filed December 14, 2001, 4:25 p.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-10, 4 VAC 20-620-20 and 4 VAC 20-620-40).

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: January 1, 2002, through January 30, 2002.

Summary:

The amendments provide for a more equitable distribution of summer flounder among industry participants during the first quarter offshore fishery.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-10. Purpose.

The purpose of this *emergency* chapter is to reduce commercial and recreational fishing mortality in order to rebuild the severely depleted stocks of Summer Flounder.

4 VAC 20-620-20. Definition.

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

"*Land*" or "*landing*" means to enter port with finfish, shellfish, crustaceans or other marine seafood on board any boat or vessel, to begin offloading finfish, shellfish, crustaceans or other marine seafood, or to offload finfish, shellfish, crustaceans, or other marine seafood.

"*Potomac River tributaries*" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond, thence upstream to the District of Columbia boundary.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. From the first Monday in January through the first Sunday in February, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

A- B. From the first Monday in ~~January~~ February through March 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of ~~40,000~~ 7,500 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day

period, with the first 10-day period beginning on the first Monday in ~~January~~ February.

3. Land in Virginia more than a total of ~~40,000~~ 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in ~~January~~ February.

~~B-~~ C. When it is projected and announced that 85% of the quota for the period from the first Monday ~~following in~~ January 4 through March 31 has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~C-~~ D. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~D-~~ E. During the period of July 1 through October 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 10% by weight of all other landed species on board the vessel.

~~E-~~ F. From the first Monday in November through December 31 of each year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters an amount of Summer Flounder in excess of 7,500 pounds.
2. Land Summer Flounder in Virginia for commercial purposes more than twice within each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.
3. Land in Virginia more than a total of 7,500 pounds of Summer Flounder during each consecutive 10-day period, with the first 10-day period beginning on the first Monday in November.

~~F-~~ G. For each of the time periods set forth in subsections A, B, C and E of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

~~G-~~ H. Each possession limit described in subsections A, ~~B, C, D and E~~ through F of this section shall be determined by the net weight of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The net weight of any Summer Flounder found in excess of this possession limit described in subsections A, ~~B, C, D and E~~ through F of this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer

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Flounder, aboard any vessel, in excess of the possession limit shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter.

~~H.~~ I. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

~~I.~~ J. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel and its captain and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

~~J.~~ K. Any boat or vessel possessing more than the lawful limit of Summer Flounder that has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

~~K.~~ L. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

VA.R. Doc. No. R02-106; Filed December 26, 2001, 11:36 a.m.

Title of Regulation: **4 VAC 20-720. Pertaining to Restrictions on Oyster Harvest (adding 4 VAC 20-720-46).**

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-507 of the Code of Virginia.

Effective Dates: January 1, 2002, through January 30, 2002.

Summary:

This emergency section extends the harvest seasons for oysters in the Tangier and Pocomoke Sound Areas and opens additional public oyster rocks in the Rappahannock

River area for a short two-week season and allows for the use of the hand scrape.

Agency Contact: K.V. Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2120.

4 VAC 20-720-46. Special public oyster harvest seasons.

A. *The public oyster harvest season for the Tangier and Pocomoke Sounds is extended through January 30, 2002.*

B. *The following public oyster rocks in the Rappahannock River are open to the harvest of oysters by hand scrape:*

Temples Bay

Hogge House

Tin Cup

Towles Point

Corrotoman River

Long Rock

The season for the harvest of oysters from these areas is January 1, 2002, through January 14, 2002.

C. *All other applicable laws and regulations for harvesting oysters from public oyster grounds shall apply during these special harvest seasons.*

VA.R. Doc. No. R02-107; Filed December 26, 2001, 11:34 a.m.

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

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: January 1, 2002, through January 30, 2002.

Summary:

The amendments provide for a more equitable distribution of black sea bass among industry participants during the first quarter offshore fishery.

Agency Contact: 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 7,000 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. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

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. When it is announced that 40% of the coastwide quota for this period is projected to have been taken, the provisions of subsection E of this section shall apply.

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 2,000 pounds of black sea bass;
2. Land black sea bass in Virginia for commercial purposes more than four times within each consecutive seven-day period, with the first seven-day period beginning on October 1;
3. Land in Virginia more than a total of 2,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning on October 1;
4. Fail to contact within 24 hours of landing the Marine Resources Commission's Interactive Voice Recording system to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

E. When it is announced that 40% of the coastwide quota for any of the periods designated in subsections B and C of this section has been taken, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia waters more than 1,000 pounds of black sea bass.
2. Land black sea bass in Virginia, for commercial purposes, more than four times within each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.
3. Land in Virginia more than a total of 1,000 pounds of black sea bass during each consecutive seven-day period, with the first seven-day period beginning upon the announcement that 40% of the coastwide quota for the period has been taken.
4. Fail to contact the Marine Resources Commission's Interactive Voice Recording system within 24 hours of landing to report the name of the vessel and fisherman and the weight of each landing of black sea bass.

F. 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.

G. 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.

H. 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.

I. 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.

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

VA.R. Doc. No. R02-109; Filed December 26, 2001, 11:35 a.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Division of Forensic Science

Approved Breath Test Devices

In accordance with 6 VAC 20-190-180 of the Regulations for Breath Alcohol Testing and under authority of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

1. The ALCOLYSER, manufactured by Lyon Laboratories, Ltd., Cardiff, Wales, United Kingdom.
2. The PREVENT, manufactured by BHP Diagnostix, West Chester, Pennsylvania.
3. The A.L.E.R.T. (Alcohol Level Evaluation Road Tester), Models J2A, J3A, and J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, Michigan.
4. The ALCO-SENSOR, ALCO-SENSOR II, ALCO-SENSOR III, and ALCO-SENSOR IV, manufactured by Intoximeters, Inc., St Louis, Missouri.
5. The CMI SD 2 and CMI SD 5, manufactured by Lyon Laboratories, Barry, United Kingdom.
6. The INTOXILYZER 400PA, manufactured by CMI, Inc., Owensboro, Kentucky.
7. The LIFELOC PBA 3000* and LIFELOC FC10, manufactured by Lifeloc Inc., Wheat Ridge, Colorado.

*When used in the direct sensing mode only.

In accordance with 6 VAC 20-190-100 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268.9 of the Code of Virginia, for evidential breath test devices, mouthpieces that are compatible with the specific testing device are approved as supplies for use in conducting breath tests on approved breath test devices.

In accordance with 6 VAC 20-190-90 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268.9 of the Code of Virginia, the following breath test device is approved for use in conducting breath tests:

1. The Intoxilyzer, Model 5000, CD/FG5 [previously listed as the 768VA], equipped with the Virginia test protocol, simulator monitor, and external printer, manufactured by CMI, Inc., Owensboro, Kentucky.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Data Availability Toxic Contaminants in Fish Tissue and Sediments

Pursuant to § 62.1-44.19:6 A 3 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) is giving notice that new data concerning the presence of toxic contaminants in fish tissue and sediments are available for the fish and sediment monitoring performed by DEQ in the

calendar year 2000. The routine fish and sediment monitoring in 2000 was performed in the river basins of the York River and the New River. Additional monitoring was performed at selected sites in the Banister, Dan, Hyco, Roanoke and Potomac rivers as well as at sites in Levisa Fork, Deep Creek (Elizabeth River) Dragon Run (Piankatank River) and on the Eastern Shore at Bagwell Creek and near Kiptopeke State Park. Additional monitoring was conducted in the Shenandoah and South Rivers to monitor mercury. Data for all these monitoring studies are available on the DEQ web site at www.deq.state.va.us/water/reports.html. For additional information contact Alex Barron directly at (804) 698-4119, or e-mail ambarron@deq.state.va.us, or call toll free 1-800-592-5482 and request Mr. Barron.

Total Maximum Daily Load (TMDL) for Aquatic Life on Black Creek in the Powell River Watershed

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 aquatic life on Black Creek in the Powell River Watershed. There will be two identical public meetings on the development of the aquatic life TMDL for Black Creek and Dumps Creek. The meetings will be held on Monday, January 29, 2002 at 3 p.m. and again at 6 p.m. in the Clinch Valley Chapter, Order of the Eastern Star, Dinsmore Hall, 16641 East Riverside Drive, St. Paul, Virginia. By holding these identical meetings the public will be better able to share their concerns.

The Black Creek impaired segment is located in Wise County west of the Town of Norton between Black Creek Ridge and White Oak Gap. It is 5.94 miles in length and extends from the confluence with Powell River, near Blackwood at Route 58/23, upstream to the Black Creek Lake impoundment. Tributaries are included. Above Black Creek Cemetery, Black Creek flows along Route 618 for a short distance. Black Creek was identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's General Standard for Aquatic Life.

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 purpose of the study is to identify sources and determine reductions of pollutants so that Black Creek can meet the water quality standard.

The public comment period will end on February 14, 2002. A fact sheet on the development of the TMDL for aquatic life on the impaired stream is available upon request. Questions or information requests should be addressed to Nancy T. Norton, P.E., Department of Environmental Quality. Written comments should include the name, address, and telephone number of the person submitting the comments and be addressed to Nancy T. Norton, P.E., Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, Virginia 24212, telephone (276) 676-4807, FAX (276) 676-4899 or e-mail ntnorton@deq.state.va.us.

Total Maximum Daily Load (TMDL) for Aquatic Life on Dumps Creek in the Clinch River Watershed

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 aquatic life on Dumps Creek in the Clinch River Watershed. There will be two identical public meetings on the development of the aquatic life TMDL for Dumps Creek and Black Creek. The meetings will be held on Monday, January 29, 2002 at 3 p.m. and again at 6 p.m. in the Clinch Valley Chapter, Order of the Eastern Star, Dinsmore Hall, 16641 East Riverside Drive, St. Paul, Virginia. By holding these identical meetings the public will be better able to share their concerns.

The Dumps Creek impaired segment is located in Russell County, Virginia. It is 3.4 miles in length and extends from the Clinch River confluence at Carbo upstream to the Hurricane Fork confluence. The stream is near the American Electric Power Plant that discharges to Clinch River at Carbo. Dumps Creek flows near Route 616 and 615. Tributaries include Millstone Branch. Dumps Creek was identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's General Standard for Aquatic Life.

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 purpose of the study is to identify sources and determine reductions of pollutants so that Dumps Creek can meet the water quality standard.

The public comment period will end on February 14, 2002. A fact sheet on the development of the TMDL for aquatic life on the impaired stream is available upon request. Questions or information requests should be addressed to Nancy T. Norton, P.E., Department of Environmental Quality. Written comments should include the name, address, and telephone number of the person submitting the comments and be addressed to Nancy T. Norton, P.E., Department of Environmental Quality, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899 or e-mail ntnorton@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) to Address Multiple Fecal Coliform Bacteria Impairments in the Catoctin Creek Watershed

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 Total Maximum Daily Loads (TMDLs) to address multiple fecal coliform bacteria impairments in the Catoctin Creek Watershed. The stream segments include a 6.0-mile segment of South Fork Catoctin Creek, a 10.5-mile segment of North Fork Catoctin Creek, and a 7.4-mile segment of Catoctin Creek (all stream measurements are approximate).

The Catoctin Creek Watershed impairments are located in Loudoun County. These stream segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

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 Catoctin Creek Watershed fecal coliform TMDLs will be held on Wednesday, January 23, 2002, at 7 p.m. at the Old Stone Schoolhouse located at 37098 Charlestown Pike (Route 9), Hillsboro, Virginia.

The public comment period will begin on January 14, 2002, and end on February 12, 2002. A fact sheet on the development of the TMDLs for the multiple fecal coliform bacteria impairments in the Catoctin Creek Watershed is available upon request. Questions or information requests should be addressed to Kate Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA, 22193, telephone (703) 583-3896, FAX (703) 583-3841 or e-mail kebennett@deq.state.va.us.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Low-Income Housing Tax Credit Calendar Year 2002 Procedure Application Filing Deadline

The calendar year 2002 deadline for filing an application for the Virginia Low-Income Housing Tax Credit is 5 p.m. on Friday, March 15, 2002.

Preliminary allocation announcements of the state low-income housing tax credits for calendar year 2002 will be made during May or June of 2002 and final allocation awards will be made during November and December of 2002.

Contact person: Steve Calhoun, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015 or e-mail scalhoun@dhcd.state.va.us.

General Notices/Errata

STATE LOTTERY DEPARTMENT

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on December 13, 2001. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

DIRECTOR'S ORDER NUMBER FORTY-NINE (01)
Virginia's Instant Game Lottery 477; "Millionaire Party," Final Rules for Game Operation (effective 10/24/01).

DIRECTOR'S ORDER NUMBER FIFTY-SEVEN (01)
Virginia's Eighth On-line Lottery; "Lotto South," Final Rules for Game Operation (effective 9/1/01).

DIRECTOR'S ORDER NUMBER FIFTY-NINE (01)
Virginia Lottery Retailer "Big Game" and "Lotto South" Bonus Program and Rules (effective 9/4/01).

DIRECTOR'S ORDER NUMBER SIXTY-SIX (01)
Virginia's Instant Game Lottery 498; "Frosty the Doughman," Final Rules for Game Operation (effective 10/5/01).

DIRECTOR'S ORDER NUMBER SIXTY-SEVEN (01)
"Dashing through the Dough" Virginia Lottery Retailer Incentive Program Rules (effective 10/20/01).

DIRECTOR'S ORDER NUMBER SIXTY-EIGHT (01)
Virginia's Instant Game Lottery 495; "3 Card Cash," Final Rules for Game Operation (effective 10/10/01).

DIRECTOR'S ORDER NUMBER SIXTY-NINE (01)
Virginia's Instant Game Lottery 222; "Pure Platinum," Final Rules for Game Operation (effective 10/24/01).

DIRECTOR'S ORDER NUMBER SEVENTY (01)
Virginia's Instant Game Lottery 318; "Lots o' Spots Bingo," Final Rules for Game Operation (effective 10/24/01).

DIRECTOR'S ORDER NUMBER SEVENTY-ONE (01)
Virginia's Instant Game Lottery 218; "Winner Wonderland," Final Rules for Game Operation (effective 10/30/01).

DIRECTOR'S ORDER NUMBER SEVENTY-TWO (01)
Virginia's Instant Game Lottery 499; "Holiday Cash Express," Final Rules for Game Operation (effective 10/30/01).

DIRECTOR'S ORDER NUMBER SEVENTY-THREE (01)
Virginia's Instant Game Lottery 501; "Lottery Lucky Stars," Final Rules for Game Operation (effective 10/30/01).

DIRECTOR'S ORDER NUMBER SEVENTY-FOUR (01)
Virginia's Instant Game Lottery 223; "Cut the Deck," Final Rules for Game Operation (effective 11/5/01).

DIRECTOR'S ORDER NUMBER SEVENTY-FIVE (01)
Virginia's Instant Game Lottery 225; "Dollars and Scents," Final Rules for Game Operation (effective 11/7/01).

DIRECTOR'S ORDER NUMBER SEVENTY-SIX (01)
Virginia's Instant Game Lottery 502; "Hot Dice," Final Rules for Game Operation (effective 11/7/01).

DIRECTOR'S ORDER NUMBER SEVENTY-SEVEN (01)
Virginia's Instant Game Lottery 504; "Sweet Rewards," Final Rules for Game Operation (effective 11/7/01).

DIRECTOR'S ORDER NUMBER SEVENTY-EIGHT (01)
Virginia's Instant Game Lottery 505; "The Whole Enchilada," Final Rules for Game Operation (effective 11/28/01).

DIRECTOR'S ORDER NUMBER SEVENTY-NINE (01)
Virginia's Instant Game Lottery 484; "\$1,000,000 Blackjack," Final Rules for Game Operation (effective 11/28/01).

DIRECTOR'S ORDER NUMBER EIGHTY (01)
Virginia's Instant Game Lottery 503; "Poker Night," Final Rules for Game Operation (effective 11/28/01).

DIRECTOR'S ORDER NUMBER EIGHTY-TWO (01)
Virginia's Instant Game Lottery 224; "Magic Money," Final Rules for Game Operation (effective 12/5/01).

DIRECTOR'S ORDER NUMBER FIFTY-SIX (01)
Virginia's Seventh On-line Game Lottery, "Lotto Virginia"; End of Game.

In accordance with the authority granted by §§ 58.1-4006 A and 9-6.14:4.1 B (15) of the Code of Virginia, I hereby give notice that Virginia's seventh on-line game lottery, "Lotto Virginia," will officially end at 11 p.m. on Saturday, September 8, 2001.

The last day to redeem winning tickets for Lotto Virginia will be Thursday, March 7, 2002, 180 days from the declared official end of the game. Claims for winning tickets from this game will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of March 7, 2002, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of on-line game lotteries.

Any Lotto Virginia ticket purchased prior to 11 p.m., September 8, 2001, including a subscription ticket, that was valid for a Lotto Virginia drawing or drawings after September 8, 2001, automatically will become a Lotto South ticket and will be valid for the Lotto South drawings or drawings included in the dates on the ticket. Such ticket will be subject to provisions of the Lotto South game rules.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, VA 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Date: September 4, 2001

Virginia Tax Bulletin

Virginia Department of Taxation

December 21, 2001

01-5

INTEREST RATES FIRST QUARTER 2002

Federal rates changed: 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 first quarter of 2002 will be 6% for tax underpayments (assessments), 6% for tax overpayments (refunds) by taxpayers other than corporations, and 8% 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 first quarter of 2002 will be 8% for tax underpayments (assessments), 8% for tax overpayments (refunds), and 10% for "large corporate underpayments."

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on September 30, 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 fourth quarter 9% underpayment rate will apply through the due date of the return, January 15, 2002, (for corporations), and February 1, 2002, (for individuals and fiduciaries).

Taxpayers whose taxable year ends on December 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 first quarter 8% underpayment rate will apply through the due date of the return, April 16, 2002 (for corporations), and May 1, 2002 (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 first quarter of 2002, the federal underpayment rate is 6%.

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

Accrual Beginning	Period Through	Non - Corporation Overpayment (Refund)	Corporation Overpayment (Refund)	Underpayment (Assessment)	Large Corporate Underpayment
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%
1-Jul-01	31-Dec-01	9%	9%	9%	11%
1-Jan-02	31-Mar-02	8%	8%	8%	10%

For additional information: Contact Customer Services, Virginia Department of Taxation, P. O. Box 1115, Richmond, Virginia 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

DEPARTMENT OF TRANSPORTATION

Notice of Periodic Review of Regulation

Pursuant to Executive Order Number 25 (98), the Virginia Department of Transportation has scheduled the regulation listed below for review. VDOT will conduct this review to determine whether the regulation should be terminated, amended, or retained as written. If any changes are deemed necessary, VDOT will file the appropriate documentation as required to comply with applicable statute or other directives.

VDOT seeks public comment to determine whether the regulation (i) ensures that informational signs are posted alongside highways to communicate traveler information to motorists fairly and safety, (ii) protects the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth, and (iii) is written clearly and understandably.

24 VAC 30-550. Guidelines for the Logo Program.
This regulation establishes the criteria set by the Commonwealth Transportation Board by which gas, food, lodging, and camping establishments may qualify for participation in VDOT's travel services program, also known as the "Logo Program."
APA Exemption: § 2-2-4002 B 11.

Contact: Mauris S. Mackenzie, P.E., Transportation Engineering Program Supervisor, Traffic Engineering Division, 2nd Floor, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-0203, FAX (804) 225-4978 or e-mail Mauris.Mackenzie@VirginiaDOT.org. Comments may be submitted from January 31, 2002, through February 21, 2002.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Ernest and Brenda Lightner

The State Water Control Board proposes to enter into a consent special order with Ernest and Brenda Lightner. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

The Lightners own a UST facility located at the intersection of Routes 220 and 250 in Monterey, Virginia. The Lightners store petroleum in these USTs under the requirements of the state underground storage tank regulations. Based on an inspection of the facility and review of submitted documentation, DEQ found the Lightners to be in violation of the regulation. The proposed order will assess a civil charge against the Lightners in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The

proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrobinett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order H.N. Funkhouser & Co.

The State Water Control Board proposes to enter into a consent special order with H.N. Funkhouser & Co. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Funkhouser previously owned a UST facility located at 3291 North Frederick Pike in Winchester, Virginia. Funkhouser stored petroleum in these USTs under the requirements of the state underground storage tank regulations. Based on an inspection of the facility and review of submitted documentation, DEQ found Funkhouser to be in violation of the regulation. The proposed order will assess a civil charge against Funkhouser in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrobinett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

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.

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.

General Notices/Errata

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 AGRICULTURE AND CONSUMER SERVICES

March 14, 2002 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

A general meeting.

Contact: Roy E. Seward, Secretary, Board of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, (800) 828-1120/TTY , e-mail rseward@vdacs.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

March 14, 2002 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

February 8, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-400. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed amendments is to ensure that: (i) regulated products are properly formulated and labeled; (ii) the manufacturer's recommendations for use of these regulated products are in accordance with methods and procedures that enhance the safety, quality and quantity of the food supply for both humans and animals; (iii) guidelines are established for the methods used to provide verification of labeling claims for regulated products; and (iv) assessments against the manufacturer of a product is deficient when compared to its guarantee, or that is not properly labeled and thus has caused a negative economic impact on a consumer, are paid to the consumer when he

may be identified. The amendments also include changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-2476, FAX (804) 786-1571 or (804) 828-1120/TTY 

March 14, 2002 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

February 8, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-610. Rules Governing the Solicitation of Contributions.** The purpose of the proposed regulatory action is to amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities.

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

Contact: Andy Alvarez, Program Manager, Office of Consumer Affairs, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1381, FAX (804) 786-5112, toll-free 1-800-9963 or 1-800-828-1120/TTY 

Virginia State Apple Board

† **January 21, 2002 - 11 a.m.** -- Open Meeting
Fort Magruder Inn, U.S. 60 East, Williamsburg, Virginia. 

Calendar of Events

A meeting to approve minutes of the last meeting, hold a general business meeting and approve projects for FY 2003. 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 Dave Robishaw at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dave Robishaw, Program Director, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156.

Virginia Cattle Industry Board

January 29, 2002 - 10 a.m. -- Open Meeting
Four Points Hotel by Sheraton, U.S. 33, 1400 East Market Street, Harrisonburg, Virginia. 

A meeting to approve minutes from the September 2001 meeting and review the financial statement for the period September 1 through December 1. Staff will give program updates for the state and national level. A representative from the U.S. Meat Export Federation and Dr. Paul Graham will be present to update the board on their funded projects. Cherry, Bekaert and Holland will present the 2000-2001 audit report. 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 Reginald B. Reynolds at least five days before the meeting date so that suitable arrangements can be made. If you need directions to attend the board meeting, please call 540-433-2521.

Contact: Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Corn Board

† February 13, 2002 - 8 a.m. -- Open Meeting
Wyndham Hotel, 700 South Laburnum Avenue, Richmond, Virginia. 

A meeting to discuss checkoff revenues resulting from sale of the 2001 corn crop and approve the previous meeting minutes. As well, the board will hear FY 2001-2002 project reports and will receive FY 2002-2003 project proposals. Following all the presentations, the group will make funding decisions for the fiscal year beginning on July 1, 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 Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.

Virginia Cotton Board

March 8, 2002 - 9 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to discuss and approve contractual arrangements with national and regional organizations, receive reports of programs and projects funded over the past year, and hear project proposal grant requests on cotton by VPI, VSU, and other groups for the year 2002-03. During the meeting, financial reports will be heard and approved. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Gail Moody-Milteer at least five days before the meeting date so that suitable arrangements can be made.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Dr., Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.

Virginia Horse Industry Board

February 8, 2002 - 10 a.m. -- Open Meeting
Holiday Inn Select, The Convention Center, 2801 Plank Road, Fredericksburg, Virginia. 

A meeting to review the minutes of the last meeting; hear reports on current and past projects and budget updates; and discuss upcoming projects for 2002, including grants review. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1004, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786.

Pesticide Control Board

January 17, 2002 - 9 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda beginning at 9 a.m. 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 Dr. Marvin Lawson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin Lawson, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer

Services, Washington Bldg., 1100 Bank St., Room 401, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail jknight@vdacs.state.va.us.

Virginia Pork Industry Board

January 24, 2002 - 8:30 a.m. -- Open Meeting
Airfield Conference Center, 15189 Airfield Road, Wakefield, Virginia. 

A general business meeting to review past minutes and approve projects. 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 John H. Parker 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 St., Suite 1012, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

January 21, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to adopt regulations entitled: **9 VAC 5-220. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Orange County Facility; 9 VAC 5-221. Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility.** Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

Statutory Authority: § 10.1-1307 C of the Code of Virginia.

Contact: Dr. Kathleen R. Sands, Policy Analyst, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4413, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 

NOTE: CHANGE IN HEARING DATE

January 24, 2002 - 7 p.m. -- Public Hearing
Frances Redwood Center, Arvonnia, Virginia. 

A public hearing to receive comments on the proposed draft permit for Tenaska Virginia II Partners, L.P. to construct and operate a combined cycle power plant 1.5

miles southeast of New Canton, near Route 670 in Buckingham County.

Contact: S. Margaret Key, State Air Pollution Control Board, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail smkey@deq.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

January 24, 2002 - 8:30 a.m. -- Open Meeting
Renaissance Hotel, 425 Water Street, Portsmouth, Virginia. 

A meeting of the Land Surveyor Section and invited subject matter experts to conduct an exam workshop.

Contact: Sharon M. Sweet, Examination Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8572, FAX (804) 367-2475, (804) 367-9753/TTY 

† **January 30, 2002 - 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

† **February 6, 2002 - 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

Calendar of Events

† **February 13, 2002 - 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

† **February 20, 2002 - 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

† **February 27, 2002 - 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 to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

† **March 6, 2002 - 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 full board to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting

so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

January 17, 2002 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review loan applications for assistive technology purchases. Business meeting and public comments sessions are open to the public; loan review will take place in closed session.

Contact: Shilpa Joshi, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-9000, FAX (804) 662-9533, toll-free (800) 552-5019, (804) 662-9000/TTY , e-mail loanfund@erols.com.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **February 21, 2002 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting to conduct general business to include regulatory and disciplinary matters as presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

BOARD FOR THE BLIND AND VISION IMPAIRED

January 15, 2002 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Board for the Blind and Vision Impaired is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budget and request for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the

board's endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3145, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dbvi.state.va.us.

BOARD FOR BRANCH PILOTS

February 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Branch Pilots intends to amend regulations entitled: **18 VAC 45-10. Public Participation Guidelines**. The proposed amendments allow the board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Other changes that may be necessary will be considered.

Statutory Authority: §§ 2.2-4007 and 54.1-902 of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

† **February 4, 2002 - 9:30 a.m.** -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct examinations. Persons desiring to participate in the meeting and requiring special accommodations or interpreter 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, 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.

† **February 5, 2002 - 9:30 a.m.** -- Open Meeting
Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the 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, 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.

CEMETERY BOARD

February 26, 2002 - 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 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail oneal@dpor.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES

January 23, 2002 - 2:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Academic and Student Affairs, Audit, and Budget and Finance Committees - 2:30 p.m.

Facilities and Personnel Committees - 3:30 p.m..

Executive Committee - 4:30 p.m.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

January 24, 2002 - 9 a.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

COMPENSATION BOARD

January 22, 2002 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy P. 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.

Calendar of Events

DEPARTMENT OF CONSERVATION AND RECREATION

Board on Conservation and Development of Public Beaches

NOTE: CHANGE IN MEETING DATE

January 15, 2002 - 10 a.m. -- Open Meeting
Hampton City Council Chambers, City Hall, 22 Lincoln Street, Hampton, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. Requests for interpreter for the deaf should be made two weeks prior to 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.

Falls of the James Scenic River Advisory Board

February 7, 2002 - Noon -- Open Meeting
Richmond City Hall, 900 East Broad Street, 5th Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A 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.

Goose Creek Scenic River Advisory Board

January 15, 2002 - 1:30 p.m. -- Open Meeting
Loudoun County Administration Building, 1 Harrison Street, S.E., Lovettsville Room, Leesburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Richard 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.

Virginia Soil and Water Conservation Board

† January 17, 2002 - 9 a.m. -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa Road, Richmond, 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

January 23, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board to address policy and procedural issues, review and render case decisions on matured complaints against licensees, and 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 require special accommodations or interpreter services should contact Eric L. Olson.

Contact: Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

BOARD OF CORRECTIONAL EDUCATION

January 25, 2002 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

BOARD OF CORRECTIONS

January 15, 2002 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond Virginia. 

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters that may be presented to the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

January 16, 2002 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond Virginia. 

A monthly meeting to discuss correctional matters that may be brought before the full board.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

BOARD OF COUNSELING

† **January 25, 2002 - 10 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 W. Broad Street, Wilson Room, Richmond, Virginia. 

An informal conference held pursuant to § 2.2-4019 of the Code of Virginia. Public comment will not be heard.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 552-7197/TTY , e-mail coun@dhp.state.va.us.

† **February 7, 2002 - 1 p.m.** -- Open Meeting
Tidewater Room, Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia. 

A meeting of the Regulatory/Supervision/Legislative Committee to consider issues related to the regulation of counseling professions. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail ebrown@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

† **January 17, 2002 - 11 a.m.** -- Open Meeting
† **February 21, 2002 - 11 a.m.** -- Open Meeting
† **March 21, 2002 - 11 a.m.** -- Open Meeting
Virginia War Memorial, 601 South Belvidere Street, Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use design-build or construction management-type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form # DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Rm. 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

February 28, 2002 - 9 a.m. -- Open Meeting
Richmond City Hall, 301 North 9th Street, Richmond School Board Meeting Room, Richmond, Virginia.

March 27, 2002 - 9 a.m. -- Open Meeting
Richmond area; location to be announced.

A regular business meeting. Public comment will be received. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

January 28, 2002 - 9:30 a.m. -- Open Meeting
Cultural Arts Center at Glen Allen, 2880 Mountain Road, Glen Allen, Virginia.

March 18, 2002 - 9:30 a.m. -- Open Meeting
Old Dominion University, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the Advisory Board for Teacher Education and Licensure. No public comment will be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

BOARD OF FORESTRY

† **January 30, 2002 - 8:30 a.m.** -- Open Meeting
Linden Row Inn, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Board of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, (434) 977-6555/TTY , e-mail hoyd@dof.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **January 15, 2002 - 9 a.m.** -- Open Meeting
† **February 12, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Regulatory/Bylaws Committee to work on draft regulations pursuant to recommendations of the regulatory review and consider other issues that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

† **March 5, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia 

Calendar of Events

A general business meeting, including the adoption of proposed amendments to regulations. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT OF GAME AND INLAND FISHERIES

February 4, 2002 - 7 p.m. -- Public Hearing
Department of Game and Inland Fisheries, Fredericksburg Regional Office, 1320 Belman Road, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

February 5, 2002 - 7 p.m. -- Public Hearing
Department of Game and Inland Fisheries, Williamsburg Regional Office, 5806 Mooretown, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

February 6, 2002 - 7 p.m. -- Public Hearing
Forest Public Library, 15583 Forest Road, Forest, Virginia. ♿ (Interpreter for the deaf provided upon request)

February 12, 2002 - 7 p.m. -- Public Hearing
Smyth-Bland Regional Library, Copenhaver Meeting Room, 118 South Sheffey Street, Marion, Virginia. ♿ (Interpreter for the deaf provided upon request)

February 13, 2002 - 7 p.m. -- Public Hearing
Department of Game and Inland Fisheries, Verona (Staunton) Regional Office, 4725 Lee Highway, Verona, Virginia. ♿ (Interpreter for the deaf provided upon request)

Public forums to receive comments on agency programs, regulations, and management of Virginia's freshwater fish and fishing resources; wildlife diversity, or wildlife management other than in the context of hunting, fishing, and trapping; and boating. All interested citizens are invited to attend. The comments and suggestions received will be considered by staff as they refine current programs and regulations and develop new ones.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

BOARD FOR GEOLOGY

January 16, 2002 - 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 general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail oneal@dpor.state.va.us.

STATE BOARD OF HEALTH

March 3, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider adopting regulations entitled: **12 VAC 5-508. Regulations Governing the Virginia Physician Loan Repayment Program.** The purpose of the proposed regulations is to set forth the criteria for eligibility in the Physician Loan Repayment Program for primary care physicians and psychiatrists, the terms and conditions applicable to each loan recipient, and penalties for a recipient's failure to fulfill requirements.

Statutory Authority: § 32.1-122.6:1 of the Code of Virginia.

Contact: Norma Marrin, Business Manager, Office of Health Planning, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-4891 or FAX (804) 371-0116.

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January 18, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled: **12 VAC 5-65. Rules and Regulations Governing Emergency Medical Services Do Not Resuscitate Program**, and adopt regulations entitled: **12 VAC 5-66. Regulations Governing Durable Do Not Resuscitate Orders.** The proposed regulation establishes a Durable Do Not Resuscitate (DDNR) Order that follows the patient throughout the entire health care setting.

Statutory Authority: § 54.1-2987.1 of the Code of Virginia.

Contact: David E. Cullen, Jr., Regulation and Compliance Manager, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free 1-800-523-6019.

DEPARTMENT OF HEALTH PROFESSIONS

February 15, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Health Practitioner's Intervention Program Committee will meet with its contractor and representatives to review reports, policies, and procedures for the Health Practitioner's Intervention Program. The committee will meet in open session for general discussion of the program and may meet in executive session to consider specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114, (804) 662-9197/TTY ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **January 23, 2002 - 10:45 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th St., 9th Floor
Conference Room, Richmond, Virginia.

Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, e-mail lrung@schev.edu.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

February 5, 2002 - 9 a.m. -- Open Meeting

March 5, 2002 - 9 a.m. -- Open Meeting

Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, Hopewell Industrial Safety Council, 300 N. Main St., Hopewell, VA telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **January 23, 2002 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; consider for approval proposed amendments to the authority's regulations entitled "Rules and Regulations – General Provisions for Programs of the Virginia Housing Development Authority" and "Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income"; review the authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎

STATEWIDE INDEPENDENT LIVING COUNCIL

January 15, 2002 - 1 p.m. -- Open Meeting
Comfort Suites Hotel at Innsbrook, 4051 Innslake Drive, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Jim Rothrock, Staffperson, Statewide Independent Living Council, 1802 Marroit Road, Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7118.

BOARD OF JUVENILE JUSTICE

February 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-60. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.** The amendments implement legislative directions (i) to establish standards for offices on youth addressing goals, objectives, and measures for evaluating effectiveness; and (ii) to shift the focus of those offices from direct service to coordination, planning and evaluation of youth services.

Statutory Authority: §§ 66-10, 66-27 and 66-28 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

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February 1, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Juvenile Justice intends to amend regulations entitled: **6 VAC 35-150. Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts.** The amendments set statewide policy for court service units; require court service units to adhere to standard operating procedure to ensure uniformity of services; and permit greater flexibility in tailoring the level of services to the degree of risk presented by each case.

Statutory Authority: §§ 16.1-233 C, 16.1-309.2 et seq., and 66-10 of the Code of Virginia.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, 700 E. Franklin St., Richmond, VA 23208-1110, telephone (804) 371-0743 or FAX (804) 371-0773.

Calendar of Events

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **January 31, 2002 - 9:30 a.m.** -- Open Meeting
Confederate Hills Building, 302 Lee Avenue, Highland Springs, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear allegations of apprentice ratio violations by CBC Enterprises, Inc., brought by Coalition for Fair Contracting, Inc.

Contact: Beverly Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

† **February 14, 2002 - 9:30 a.m.** -- Open Meeting
Powers - Taylor Building, 13 South 13th Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general meeting of the Virginia Apprenticeship Council Subcommittee.

Contact: Beverly Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

Virginia Migrant and Seasonal Farmworkers Board

January 23, 2002 - 10 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, 2nd Floor, Court Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the board.

Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2391, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail bbj@doli.state.va.us.

THE LIBRARY OF VIRGINIA

January 25, 2002 - 7:30 a.m. -- Open Meeting
March 18, 2002 - 7:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:

7:30 a.m. - Executive Committee, Conference Room B.

8:15 a.m. - Public Library Development Committee, Orientation Room;
Publications and Educational Services Committee, Conference Room B;
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;
Collection Management Services Committee, Conference Room B;
Legislative and Finance Committee, Conference Room C.

10:30 a.m. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

LONGWOOD COLLEGE

† **January 31, 2002 - Noon** -- Open Meeting
Omni Charlottesville Hotel, Preston Point Room, 235 West Main Street, Charlottesville, Virginia. 

A meeting to conduct routine business of the Board of Visitors' Executive Committee.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

January 31, 2002 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, 1st Floor, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to address claims and complaints filed against licensees, review license applications, and handle other administrative functions under the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail cmciver@dhcd.state.va.us.

MARINE RESOURCES COMMISSION

January 22, 2002 - 9:30 a.m. -- Open Meeting
February 26, 2002 - 9:30 a.m. -- Open Meeting
March 26, 2002 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. 

A monthly meeting.

Contact: Stephanie Montgomery, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-8088, FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-2292/TTY , e-mail smont@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

† **February 12, 2002 - 10 a.m.** -- Open Meeting

† **April 9, 2002 - 10 a.m.** -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. 

A routine business meeting. An agenda will be posted prior to the meeting date.

Contact: Leah Hamaker, Communications Office, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-4626, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail lhamaker@dmas.state.va.us.

BOARD OF MEDICINE

January 25, 2002 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, 5th Floor, Richmond, Virginia 

A meeting of the Legislative Committee to consider regulatory and legislative issues, including the adoption of a NOIRA for the periodic review of the board's general regulations. 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.

February 7, 2002 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 2, 5th Floor, Richmond, Virginia 

A general business meeting including adoption of proposed regulations for anesthesia in outpatient surgery and continuing education requirements for respiratory care practitioners. Other legislative, regulatory and disciplinary matters will be considered as 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.

Informal Conference Committee

† **January 25, 2002 - 1 p.m.** -- Open Meeting

† **March 6, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

† **February 21, 2002 - 8:30 a.m.** -- Open Meeting

† **March 14, 2002 - 9 a.m.** -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

† **February 27, 2002 - 9:45 a.m.** -- Open Meeting

† **March 27, 2002 - 9:45 a.m.** -- Open Meeting

Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail Peggy.Sadler@dhp.state.va.us.

STATE MILK COMMISSION

† **February 20, 2002 - 10:30 a.m.** -- Open Meeting

Department of Mines, Minerals, and Energy, 900 Natural Resources Drive, Room 2054, Charlottesville, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission will also review 2002 base requirements. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency contact at least five days prior to the meeting so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

MOTOR VEHICLE DEALER BOARD

January 14, 2002 - 8:30 a.m. -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.

Franchise Law Committee - Five minutes after Dealer Practices Committee

Licensing Committee - 9:30 a.m. or five minutes after Franchise Law Committee

Advertising Committee - 10 a.m. or five minutes after Licensing Committee

Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee

Personnel Committee - Five minutes after Advertising Committee

Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 p.m. Meetings may begin later but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the

Calendar of Events

board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

† **February 13, 2002 - 8 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 

A regular business meeting of the Medical Advisory Board.

Contact: Jacquelin Branche, Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, e-mail dmj3b@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

February 21, 2002 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, Auditorium, 2800 Grove Avenue, Richmond, Virginia. 

A quarterly meeting of the Board of Trustees with reports from the President, Director, Museum Foundation and Committees and approval of acquisition of art works. Portions of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Buildings and Grounds Committee

February 21, 2002 - 8:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 

A quarterly meeting to update trustees on the current status of projects. 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.

Collections Committee

February 21, 2002 - 9:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A quarterly meeting for staff to present acquisition proposals to the committee. 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.

Communications and Marketing Committee

February 20, 2002 - 3:15 p.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 

A quarterly meeting to discuss marketing plans. 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.

Education and Programs Committee

February 20, 2002 - 2 p.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 

A quarterly meeting for staff to brief trustees on current activities. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Executive Committee

February 5, 2002 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A meeting held for staff to brief the Executive Committee. 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.

Exhibitions Committee

February 20, 2002 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. 

A quarterly meeting to discuss museum exhibitions. 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.

Expansion Project Committee

February 20, 2002 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor, Conference Room, Richmond, Virginia. ♿

A quarterly meeting to plan the museum's expansion. 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.

Finance Committee

February 21, 2002 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

A quarterly meeting to update the trustees. 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.

Legislative Committee

February 20, 2002 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, Auditorium, 2800 Grove Avenue, Richmond, Virginia. ♿

A quarterly meeting to update trustees on legislative activity. 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.

Program Review Committee

February 20, 2002 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

A quarterly meeting to review museum programming. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

† **January 14, 2002 - 9 a.m.** -- Open Meeting
† **January 16, 2002 - 9 a.m.** -- Open Meeting
† **March 18, 2002 - 9 a.m.** -- Open Meeting
† **March 20, 2002 - 9 a.m.** -- Open Meeting
† **March 21, 2002 - 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

January 15, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A general business meeting. Public comment will be received at 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail ndurrett@dhp.state.va.us.

Special Conference Committee

February 7, 2002 - 8:30 a.m. -- Open Meeting

February 11, 2002 - 8:30 a.m. -- Open Meeting

February 12, 2002 - 8:30 a.m. -- Open Meeting

February 19, 2002 - 8:30 a.m. -- Open Meeting

February 21, 2002 - 8:30 a.m. -- Open Meeting

February 26, 2002 - 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

January 23, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A general business meeting including the adoption of proposed regulations pursuant to its regulatory review and an increase in fees. Public comment will be received at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra_reen@dhp.state.va.us.

Calendar of Events

BOARD OF OPTOMETRY

January 25, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia 

A meeting of the Legislative/Regulatory Committee to consider amendments to regulations resulting from the periodic review and other legislative or regulatory issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.

January 25, 2002 - 11 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia 

A general business meeting including the review of correspondence relating to ophthalmic prescriptions, adoption of proposed regulations pursuant to regulatory review, review of legislation and other business as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-9504, (804) 662-7197/TTY , e-mail ecarter@dhp.state.va.us.

BOARD OF PHARMACY

† February 2, 2002 - 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 the adoption of final regulations for pilot programs and exempt changes to Code references in regulations. It may adopt proposed regulations for fee increases and consider other business as may be presented on the agenda. The board may also consider disciplinary matters and conduct disciplinary proceedings. Public comment will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of minutes.

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.

Special Conference Committee

January 16, 2002 - 9 a.m. -- Open Meeting

January 24, 2002 - 9 a.m. -- Open Meeting

February 5, 2002 9 a.m. -- Open Meeting

February 27, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

BOARD OF PHYSICAL THERAPY

January 18, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

A regular board meeting.

Contact: Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail ann.artis@dhp.state.va.us.

January 18, 2002 - Noon -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

An informal conference to be held before the Special Conference Committee.

Contact: Annie B. Artis, Administrative Staff Assistant, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, e-mail ann.artis@dhp.state.va.us.

† January 25, 2002 - Noon -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

The Special Conference Committee of the Board of Physical Therapy will convene to hear possible violations of the laws and regulations governing the practice of physical therapy. No public comment will be heard.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

February 1, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

A general business meeting including the adoption of amendments to regulations replacing the emergency continuing education regulations currently in effect. 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.

† **February 1, 2002 - Noon** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Board Room 3, Richmond, Virginia. 

A meeting to hear possible reinstatement of licensure in compliance with the laws and regulations governing the practice of physical therapy.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6606 W Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

† **March 20, 2002 - 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 interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **February 4, 2002 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Judith A. Spiller, Executive Secretary, 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.

VIRGINIA RACING COMMISSION

† **January 16, 2002 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

A monthly meeting including a segment for public participation. The commission will also reconvene its public hearing on Colonial Downs' request for harness racing days.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, Virginia, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

REAL ESTATE APPRAISER BOARD

February 5, 2002 - 10 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 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

REAL ESTATE BOARD

February 13, 2002 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Continuing Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

February 14, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

February 14, 2002 - 9 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 23230, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

BOARD OF REHABILITATIVE SERVICES

January 24, 2002 - 8:45 a.m. -- Open Meeting
Ratcliffe Building, 1602 Rolling Hills Drive, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Barbara Tyson, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7011, toll-free (800) 552-5019, e-mail tysonbg@drs.state.va.us.

Calendar of Events

VIRGINIA RESOURCES AUTHORITY

NOTE: CHANGE IN MEETING DATE

January 15, 2002 - 9 a.m. -- Open Meeting

February 12, 2002 - 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: Bonnie McRae, 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.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

January 23, 2002 - 10 a.m. -- Open Meeting

February 27, 2002 - 10 a.m. -- Open Meeting

Henrico County Health Department, 8600 Dixon Power Drive, Richmond, Virginia 

A meeting to hear appeals of health department denials of septic tank permits.

Contact: Susan C. Sherertz, Appeal Board Secretary, Department of Health, 1500 E. Main St., Room 115, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us..

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

January 22, 2002 - 10 a.m. -- Open Meeting

Department of Business Assistance, 707 East Main Street, 3rd Floor, 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: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

January 18, 2002 - 10 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Wyndham Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. 

A regular meeting of the Family and Children's Trust Fund Board of Trustees. Contact the Office of the Family and Children's Trust Fund for more information.

Contact: Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

† **January 31, 2002 - 9 a.m.** -- Open Meeting

† **February 20, 2002 - 9 a.m.** -- Open Meeting

† **February 21, 2002 - 9 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, Richmond, Virginia. 

A formal business meeting of the board.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, 730 E. Broad St., Suite 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1962, toll-free (800) 552-3431, (800) 552-7096/TTY 

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

February 13, 2002 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8539, FAX (804) 367-2475, (804) 367-9735/TTY , e-mail oneal@dpor.state.va.us.

TRANSPORTATION SAFETY BOARD

January 24, 2002 - 10 a.m. -- Open Meeting

Virginia Department of Transportation, 1221 East Broad Street, Front Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the board to discuss highway safety issues.

Contact: Angelisa Jennings, Policy Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23226, telephone (804) 367-2026.

COMMONWEALTH TRANSPORTATION BOARD

January 16, 2002 - 2 p.m. -- Open Meeting

Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

January 17, 2002 - 10 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A 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 five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol A. Mathis, Administrative Assistant, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

VIRGINIA VOLUNTARY FORMULARY BOARD

January 31, 2002 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia.

A meeting to review public hearing comments and data submitted by pharmaceutical manufacturers for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., Room S-45, PO Box 2448, Richmond, VA 23218, telephone (804) 786-4326.

STATE WATER CONTROL BOARD

January 15, 2002 - 9:30 a.m. -- Open Meeting
February 12, 2002 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the technical advisory committee assisting in the development of a draft regulation for 9 VAC 25-740, Regulation for the Reuse of Reclaimed Water.

Contact: Lily Choi, State Water Control Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, e-mail ychoi@deq.state.va.us.

January 23, 2002 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, 806 Westwood Office Park, Fredericksburg, Virginia. 

A meeting of the advisory committee assisting in the development of the reissuance of the General VPDES Permit for Discharges from Petroleum Contaminated Sites.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075, e-mail rwayers@deq.state.va.us.

† **January 25, 2002 - 9:30 a.m.** -- Open Meeting
† **February 21, 2002 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting the department in the development of a proposed reissuance of the VPDES General Permit for Cooling Water Discharges.

Contact: Jon van Soestbergen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4117, FAX (804) 698-4032, e-mail jvansoest@deq.state.va.us.

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January 31, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260. Water Quality Standards**. The purpose of the proposed action is to update surface water criteria for ammonia in freshwater, provide new alternative indicators for assessing bacterial water quality, and update contact recreational use designations for primary and secondary or seasonal uses, etc.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.15(3a) of the Code of Virginia

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, e-mail emdaub@deq.state.va.us.

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NOTE: CHANGE IN COMMENT DEADLINE
February 2, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to promulgate regulations entitled: **9 VAC 25-720. Water Quality Management Planning Public Participation Guidelines Regulation**, and repeal regulations entitled:

9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area.

9 VAC 25-430. Roanoke River Basin Water Quality Management Plan.

9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan.

9 VAC 25-450. Upper James River Basin Water Quality Management Plan.

Calendar of Events

9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan.

9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17).

9 VAC 25-470. York River Basin Water Quality Management Plan.

9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan.

9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan.

9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District.

9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area.

9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District.

9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21).

9 VAC 25-540. Water Quality Management Plan for the New River Basin.

9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan.

9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan.

9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan.

9 VAC 25-572. Water Quality Management Plans.

The purpose of the proposed action is to establish, among other planning items, the procedures for public participation during TMDL development, submittal of proposed TMDLs to EPA and inclusion of approved TMDLs and TMDL implementation plans in the water quality management plans. The action will also include repeal of existing water quality management plans.

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

Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone 804-698-4462, FAX 804-698-4136, e-mail chmartin@deq.state.va.us.

† **February 20, 2002 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

† **March 15, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-194. General Virginia Pollutant Discharge Elimination System (VDPEs) Permit for Car Wash Facilities.** The purpose of the proposed action is to reissue the existing general permit which expires on October 15, 2002. This general permit regulation governs the discharge of wastewater from car wash facilities to surface waters.

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

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

INDEPENDENT

STATE LOTTERY BOARD

January 16, 2002 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 E. Main St. Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Board, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in *The Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 14

- Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Finance Committee
 - Franchise Law Committee
 - Licensing Committee
 - Transaction Recovery Fund Committee

† Nursing, Board of

January 15

Blind and Vision Impaired, Department for the

Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
- Goose Creek Scenic River Advisory Board
Corrections, Board of
- Correctional Services/Policy and Regulations
Committee
† Funeral Directors and Embalmers, Board of
- Regulatory/Bylaws Committee
Statewide Independent Living Council
Nursing, Board of
Resources Authority, Virginia
Water Control Board, State

January 16

Corrections, Board of
Geology, Board for
† Lottery Board, State
† Nursing, Board of
Pharmacy, Board of
- Special Conference Committee
† Racing Commission, Virginia
Transportation Board, Commonwealth

January 17

Agriculture and Consumer Services, Department of
- Pesticide Control Board
Assistive Technology Loan Fund Authority
- Board of Directors
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Design-Build/Construction Management Review Board
Transportation Board, Commonwealth

January 18

Physical Therapy, Board of
- Special Conference Committee
Social Services, State Board of
- Family and Children's Trust Fund Board of Trustees

January 21

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board

January 22

Compensation Board
Marine Resources Commission
Small Business Financing Authority
- Board of Directors

January 23

Community Colleges, State Board for
- Academic and Student Affairs Committee
- Audit Committee
- Budget and Finance Committee
- Executive Committee
- Facilities Committee
- Personnel Committee
Contractors, Board for
† Higher Education for Virginia, State Council of
† Housing Development Authority, Virginia
- Board of Commissioners
Labor and Industry, Department of
- Migrant and Seasonal Farmworkers Board, Virginia
Nursing Home Administrators
Sewage Handling and Disposal Review Board
Water Control Board, State

January 24

Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Land Surveyor Section
Community Colleges, State Board for
Pharmacy, Board of
- Special Conference Committee
Rehabilitative Services, Board of
Transportation Safety Board

January 25

Correctional Education, Board of
† Counseling, Board of
- Informal Conference Committee
Library of Virginia
- Archival and Information Services Committee
- Collection Management Services Committee
- Executive Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee
† Medicine, Board of
- Informal Conference Committee
- Legislative Committee
Optometry, Board of
- Legislative Committee/Regulatory Committee
† Physical Therapy, Board of
- Special Conference Committee
† Water Control Board, State

January 28

Education, Board of
- Advisory Board for Teacher Education and Licensure

January 29

Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board

January 30

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Architects Section
† Forestry, Board of

January 31

† Labor and Industry, Department of
- Virginia Apprenticeship Council
† Longwood College
- Executive Committee
Manufactured Housing Board, Virginia
† Social Services, State Board of
Voluntary Formulary Board, Virginia

February 1

† Physical Therapy, Board of

February 2

† Pharmacy, Board of

February 4

† Branch Pilots, Board for
† Professional and Occupational Regulation, Board of

February 5

† Branch Pilots, Board for
Hopewell Industrial Safety Council

Calendar of Events

Museum of Fine Arts, Virginia
- Executive Committee
Pharmacy, Board of
- Special Conference Committee
Real Estate Appraiser Board

February 6
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Professional Engineers Section

February 7
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Counseling, Board of
- Regulatory/Supervision/Legislative Committee
Medicine, Board of
Nursing, Board of
- Special Conference Committee

February 8
Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board

February 11
Nursing, Board of
- Special Conference Committee

February 12
† Funeral Directors and Embalmers, Board of
- Regulatory/Bylaws Committee
† Medical Assistance Services, Board of
Nursing, Board of
- Special Conference Committee
Resources Authority, Virginia
- Board of Directors
Water Control Board, State

February 13
† Agriculture and Consumer Services, Department of
- Virginia Corn Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Land Surveyors Section
† Motor Vehicles, Department of
- Medical Advisory Board
Real Estate Board
- Continuing Education Committee
Soil Scientists, Board for Professional

February 14
† Labor and Industry, Department of
- Virginia Apprenticeship Council Subcommittee
Real Estate Board
- Fair Housing Committee

February 15
Health Professions, Department of
- Health Practitioners' Intervention Program Committee

February 19
Nursing, Board of
- Special Conference Committee

February 20
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Landscape Architects Section
† Milk Commission, State

Museum of Fine Arts, Virginia
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Expansion Project Committee
- Legislative Committee
- Program Review Committee
† Social Services, State Board of

February 21
† Audiology and Speech-Language Pathology, Board of
† Design-Build/Construction Management Review Board
† Medicine, Board of
- Informal Conference Committee
Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee
Nursing, Board of
- Special Conference Committee
† Social Services, State Board of
† Water Control Board, State

February 26
Cemetery Board
Marine Resources Commission
Nursing, Board of
- Special Conference Committee

February 27
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Certified Interior Designers Section
† Medicine, Board of
- Informal Conference Committee
Pharmacy, Board of
- Special Conference Committee
Sewage Handling and Disposal Appeals Review Board

February 28
Education, Board of

March 5
† Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council

March 6
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Medicine, Board of
- Informal Conference Committee

March 8
Agriculture and Consumer Services, Department of
- Virginia Cotton Board

March 14
Agriculture and Consumer Services, Board of
† Medicine, Board of
- Informal Conference Committee

March 18
Education, Board of
- Advisory Board for Teacher Education and Licensure
Library of Virginia
- Archival and Information Services Committee
- Collection Management Services Committee
- Executive Committee
- Legislative and Finance Committee

- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee

† Nursing, Board of

March 20

† Nursing, Board of

† Polygraph Examiners Advisory Board

March 21

† Design-Build/Construction Management Review Board

† Nursing, Board of

March 26

Marine Resources Commission

March 27

Education, Board of

Medicine, Board of

- Informal Conference Committee

April 9

† Medical Assistance Services, Board of

PUBLIC HEARINGS

January 24

Air Pollution Control Board, State

February 4

Game and Inland Fisheries, Department of

February 5

Game and Inland Fisheries, Department of

February 6

Game and Inland Fisheries, Department of

February 12

Game and Inland Fisheries, Department of

February 13

Game and Inland Fisheries, Department of

February 20

† Water Control Board, State

March 14

Agriculture and Consumer Services, Department of