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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2001 VAC Supplement includes final regulations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 20-620-10 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
4 VAC 20-620-20 emer	Amended	18:5 VA.R. 740	11/1/01-12/1/01
4 VAC 20-620-20 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
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 20-620-40 emer	Amended	18:9 VA.R. 1231	1/1/02-1/30/02
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 20-720-40	Amended	18:9 VA.R. 1190	1/1/02
4 VAC 20-720-46 emer	Added	18:9 VA.R. 1232	1/1/02-1/30/02
4 VAC 20-720-50	Amended	18:9 VA.R. 1190	1/1/02
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 20-950-45 emer	Amended	18:9 VA.R. 1232	1/1/02-1/30/02
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	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 20-21-10	Amended	18:9 VA.R. 1191	2/14/02
8 VAC 20-21-50	Amended	18:9 VA.R. 1192	2/14/02
8 VAC 20-21-80	Amended	18:9 VA.R. 1193	2/14/02
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
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 10-20-30 through 9 VAC 10-20-100	Amended	18:9 VA.R. 1196-1200	3/1/02
9 VAC 10-20-105	Added	18:9 VA.R. 1200	3/1/02
9 VAC 10-20-110 through 9 VAC 10-20-130	Amended	18:9 VA.R. 1200-1207	3/1/02
9 VAC 10-20-140	Repealed	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-150	Amended	18:9 VA.R. 1207	3/1/02
9 VAC 10-20-160	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-170	Amended	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-171	Added	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-180	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-181	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-190	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-191	Added	18:9 VA.R. 1209	3/1/02
9 VAC 10-20-200 through 9 VAC 10-20-210	Repealed	18:9 VA.R. 1208	3/1/02
9 VAC 10-20-211	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-215	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-220	Repealed	18:9 VA.R. 1208	3/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 10-20-221	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-225	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-230	Repealed	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-231	Added	18:9 VA.R. 1211	3/1/02
9 VAC 10-20-250	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-260	Amended	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-270	Repealed	18:9 VA.R. 1212	3/1/02
9 VAC 10-20-280	Repealed	18:9 VA.R. 1212	3/1/02
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 25-31-10	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-30	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-40	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-100	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-120	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-121	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-150	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-190	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-220	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-230	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-340	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-470	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-500	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-750	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-770 through 9 VAC 25-31-810	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-840	Amended	18:9 VA.R. 1213	2/15/02
9 VAC 25-31-900	Amended	18:9 VA.R. 1213	2/15/02
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
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	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 5-20-40	Added	18:9 VA.R. 1214	12/20/01
10 VAC 5-40-30	Added	18:8 VA.R. 1111	12/15/01
Title 12. Health			
12 VAC 5-90-80	Amended	18:9 VA.R. 1214	12/18/01
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
12 VAC 35-115-50	Erratum	17:22 VA.R. 3371	--
12 VAC 35-115-70	Erratum	17:22 VA.R. 3371	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-10	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-20	Amended	18:9 VA.R. 1222	12/14/01
20 VAC 5-302-30	Repealed	18:9 VA.R. 1225	12/14/01
20 VAC 5-302-40	Added	18:9 VA.R. 1226	12/14/01
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 5-400-90	Repealed	18:9 VA.R. 1228	12/14/01
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 5-407-10 through 20 VAC 5-407-70	Added	18:9 VA.R. 1228-1230	12/14/01
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

* 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 40-71-410 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
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 redford@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 more than 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 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **3 VAC 5-10. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed action is to implement changes suggested in the periodic review of this chapter. It will correct several obsolete references to positions or divisions of the agency that no longer exist, incorporate the discovery rules of the Virginia Supreme Court by reference in cases arising under the Beer and Wine Franchise Acts, and eliminate current requirements for annual rulemaking.

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

Statutory Authority: § 4.1-103 of the Code of Virginia.

Public comments may be submitted until 5 p.m., February 27, 2002.

Contact: Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411, or e-mail smgillm@abc.state.va.us.

VA.R. Doc. No. R02-114; Filed November 13, 2001, 9:52 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† 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 Health intends to consider promulgating regulations entitled: **12 VAC 5-586. Biosolids Use Fees Regulation.** The purpose of the proposed regulation is to establish a system for charging a fee for the land application of biosolids in counties with adopted ordinances for monitoring such activities and the method of reimbursing those costs.

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

Statutory Authority: § 62.1-44.19 of the Code of Virginia.

Public comments may be submitted until February 28, 2002.

Contact: C.M. Sawyer, P.E., Director, Wastewater Engineering, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 786-1755 or FAX (804) 786-5567.

VA.R. Doc. No. R02-112; Filed January 9, 2002, 11:32 a.m.

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 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 in the Virginia Register.

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.



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 care 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

Notices of Intended Regulatory Action

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.



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 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: **3 VAC 5-20. Advertising (amending 3 VAC 5-20-10 and 3 VAC 5-20-60).**

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Public Hearing Date: March 29, 2002 - 10 a.m.

Public comments may be submitted until April 1, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY.

Basis: Section 4.1-111 of the Code of Virginia gives the board general authority to promulgate regulations it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act. Section 4.1-320 of the Code of Virginia provides that it shall be a Class 1 misdemeanor for anyone to advertise alcoholic beverages in Virginia, except in accordance with board regulations.

Purpose: Chapter 361 of the 2001 Acts of Assembly limits the restrictions that may be placed upon wine and beer retailers' use of professional athletes and athletic teams. The proposed amendment to 3 VAC 5-20-10 is designed to comply with that act. This action has been determined to be essential to protect the health, safety or welfare of citizens by allowing the advertising to the extent the General Assembly has mandated, while continuing to prohibit the use of college or other amateur athletes or athletic teams, to avoid undue influence on persons under the legal drinking age. The board proposes amending 3 VAC 5-20-60 to increase the maximum wholesale value of novelty and specialty items that may be given away by manufacturers or wholesalers of alcoholic beverages, but retain a limit. The amendment will protect the health, safety or welfare of citizens by allowing alcoholic beverage manufacturers or wholesalers a reasonable ability to promote their products, while not permitting undue influence on retailers from excessive gifts.

Substance: The board proposes adding an exception to the current blanket prohibition to the use of athletes and athletic teams in alcoholic beverage advertising contained in 3 VAC 5-20-10 E 3, tracking the language referring to such advertising contained in Chapter 361 of the Acts of the 2001 General Assembly. The proposed amendment to 3 VAC 5-20-60 will increase the maximum wholesale value of novelty and specialty items that may be given away by manufacturers or wholesalers of alcoholic beverages from \$5.00 to \$10.

Issues: There are no disadvantages to the public or the Commonwealth. The primary advantage of implementing the amended provisions will be to allow alcoholic beverage manufacturers, wholesalers, and retailers greater latitude in promoting their products, while maintaining reasonable limits on such promotion.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations will (i) allow the use of athletes or athletic teams in point-of-sale alcoholic beverage advertising materials, (ii) increase the maximum value of novelty and specialty items that may be given away to retailers by alcoholic beverage manufacturers and wholesalers from \$5.00 to \$10, and (iii) allow display of these trinkets on licensed premises and distribution of them to patrons on the premises.

Estimated economic impact. Pursuant to Chapter 361 of the 2001 Acts of Assembly, the Alcoholic Beverage Control Board (the board) proposes to create an exception to the current prohibition of the use of athletes or athletic teams in alcoholic beverage advertising. The board will allow wine and beer licensees to display point-of-sale advertising materials that incorporate the use of professional athletes or athletic teams within their licensed premises. These materials must be lawful, must not depict any athlete consuming or about to consume alcohol prior to or while engaged in athletic activity, operating a motor vehicle, or other machinery, and must not imply that the alcoholic beverages enhance athletic prowess.

Although athletes and athletic teams may be featured on television under the current regulations, only generic paper or plastic point-of-sale advertising materials may be used as advertising tools. For example, a racecar driver, or a football player wearing a helmet and without mentioning their names could currently be featured on these materials. With this amendment, their faces and names could also be featured. Wholesalers will be able to provide these materials to retailers or the retailers may choose to advertise themselves. Conversations with the industry associations indicate that the total market value of advertising materials that may be

Proposed Regulations

distributed in a year under the proposed rule might be up to \$500,000.

This change is likely to benefit the manufacturers and wholesalers. If additional advertising allowed by this amendment can increase the alcohol sales of a manufacturer or wholesaler, their profits are likely to increase. Manufacturers and wholesalers are likely to take advantage of the proposed change if it is beneficial for them. There may also be cost savings to the manufacturers and wholesalers, as they will be able to use their national advertising campaigns depicting such characteristics in Virginia. Since these materials are already produced and could be featured in most of the other states, wholesalers will be able to reach out to more customers without having to generate new advertising materials.

Similarly, retailers are likely to benefit from the proposed regulations because they will accept such materials if they are beneficial to them. The proposed exception will provide them an additional opportunity to promote as well. For example, retailers will be able to use a local team to attract more customers, or to promote a specific brand through local athletes or athletic teams.

The use of athletes or athletic teams in alcoholic beverage advertising has the potential to increase alcohol consumption, market share of a specific brand, or both. If the proposed changes increase the total alcohol consumption in Virginia, additional costs on the society are likely to be introduced. The social costs may stem from alcohol related accidents, aggressive behavior, diseases, and abuse. For example, based on the 1998 data, the Department of Alcoholic Beverage Control (the department) reports that 336 people were killed and 8,555 were injured in alcohol related traffic accidents. Moreover, 30,012 persons were arrested for driving under the influence of alcohol and about 88% of these arrests resulted in convictions. These alcohol related deaths, injuries, arrests, and convictions impose costs on the society.

However, the industry argument for alcohol advertising is that the advertising does not increase the total alcohol consumption but rather affects the market share of a specific brand. Hence, the industry does not believe that alcohol advertising introduces social costs. Furthermore, the industry representatives point out the difficulty in establishing a link among advertising, alcohol consumption, and social costs. It is argued that social costs occur due to over-consumption of alcohol and advertising does not promote over-consumption. Also, the restrictions imposed on such advertising materials are expected to mitigate the negative effects of alcohol consumption. There is no data to determine if the total alcohol consumption, market share, or both would be affected, or if any, what the size of the impact on social costs would be.

Additionally, people under the legal drinking age have access to retailers and may be exposed to these advertising materials at grocery stores, convenience stores, and drug stores. If teenagers are responsive to the alcohol advertisements that incorporate athletes or athletic teams, the proposed change may promote underage drinking. However, there is no data to make a conclusive statement on the significance of this potential effect.

With another amendment, the board proposes to increase the maximum wholesale value of novelty and specialty items bearing alcoholic beverage advertising that may be given away to retailers by alcoholic beverage manufacturers, importers, bottlers, brokers, wholesalers, or their representatives from \$5 to \$10. These trinkets include key chains, shirts, caps, flashlights, baseballs, pins, stickers, buttons, lighters, and CDs. According to the department, this and the following amendment are proposed in response to industry requests made by the Virginia Beer Wholesalers Association and the Virginia Hospitality and Travel Association.

The industry representatives indicate that the current limit in the regulations has not been adjusted for inflation during the last 10 years and the inflation adjusted value of novelty and specialty items decreased substantially over time, which reduced the number of such items that may be given away. Although the proposed amount represents 100% increase in the maximum value, the U.S. consumer price index increased by only 30.7% from 1991 to 2001.¹ Thus, the proposed change will increase the inflation-adjusted maximum value over its 1991 level and increase the array of novelty and specialty items that are given to the retailers. However, the increase in the total value of items that may be given away under the proposed rule is not known.

The higher maximum value is likely to provide greater latitude to alcoholic beverage manufacturers or wholesalers to promote their products through the retailers and increase the total value of such advertising items given away. Retailers have many means to promote a product. They have discretion to display a product at the front or at the eye level on the shelf or place a product near the cash register to induce purchasing. Retailers can also promote a product through price reductions. Such items may provide incentives to retailers to promote specific products. Also, this proposed change is likely to benefit retailers, as they will accept these items if it is in their best interest.

Currently, these novelty and specialty items cannot be given to patrons and cannot be displayed on the retailer's premises. Another amendment is proposed to remove these restrictions. It will be allowed to display these items on licensed premises and to distribute them to patrons on the premises, as long as they carry moderation and responsible drinking messages and any references to an alcoholic beverage manufacturer or its brands are subordinate to the message.

Most manufacturers have responsible drinking messages such as "Don't Drink and Drive" and "Please Think When You Drink." These messages may be featured on novelty and specialty items. Additionally, manufacturers have materials, including brochures, buttons, which urge party hosts to offer nonalcoholic beverages, food, and suggest ways to keep partygoers from over-consumption. These specialty and novelty items have the potential to build brand loyalty by creating a relationship between a brand name and key chain, for example, and enhancing product identification that would help producers differentiate their products from others in the

¹ Source: Federal Reserve Bank of Minneapolis. 1991 CPI=136.2, 2001 CPI=178.

market. The manufacturers may have incentives to communicate these messages to promote their product and at the same time to reduce the social costs of alcohol consumption by preventing some of the accidents. These messages may help improve public's perception of a brand name as well as of alcohol consumption. The manufacturers are likely to benefit from this change because they will be provided an additional venue to influence customer preferences and they will use this option if it is beneficial to them. Retailers are also likely to display or give away these materials to customers if doing so is in their interests. In addition, this change also has the potential to positively affect customers by communicating responsible drinking messages.

The significance of this change for alcohol consumption is uncertain. It could be argued that these materials will be displayed at the retailers and the consumers who are exposed to these materials already decided to consume alcohol. However, there may be other customers at the store who did not intend to purchase alcohol, but after seeing these items, may have decided to consume alcohol.

Businesses and entities affected. There are about 12,000 licensed alcoholic beverage retailers and 230 wholesalers in Virginia.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. To the extent that the proposed regulations increase the production of specialty and novelty items, a corresponding employment increase in the trinket production industry is expected. Furthermore, if alcohol consumption increases, there may be additional employment in alcoholic beverage industry.

Effects on the use and value of private property. Any increase in profits due to the production of specialty and novelty items and/or alcoholic beverages is likely to be reflected in the value of the associated businesses.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs in the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendment modifies current restrictions on the use of athletes or athletic teams in alcoholic beverage advertising, allowing wine and beer licensees to display point-of-sale advertising materials incorporating the use of professional athletes and athletic teams. An additional amendment increases the maximum wholesale value of novelty and specialty items bearing alcoholic beverage advertising, which may be given away by alcoholic beverage manufacturers, importers, bottlers, brokers, wholesalers, or their representatives, from \$5.00 to \$10.

3 VAC 5-20-10. Advertising; generally; cooperative advertising; federal laws; cider; restrictions.

A. All alcoholic beverage advertising is permitted in this Commonwealth except that which is prohibited or otherwise limited or restricted by regulation of the board and such advertising shall not be blatant or obtrusive. Any editorial or

other reading matter in any periodical, publication or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by or for the benefits of any permittee or licensee does not constitute advertising.

B. There shall be no cooperative advertising as between a producer, manufacturer, bottler, importer or wholesaler and a retailer of alcoholic beverages, except as may be authorized by regulation pursuant to § 4.1-216 of the Code of Virginia. The term "cooperative advertising" shall mean the payment or credit, directly or indirectly, by any manufacturer, bottler, importer or wholesaler whether licensed in this Commonwealth or not to a retailer for all or any portion of advertising done by the retailer.

C. Advertising of cider, as defined in § 4.1-213 of the Code of Virginia, shall conform with the requirements for advertising beer.

D. The board may issue a permit authorizing a variance from any of its advertising regulations for good cause shown.

E. No advertising shall contain any statement, symbol, depiction or reference that:

1. Would tend to induce minors to drink, or would tend to induce persons to consume to excess;
2. Is lewd, obscene or indecent or is suggestive of any illegal activity;
3. Incorporates the use of any present or former athlete or athletic team or implies that the product enhances athletic prowess; *except that, persons granted a wine and beer license may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess;*
4. Is false or misleading in any material respect, or implies that the product has a curative or therapeutic effect, or is disparaging of a competitor's product;
5. Implies or indicates, directly or indirectly, that the product is government endorsed by the use of flags, seals or other insignia or otherwise;
6. Makes any reference to the intoxicating effect of any alcoholic beverages;
7. Constitutes or contains a contest or sweepstakes where a purchase is required for participation; or
8. Constitutes or contains an offer to pay or provide anything of value conditioned on the purchase of alcoholic beverages, except for refund coupons and combination packaging for wine. Any such combination packaging shall

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be limited to packaging provided by the manufacturer that is designed to be delivered intact to the consumer.

F. The board shall not regulate advertising of nonalcoholic beer or nonalcoholic wine so long as (i) a reasonable person by common observation would conclude that the advertising clearly does not represent any advertisement for alcoholic beverages and (ii) the advertising prominently states that the product is nonalcoholic.

3 VAC 5-20-60. Advertising; novelties and specialties.

Distribution of novelty and specialty items, including wearing apparel, bearing alcoholic beverage advertising, shall be subject to the following limitations and conditions:

1. Items not in excess of ~~\$5.00~~ \$10 in wholesale value may be given away;
2. Manufacturers, importers, bottlers, brokers, wholesalers or their representatives may give items not in excess of ~~\$5.00~~ \$10 in wholesale value, limited to one item per retailer, and one item per employee, per visit, which may not be displayed on the licensed premises. Neither manufacturers, importers, bottlers, brokers, wholesalers or their representatives may give such items to patrons on the premises of retail licensees-; *however, such items bearing moderation and responsible drinking messages may be displayed by the licensee and his employees on the licensed premises and given to patrons on such premises as long as any references to any alcoholic beverage manufacturer or its brands are subordinate in type size and quantity of text to such moderation message;*
3. Items in excess of ~~\$5.00~~ \$10 in wholesale value may be donated by distilleries, wineries and breweries only to participants or entrants in connection with the sponsorship of conservation and environmental programs, professional, semi-professional or amateur athletic and sporting events subject to the limitations of 3 VAC 5-20-100, and for events of a charitable or cultural nature;
4. Items may be sold by mail upon request or over-the-counter at retail establishments customarily engaged in the sale of novelties and specialties, provided they are sold at the reasonable open market price in the localities where sold;
5. Wearing apparel shall be in adult sizes;
6. Point-of-sale order blanks, relating to novelty and specialty items, may be provided by beer and wine wholesalers to retail licensees for use on their premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative. Wholesale licensees in the Commonwealth may not put order blanks on the package. Wholesalers may not be involved in the redemption process.

VA.R. Doc. No. R01-199; Filed January 9, 2002, 9:22 a.m.

* * * * *

Title of Regulation: **3 VAC 5-30. Tied-House (amending 3 VAC 5-30-60).**

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public Hearing Date: March 29, 2002 - 10 a.m.

Public comments may be submitted until April 1, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY.

Basis: Sections 4.1-103 and 4.1-111 of the Code of Virginia authorize the board to promulgate regulations that it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act. Section 4.1-111 also specifically requires the board to promulgate regulations that maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers. 3 VAC 5-30-60 is designed to carry out this requirement by limiting the types of inducements, in the nature of goods or services, that may be offered by manufacturers, bottlers, or wholesalers to retailers.

Purpose: The board has determined that this action will enable alcoholic beverage manufacturers, bottlers, and wholesalers to promote their products in a manner similar to that used by other consumer products suppliers in the retail market, while the limitations will protect the health, safety or welfare of the public by preventing undue influence on retailers.

Substance: The board proposes amending subsection G of 3 VAC 5-30-60 to remove the present prohibition against manufacturers, bottlers, or wholesalers providing point-of-sale advertising materials to a retailer that have been customized for that retailer. The board expects to enact limitations to such customized advertising, requiring that any such materials comply with all other board regulations, be for interior use only, only contain references to the products sold by the particular manufacturer, bottler, or wholesaler providing the materials, and that the service, if offered, must be made available to all retailers.

Issues: There are no disadvantages to the public or the Commonwealth. The primary advantage of implementing the amended provisions will be to allow alcoholic beverage manufacturers, wholesalers, and retailers greater latitude in promoting their products, while maintaining reasonable separation of manufacturing, wholesale, and retail interests.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity

of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations will allow alcoholic beverage manufacturers, bottlers, brokers, importers, and wholesalers to provide customized point-of-sale advertising materials to retail licensees.

Estimated economic impact. The Alcoholic Beverage Control Board (the board) proposes to create an exception to the current prohibition of providing customized point-of-sale alcohol advertising materials to retail licensees. The board will allow alcoholic beverage manufacturers, bottlers, brokers, importers, or wholesalers to provide customized materials to retail licensees. These materials must be lawful, must be strictly for interior use, must contain references to the provider of such items, and must be available to all licensees. These materials are nondurable and are often made of paper or plastic. Examples of these materials include banners, posters, and signs.

According to the Department of Alcoholic Beverage Control (the department), this amendment is proposed in response to the requests made by the Virginia Beer Wholesalers Association. The proposed exception will provide wholesalers and manufacturers additional means to promote their products through the retailers and will increase the types of inducements the retailer can receive. Manufacturers and wholesalers have incentives to provide customized advertising materials to retailers. These materials provide them an additional form of advertising to promote their products at the retail stores. Wholesaler's costs will likely increase because they will be providing these materials. The cost of these materials is believed to be higher relative to their generic counterparts because customization increases production costs. Manufacturers and wholesalers are likely to take advantage of the proposed change if it is beneficial for them. It is estimated that about \$100,000 worth of such items may be distributed annually to retailers in Virginia.¹

Similarly, retailers have incentives to receive such items because they will be provided access to free advertising materials and their businesses will be promoted due to the customized nature of these items. Customization has the potential to promote a specific location while increasing brand identification. Retailers are likely to benefit from the proposed regulations because they can refuse such materials if they are not beneficial for them. Also, the retailers' source of advertising may change. Retailers may substitute these customized advertising materials that will be provided by the wholesalers for some of the advertising materials they are currently paying to promote their retail stores. This is likely to provide some advertising cost savings for the retailers.

It is important to note that the proposed amendment provides manufacturers and wholesalers an additional form of advertising. The level of advertising is likely to increase. These advertising materials could influence the retailers and the consumers, consumers being the ultimate advertising target. If the proposed exemption promotes alcohol consumption, the social costs are likely to increase. The social costs of alcohol consumption may stem from alcohol related accidents, aggressive behavior, diseases, and abuse. For example, based on the 1998 data, the department reports that 336 people were killed and 8,555 were injured in alcohol related traffic accidents. Moreover, 30,012 persons were arrested for driving under the influence of alcohol and about 88% of these arrests resulted in convictions. These alcohol related deaths, injuries, arrests, and convictions impose costs on the society.

However, the industry argument for alcohol advertising is that the advertising does not increase the total alcohol consumption but rather affects the market share of a specific brand. Hence, the industry does not believe that alcohol advertising introduces social costs. Furthermore, the industry representatives point out the difficulty in establishing a link among advertising, alcohol consumption, and social costs. It is argued that social costs occur due to over-consumption of alcohol, and advertising does not promote over-consumption. There is no data to determine if the total alcohol consumption, market share, or both would be affected, or, if any, what the size of the impact on social costs would be.

Additionally, the department indicates that the proposed change may compromise some of the separation of retailer interests from the interests of manufacturers and wholesalers. The lack of separation of interests is believed to have the potential to promote over-consumption of alcoholic beverages and to reduce consumer choice. However, there does not appear to be significant evidence that the separation of interests provides any significant economic benefits, nor does economic theory suggest this should be the case. Thus, the proposed change is unlikely to introduce additional costs due to the compromise of the separation of retailer interests from the interests of manufacturers and wholesalers.

Businesses and entities affected. There are about 12,000 licensed alcoholic beverage retailers and 230 wholesalers in Virginia.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. To the extent that the proposed regulations increase the production of customized point-of-sale advertising materials, a corresponding employment increase in the relevant industry is expected. Furthermore, if alcohol consumption increases, there may be additional employment in alcoholic beverage industry.

Effects on the use and value of private property. Any increase in profits due to the production of customized point-of-sale advertising materials and/or alcoholic beverages is likely to be reflected in the value of the associated businesses.

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

¹ Source: Virginia Beer Wholesalers Association

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the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendment allows alcoholic beverage manufacturers, bottlers, and wholesalers to provide advertising materials to retail licensees that have been customized for the individual retailer, with some restrictions.

3 VAC 5-30-60. Inducements to retailers; beer and wine tapping equipment; bottle or can openers; spirits back-bar pedestals; banquet licensees; paper, cardboard or plastic advertising materials; clip-ons and table tents; sanctions and penalties.

A. Any manufacturer, bottler or wholesaler may sell, rent, lend, buy for or give to any retailer, without regard to the value thereof, the following:

1. Draft beer knobs, containing advertising matter which shall include the brand name and may further include only trademarks, housemarks and slogans and shall not include any illuminating devices or be otherwise adorned with mechanical devices which are not essential in the dispensing of draft beer; and
2. Tapping equipment, defined as all the parts of the mechanical system required for dispensing draft beer in a normal manner from the carbon dioxide tank through the beer faucet, excluding the following:
 - a. The carbonic acid gas in containers, except that such gas may be sold only at the reasonable open market price in the locality where sold;
 - b. Gas pressure gauges (may be sold at cost);
 - c. Draft arms or standards;
 - d. Draft boxes; and
 - e. Refrigeration equipment or components thereof.

Further, a manufacturer, bottler or wholesaler may sell, rent or lend to any retailer, for use only by a purchaser of draft beer in kegs or barrels from such retailer, whatever tapping equipment may be necessary for the purchaser to extract such draft beer from its container.

B. Any manufacturer, bottler or wholesaler may sell to any retailer and install in the retailer's establishment tapping accessories such as standards, faucets, rods, vents, taps, tap standards, hoses, cold plates, washers, couplings, gas gauges, vent tongues, shanks, and check valves, if the tapping accessories are sold at a price not less than the cost of the industry member who initially purchased them, and if the price is collected within 30 days of the date of sale.

Wine tapping equipment shall not include the following:

1. Draft wine knobs, which may be given to a retailer;
2. Carbonic acid gas, nitrogen gas, or compressed air in containers, except that such gases may be sold in accordance with the reasonable open market prices in the locality where sold and if the price is collected within 30 days of the date of the sales; or

3. Mechanical refrigeration equipment.

C. Any beer tapping equipment may be converted for wine tapping by the beer wholesaler who originally placed the equipment on the premises of the retail licensee, provided that such beer wholesaler is also a wine wholesaler licensee. Moreover, at the time such equipment is converted for wine tapping, it shall be sold, or have previously been sold, to the retail licensee at a price not less than the initial purchase price paid by such wholesaler.

D. Any manufacturer, bottler or wholesaler of wine or beer may sell or give to any retailer, bottle or can openers upon which advertising matter regarding alcoholic beverages may appear, provided the wholesale value of any such openers given to a retailer by any individual manufacturer, bottler or wholesaler does not exceed \$5.00. Openers in excess of \$5.00 in wholesale value may be sold, provided the reasonable open market price is charged therefor.

E. Any manufacturer of spirits may sell, lend, buy for or give to any retail licensee, without regard to the value thereof, back-bar pedestals to be used on the retail premises and upon which advertising matter regarding spirits may appear.

F. Manufacturers or wholesalers of wine or beer may sell at the reasonable wholesale price to banquet licensees paper or plastic cups upon which advertising matter regarding wine or beer may appear.

G. Manufacturers, bottlers or wholesalers of alcoholic beverages may not provide point-of-sale advertising for any alcoholic beverage or any nonalcoholic beer or nonalcoholic wine to retail licensees except in accordance with 3 VAC 5-20-20. Manufacturers, bottlers and wholesalers may not provide advertising materials to any retail licensee that have been customized for that retail licensee ~~or which are not otherwise generally provided that such advertising materials must:~~

1. Comply with all other applicable regulations of the board;
2. Be for interior use only;
3. Contain references to the alcoholic beverage products or brands offered for sale by the manufacturer, bottler, or wholesaler providing such materials and to no other products; and
4. Be made available to all retail licensees.

H. Any manufacturer, bottler or wholesaler of wine, beer or spirits may sell, lend, buy for or give to any retail licensee clip-ons and table tents containing the listing of not more than four wines or four beers. There is no limitation on the number of spirits brands which may be listed on clip-ons and table tents.

I. Any manufacturer, bottler or wholesaler of alcoholic beverages may clean and service, either free or for compensation, coils and other like equipment used in dispensing wine and beer, and may sell solutions or compounds for cleaning wine and beer glasses, provided the reasonable open market price is charged.

J. Any manufacturer, bottler or wholesaler of alcoholic beverages licensed in this Commonwealth may sell ice to

retail licensees provided the reasonable open market price is charged.

K. Any licensee of the board, including any manufacturer, bottler, importer, broker as defined in § 4.1-216 A of the Code of Virginia, wholesaler or retailer who violates, attempts to violate, solicits any person to violate or consents to any violation of this section shall be subject to the sanctions and penalties as provided in § 4.1-328 of the Code of Virginia.

VA.R. Doc. No. R01-200; Filed January 9, 2002, 9:22 a.m.

* * * * *

Title of Regulation: 3 VAC 5-50. Retail Operations (amending 3 VAC 5-50-170).

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public Hearing Date: March 29, 2002 - 10 a.m.

Public comments may be submitted until April 1, 2002.
(See Calendar of Events section for additional information)

Agency Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY.

Basis: Sections 4.1-103 and 4.1-111 of the Code of Virginia authorize the board to promulgate regulations that it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act.

Purpose: The amendment will protect the health, safety or welfare of citizens by allowing caterers greater flexibility in accepting engagements on short notice, while still giving adequate notice to the board so that the catered event may be monitored by compliance with the law and regulations.

Substance: The board contemplates amending 3 VAC 5-50-170 by reducing the advance notice that must be given the board by any licensed caterer of events to be catered under his license from two calendar days to 24 hours.

Issues: There are no disadvantages to the public or the Commonwealth. The primary advantage of implementing the amended provisions will be to allow caterers to accept engagements on short notice, while giving the board sufficient notice to arrange for appropriate enforcement measures.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private

property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Alcoholic Beverage Control Board (board) proposes to reduce the advance notice requirement for events catered under a mixed beverage caterer's license from two days¹ to 24 hours.

Estimated economic impact. Under the current regulations, caterers with a mixed beverage license who will be serving alcohol at an event must notify the board in writing (usually by fax²) at least two days prior to the event. The board proposes to reduce the advance notice requirement to 24 hours. The proposal will allow caterers to accept engagements requiring the provision of alcoholic beverages on shorter notice. Potential clients who wish to hire mixed beverage caterers for an event to take place more than 24 hours but less than two days in the future will be able to do so under the proposed language, but not under the current regulations. Thus, potential clients benefit by gaining the option of hiring mixed beverage caterers under this circumstance, and mixed beverage caterers benefit by the small potential increase in business.

According to the board, 24 hours is sufficient time for the agency to arrange for appropriate enforcement measures when necessary. Since enforcement measures are very rarely necessary for mixed beverage caterers,³ the additional cost to the board associated with the moderate potential increase in business is very small. Thus, the potential benefits of the proposed amendment likely outweigh the potential costs.

Businesses and entities affected. The proposed amendments will affect the 118 persons possessing a mixed beverage caterer's license and their customers.

Localities particularly affected. The proposed change to the regulation affects localities throughout the Commonwealth.

Projected impact on employment. The proposed reduction in required advance notification time has the potential to moderately increase business for caterers with a mixed beverage license. This may create a small number of new jobs in catering.

Effects on the use and value of private property. As previously mentioned, the proposed reduction in required advance notification time has the potential to moderately increase business for caterers with a mixed beverage license. Thus, the value of catering firms possessing a mixed beverage license may increase.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs in the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

¹ The current regulations state that "The caterer shall notify the board in writing at least two calendar days in advance of any events to be catered under license for the following month." According to the board, in practice, the agency has required only two-calendar-day advance notification.

² Source: Alcoholic Beverage Control Board

³ Source: Alcoholic Beverage Control Board

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The proposed amendment reduces the advance notice required of events to be catered under a caterer's license from two days to 24 hours.

3 VAC 5-50-170. Caterer's license; qualifications; privileges; restrictions and conditions.

A. Pursuant to § 4.1-210 A 2 of the Code of Virginia, the board may grant a caterer's license to any person:

1. Engaged on a regular basis in the business of providing food and beverages to persons for service at private gatherings, or at special events as defined in § 4.1-100 of the Code of Virginia or as provided in § 4.1-210 A 3 of the Code of Virginia, and

2. With an established place of business with catering gross sales average of at least \$4,000 per month and who has complied with the requirements of the local governing body concerning sanitation, health, construction or equipment and who has obtained all local permits or licenses which may be required to conduct such a catering business.

B. The license authorizes the following privileges:

1. The purchase of spirits, vermouth and wine produced by farm wineries from the board;

2. The purchase of wine and cider from licensed wholesalers or farm wineries or the purchase of beer from licensed wholesalers;

3. The retail sale of alcoholic beverages to persons who sponsor the private gatherings or special events described in subsection A or directly to persons in attendance at such events. No banquet or mixed beverage special events license is required in either case; and

4. The storage of alcoholic beverages purchased by the caterer at the established and approved place of business.

C. In addition to other applicable statutes and regulations of the board, the following restrictions and conditions apply to persons licensed as caterers:

1. Alcoholic beverages may be sold only for on-premises consumption to persons in attendance at the gathering or event;

2. The records required to be kept by 3 VAC 5-70-90 shall be maintained by caterers. If the caterer also holds other alcoholic beverage licenses, he shall maintain the records relating to his caterer's business separately from the records relating to any other license. Additionally, the records shall include the date, time and place of the event and the name and address of the sponsoring person or group of each event catered;

3. The annual gross receipts from the sale of food cooked and prepared for service at gatherings and events referred to in this regulation and nonalcoholic beverages served there shall amount to at least 45% of the gross receipts from the sale of mixed beverages and food;

4. The caterer shall notify the board in writing at least ~~two calendar days~~ *24 hours* in advance of any events to be catered under his license ~~for the following month~~. *For events to be catered on Saturday, Sunday, or holidays on*

which the board's offices are closed, such notice shall be given by close of the last business day prior to the event. The notice shall include the date, time, location and address of the event and the name of the sponsoring person, group, corporation or association;

5. Persons in attendance at a private event at which alcoholic beverages are served but not sold under the caterer's license may keep and consume their own lawfully acquired alcoholic beverages;

6. The private gathering referred to in subsection A above shall be a social function which is attended only by persons who are specifically and individually invited by the sponsoring person or organization, not the caterer;

7. The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers;

8. A photocopy of the caterer's license must be present at all events at which the privileges of the license are exercised; and

9. The caterer's license shall be considered a retail license for purposes of § 4.1-216 of the Code of Virginia.

VA.R. Doc. No. R01-214; Filed January 9, 2002, 9:23 a.m.

* * * * *

Title of Regulation: 3 VAC 5-60. Manufacturers and Wholesalers Operations (amending 3 VAC 5-60-80).

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public Hearing Date: March 29, 2002 - 10 a.m.

Public comments may be submitted until April 1, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY.

Basis: Sections 4.1-103 and 4.1-111 of the Code of Virginia authorize the board to promulgate regulations that it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act. Section 4.1-111 also specifically requires the board to promulgate regulations that maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers and wholesalers. 3 VAC 5-60-80 is designed to carry out this requirement by limiting the types of inducements, in the nature of goods or services, that may be offered by representatives of distilled spirits manufacturers to retailers.

Purpose: The proposed amendments will protect the health, safety or welfare of citizens by allowing alcoholic beverage manufacturers or wholesalers a reasonable ability to promote their products, while not permitting undue influence on retailers from excessive gifts. The maximum wholesale value

of novelty and specialty items allowed under the regulation has not changed since 1991.

Substance: The board proposes amending 3 VAC 5-60-80 by increasing the maximum wholesale value of novelty and specialty items bearing spirits advertising from the present \$5.00 to \$10. The board also expects to amend the section to allow permittees to provide retail licensees routine business entertainment in the same manner and subject to the same conditions and limitations that apply to wholesalers and manufacturers.

Issues: There are no disadvantages to the public or the Commonwealth. The primary advantage of implementing the amended provisions will be to allow alcoholic beverage manufacturers' representatives greater latitude in promoting their products, while maintaining reasonable limits on such promotion.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Alcoholic Beverage Control Board (board) proposes to (i) increase from \$5.00 to \$10 the maximum wholesale value of novelty and specialty items bearing spirits advertising that manufacturer representatives may give to retailers and (ii) allow spirits manufacturer representatives to provide "routine business entertainment" to retailers.

Estimated economic impact. Under the current regulations, distributors of spirits may give retailers (mixed alcoholic beverage licensees) novelty and specialty items bearing spirits advertising not in excess of \$5.00 in wholesale value. The novelty and specialty items may not be displayed on the retailer's premises. The board proposes to raise the wholesale value ceiling for the novelty and specialty items to \$10.

Under the current regulations, beer and wine wholesalers may provide "routine business entertainment" to retailers, but spirits manufacturer representatives may not. Routine business entertainment is defined as: meals and beverages; concerts, theatre arts entertainment; sports participation and entertainment; entertainment at charitable events; and private parties. Beer and wine wholesalers sell their product directly to retailers. Distilleries sell their product to the board. Retailers may only purchase spirits directly from the board. The board proposes to allow spirits manufacturer representatives to provide routine business entertainment.

Both the proposed increase in the wholesale value ceiling for the novelty and specialty items and the proposal to allow the

provision of routine business entertainment pertain to the relationship between spirits manufacturers and retailers. Allowing spirits manufacturers to promote their products to mixed alcoholic beverage licensees (retailers) somewhat more may affect which spirits retailers purchase from ABC, but will not likely affect the amount of alcohol consumption by the public. Spirits manufacturers and retailers will not be worse off and may be better off since the proposed new permitted activities will be optional. To the extent that spirits manufacturer representatives choose to provide routine business entertainment, businesses that provide entertainment may benefit.

There is no apparent cost to eliminating all restrictions on the promotion of spirit brands to mixed alcoholic beverage licensees. If spirits manufacturers and retailers found it to be their benefit to interact further with such promotions, they would do so, creating even more business and value for the entertainment-related industries. This change may be worth considering.

Businesses and entities affected. The proposed amendments will affect the approximately 3,000 mixed beverage licenses (retailers) and less than 100 solicitor permittees (spirits manufacturers and their representatives).

Localities particularly affected. The proposed change to the regulation affects localities throughout the Commonwealth.

Projected impact on employment. The proposal to allow spirits manufacturer representatives to provide routine business entertainment may moderately increase business for providers of entertainment such as restaurants, concert and theatre performers and promoters, sports teams, etc. This may create a small number of new jobs in these industries.

Effects on the use and value of private property. Entertainment providers may see a moderate increase in their business. Thus, the value of their businesses may increase slightly.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs in the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments increase from \$5.00 to \$10 the maximum wholesale value of novelty and specialty items bearing spirits advertising that may be given away, and allow permittees to provide routine business to mixed beverage licensees subject to the same conditions and limitations that apply to wholesalers and manufacturers.

3 VAC 5-60-80. Solicitation of mixed beverage licensees by representatives of manufacturers, etc., of spirits.

A. Generally. This section applies to the solicitation, directly or indirectly, of a mixed beverage licensee to sell or offer for sale spirits. Solicitation of a mixed beverage licensee for such purpose other than by a permittee of the board and in the manner authorized by this section shall be prohibited.

B. Permits.

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1. No person shall solicit a mixed beverage licensee unless he has been issued a permit. To obtain a permit, a person shall:
 - a. Register with the board by filing an application on such forms as prescribed by the board;
 - b. Pay in advance a fee of \$300, which is subject to proration on a quarterly basis, pursuant to § 4.1-230 E of the Code of Virginia;
 - c. Submit with the application a letter of authorization from the manufacturer, brand owner or its duly designated United States agent, of each specific brand or brands of spirits which the permittee is authorized to represent on behalf of the manufacturer or brand owner in the Commonwealth; and
 - d. Be an individual at least 21 years of age.
 2. Each permit shall expire yearly on June 30, unless sooner suspended or revoked by the board.
 3. A permit hereunder shall authorize the permittee to solicit or promote only the brand or brands of spirits for which the permittee has been issued written authorization to represent on behalf of the manufacturer, brand owner, or its duly designated United States agent and provided that a letter of authorization from the manufacturer or brand owner to the permittee specifying the brand or brands he is authorized to represent shall be on file with the board. Until written authorization or a letter of authorization, in a form authorized by the board, is received and filed with the board for a particular brand or brands of spirits, there shall be no solicitation or promotion of such product by the permittee. Further, no amendment, withdrawal or revocation, in whole or in part, of a letter of authorization on file with the board shall be effective as against the board until written notice thereof is received and filed with the board; and, until the board receives notice thereof, the permittee shall be deemed to be the authorized representative of the manufacturer or brand owner for the brand or brands specified on the most current authorization on file with the board.
- C. Records. A permittee shall keep complete and accurate records of his solicitation of any mixed beverage licensee for a period of two years, reflecting all expenses incurred by him in connection with the solicitation of the sale of his employer's products and shall, upon request, furnish the board with a copy of such records.
- D. Permitted activities. Solicitation by a permittee shall be limited to his authorized brand or brands, may include contact, meetings with, or programs for the benefit of mixed beverage licensees and employees thereof on the licensed premises, and in conjunction with solicitation, a permittee may:
1. Distribute directly or indirectly written educational material (one item per retailer and one item per employee, per visit) which may not be displayed on the licensed premises; distribute novelty and specialty items bearing spirits advertising not in excess of ~~\$5.00~~ \$10 in wholesale value (one item per retailer and one item per employee, per visit) which may not be displayed on the licensed premises; and provide film or video presentations of spirits which are essentially educational to licensees and their employees only, and not for display or viewing by customers;
 2. Provide to a mixed beverage licensee sample servings from containers of spirits and furnish one, unopened, 50 milliliter sample container of each brand being promoted by the permittee and not sold by the licensee; such containers and sample containers shall be purchased at a government store and bear the permittee's permit number and the word "sample" in reasonable sized lettering on the container or sample container label; further, the spirits container shall remain the property of the permittee and may not be left with the licensee and any 50 milliliter sample containers left with the licensee shall not be sold by the licensee;
 3. Promote their authorized brands of spirits at conventions, trade association meetings, or similar gatherings of organizations, a majority of whose membership consists of mixed beverage licensees or spirits representatives for the benefit of their members and guests, and shall be limited as follows:
 - a. To sample servings from containers of spirits purchased from government stores when the spirits donated are intended for consumption during the gathering;
 - b. To displays of spirits in closed containers bearing the word "sample" in lettering of reasonable size and informational signs provided such merchandise is not sold or given away except as permitted in this section;
 - c. To distribution of informational brochures, pamphlets and the like, relating to spirits;
 - d. To distribution of novelty and specialty items bearing spirits advertising not in excess of ~~\$5.00~~ \$10 in wholesale value; and
 - e. To film or video presentations of spirits which are essentially educational;
 4. Provide or offer to provide point-of-sale advertising material to licensees as provided in 3 VAC 5-20-20.
- E. Prohibited activities. A permittee shall not:
1. Sell spirits to any licensee, solicit or receive orders for spirits from any licensee, provide or offer to provide cash discounts or cash rebates to any licensee, or to negotiate any contract or contract terms for the sale of spirits with a licensee;
 2. Discount or offer to discount any merchandise or other alcoholic beverages as an inducement to sell or offer to sell spirits to licensees;
 3. Provide or offer to provide gifts, entertainment or other forms of gratuity to licensees except ~~at conventions, trade association meetings or similar gatherings as permitted in subdivision D-3~~ that a permittee may provide a licensee "routine business entertainment," as defined in 3 VAC 5-30-70, subject to the same conditions and limitations that apply to wholesalers and manufacturers under that section;

- 4. Provide or offer to provide any equipment, furniture, fixtures, property or other thing of value to licensees except as permitted by this regulation;
- 5. Purchase or deliver spirits or other alcoholic beverages for or to licensees or provide any services as inducements to licensees, except that this provision shall not preclude the sale or delivery of wine or beer by a licensed wholesaler;
- 6. Be employed directly or indirectly in the manufacturing, bottling, importing or wholesaling of spirits and simultaneously be employed by a retail licensee;
- 7. Solicit licensees on any premises other than on their licensed premises or at conventions, trade association meetings or similar gatherings as permitted in subdivision D 3;
- 8. Solicit or promote any brand or brands of spirits without having on file with the board a letter from the manufacturer or brand owner authorizing the permittee to represent such brand or brands in the Commonwealth; or
- 9. Engage in solicitation of spirits other than as authorized by law.

F. Refusal, suspension or revocation of permits.

- 1. The board may refuse, suspend or revoke a permit if it shall have reasonable cause to believe that any cause exists which would justify the board in refusing to issue such person a license, or that such person has violated any provision of this section or committed any other act that would justify the board in suspending or revoking a license.
- 2. Before refusing, suspending or revoking such permit, the board shall follow the same administrative procedures accorded an applicant or licensee under Title 4.1 of the Code of Virginia and regulations of the board.

VA.R. Doc. No. R01-215; Filed January 9, 2002, 9:23 a.m.

Title of Regulation: 3 VAC 5-70. Other Provisions (amending 3 VAC 5-70-20 and 3 VAC 5-70-90).

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-213 of the Code of Virginia.

Public Hearing Date: March 29, 2002 - 10 a.m.
Public comments may be submitted until April 1, 2002.
(See Calendar of Events section for additional information)

Agency Contact: Sara M. Gilliam, Assistant Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY.

Basis: Sections 4.1-103 and 4.1-111 of the Code of Virginia authorize the board to promulgate regulations that it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act. Section 4.1-213 specifically requires the board to adopt regulations relating to the manufacture, possession, transportation and sale of cider. Section 4.1-111 B 8 of the Code of Virginia mandates that the board shall promulgate regulations that require that banquet licensees in

charge of public events where alcoholic beverages are being sold report to the board the income and expenses associated with the public event when the banquet licensee engages another person to organize, conduct or operate the event on behalf of the banquet licensee.

Purpose: The proposed amendment to 3 VAC 5-70-20 would allow those wholesalers of cider who are primarily beer wholesalers to invoice and sell cider products in the same manner that beer is sold. The board has determined that the amendment will protect the health, safety or welfare of citizens by allowing cider wholesalers a reasonable flexibility in the manner of selling their products, while ensuring that proper records are kept for regulatory compliance and tax liability auditing.

The proposed amendment to 3 VAC 5-70-90 is necessary to comply with the mandate of § 4.1-111 of the Code of Virginia. It would be essential to protect the public safety and welfare as contemplated by subdivision B 8 of that section, in that it would allow the board to review the financial records of public events involving the sale of alcohol for the purpose of raising funds for a nonprofit organization, when someone other than the nonprofit organization is actually organizing, conducting, or operating the event. This would help ensure that the profits from the event are appropriately applied by the event promoter to the charitable or civic purpose involved.

Substance: 3 VAC 5-70-20 A provides that all the provisions of the board's regulations applicable to the handling of wine having an alcohol content of not more than 14% by volume shall also apply to the handling of cider. The board proposes amending 3 VAC 5-70-20 by adding a new subsection that would make 3 VAC 5-60-20 A and B 4 not applicable to the sale of cider. These provisions currently require the use of wine invoices for cider and prohibit its peddling. The proposed amendment would allow those wholesalers of cider who are primarily beer wholesalers to invoice and sell cider products in the same manner that beer is sold.

The board proposes amending 3 VAC 5-70-90, requiring all banquet and special event licensees in charge of public events to file a report of the income and expenses associated with the event within 30 days after the date of the event, if the licensee engages someone else to organize or conduct the event.

Issues: There are no disadvantages to the public or the Commonwealth in the amendments to 3 VAC 5-70-20. The primary advantage of implementing the amended provisions will be allowing alcoholic beverage wholesalers greater flexibility in distributing cider products, reducing the number of visits to retailers required to sell and deliver such products, and eliminating the need for a special form used only to record cider sales.

The proposed amendment to 3 VAC 5-70-90 will impose additional reporting requirements on nonprofit organizations that sponsor special events at which alcoholic beverages are sold, and will require the Department of Alcoholic Beverage Control to process and store additional paperwork. However, the added requirements are minimal. Special event licensees are already required to maintain all records of income and expenses under current regulations, and the proposed

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amendment simply requires the completion of a single page form listing totals of income and expenses by major category.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Alcoholic Beverage Control Board (board) proposes to: (i) allow the peddling of cider, (ii) allow cider orders to be executed on beer order forms, and (iii) pursuant to § 4.1-111 (subsection B 8) of the Code of Virginia, require all banquet and special event licensees in charge of public events to report to the board the income and expenses associated with the event when the licensee engages another person to organize, conduct or operate the event on behalf of the licensee, and to attach to their application any contract between the applicant and any person who has been engaged to organize, conduct or operate the event on behalf of the license applicant.

Estimated economic impact. Under the current regulations, wholesale licensees are prohibited from peddling cider to retail licensees. Peddling entails agreeing on a sale and providing product to the retailer on the same trip to the retailer's premises. Under the current regulations, a wholesaler must instead reach a sales agreement with the retailer over the phone, through fax, the mail, e-mail, or a previous trip to the retailer's premises, then deliver the product to the retailer on another trip. The board proposes to permit individuals with wholesale wine licenses to peddle cider. Allowing wholesalers to peddle cider to retailers will reduce time and travel costs for wholesalers, while allowing retailers to determine their quantity needs for cider at the time of delivery rather than some previous time. On occasions this could create a significant positive improvement for inventory management if, for example, an unexpectedly large quantity of cider was purchased from the retailer shortly prior to the wholesalers arrival. Since there are no apparent costs to permitting cider peddling by wholesalers to retailers, this proposed amendment will create a net benefit.

The current regulations require that cider orders shall be executed only on wine order forms prescribed by the board. The board proposes to allow cider orders to be executed on either beer or wine forms prescribed by the board. This proposed change may make cider ordering slightly more convenient for some retailers who order beer and cider but do not order wine.

Since there are no apparent costs to permitting the execution of cider orders on beer order forms, this proposed amendment will create a net benefit.

Pursuant to § 4.1-111 B 8, the board proposes to require that all banquet and special event licensees in charge of public events report to the board (on a board printed form) the income and expenses associated with the event when the licensee engages another person to organize, conduct or operate the event. Public events are defined as "any event at which alcoholic beverages are sold to the general public and not only to personally invited guests." The public events held by banquet and special event licensees are generally fund-raising events held by or on behalf of nonprofit organizations.¹ ABC estimates that preparing this form would add one to two additional hours to recordkeeping for the licensee.

According to the board, printing costs to provide sufficient copies of the requisite forms would total about \$255 annually. Annual processing costs to receive and record the data would be approximately \$2,000. These costs would be paid from agency nongeneral funds, and would not require additional appropriation. The board also proposes² that applicants for banquet or special event licenses attach to their application any contract between the applicant and any person who has been engaged to organize, conduct or operate the event on behalf of the license applicant.

According to the board, there has been concern that some events promoted as charitable fundraisers have resulted in promoters receiving most of the proceeds with the charity receiving only a relative token amount. Currently, the board does not receive information on the portion of proceeds that the nonprofit organizations receive for public events when reviewing banquet and special event license applications. The additional information provided by these proposed amendments will allow the board to turn down banquet and special event license applicants if it appears that most of the proceeds for a proposed event billed as charitable would not reach the charity. This could be beneficial for the public in that there would be fewer instances where citizens purchase tickets and concessions with the idea of supporting a charity who would not have made these purchases if they knew the charity received a very small percentage of the proceeds. On the other hand, the public might be better off if instead of approving fewer banquet and special event license applications, better disclosure of the nonprofit organization's portion of the proceeds was required. For example, for all banquet and special events where the nonprofit organization receives less than X percent of the proceeds, all advertising for the event would be required to state that the nonprofit organization receives "less than X percent of the proceeds."

Businesses and entities affected. The proposed amendments will affect the approximately 5,000³ nonprofit organizations that hold special events at which alcoholic beverages are sold, as well as special event promoters, wholesale licensees, and retail licensees.

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

¹ Source: The Alcoholic Beverage Control Board

² This proposal is also pursuant to § 4.1-111 B 8 of the Code of Virginia

³ Source: The Alcoholic Beverage Control Board

Projected impact on employment. The proposals to allow the peddling of cider and to allow cider orders to be executed on beer order forms are unlikely to significantly affect employment. The proposal to require that all banquet and special event licensees in charge of public events report to the board (on a board-printed form) the income and expenses associated with the event and attach a copy of the contract when the licensee engages another person to organize, conduct or operate the event may prompt the board to approve fewer banquet and special event licenses. Thus, there may be a reduction in employment related to the operating of public events.

Effects on the use and value of private property. Allowing wholesalers to peddle cider to retailers will reduce time and travel costs for wholesalers, and potentially permit retailers to improve their inventory management. Thus, the value of wholesalers and retailers' businesses may increase slightly.

Under these proposed regulations, the cost of complying with required paperwork for banquet and special event license applicants will increase, and the number of banquet and special event license applications disapproved will likely increase. The latter will likely result in fewer public events. The profits and value of public event promotion businesses will decrease and some nonprofit organizations may receive slightly less funding.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs in the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The Alcoholic Beverage Control Board proposes the following amendments:

1. *The proposed amendment to 3 VAC 5-70-20 allows for the peddling of cider and the reporting of cider sales by wholesale wine licensees in the same manner as beer. These changes are intended to accommodate cider wholesalers who are primarily beer wholesalers, allowing them to sell and invoice cider products in the same manner as their beer products.*

2. *The proposed amendment to 3 VAC 5-70-90 adds provisions requiring all banquet and special event licensees in charge of public events to report to the board the income and expenses associated with the event when the licensee engages another person to organize, conduct or operate the event on behalf of the licensee.*

3 VAC 5-70-20. Procedures for handling cider; authorized licensees; containers; labels; markup; age limits.

A. The procedures established by regulations of the board for the handling of wine having an alcoholic content of not more than 14% by volume shall, with the necessary change of detail, be applicable to the handling of cider, subject to the following exceptions and modifications.

B. Licensees authorized to sell beer and wine, or either, at retail are hereby approved by the board for the sale of cider and such sales shall be made only in accordance with the age limits set forth below.

C. Containers of cider shall have a capacity of not less than 12 ounces (375 milliliters if in a metric-sized container) nor more than one gallon (three liters if in a metric-sized container).

D. If the label of the product is subject to approval by the federal government, a copy of the federal label approval shall be provided to the board.

E. The markup or profit charged by the board shall be \$.08 per liter or fractional part thereof.

F. Persons must be 21 years of age or older to purchase or possess cider.

G. The provisions of subsection A and subdivision B 4 of 3 VAC 5-60-20 shall not be applicable to the sale of cider by wholesale wine licensees to retail licensees of the board.

3 VAC 5-70-90. Records to be kept by licensees generally; additional requirements for certain retailers; "sale" and "sell" defined; gross receipts; reports.

A. All licensees shall keep complete, accurate and separate records at the licensee's place of business for a period of two years. The records shall be available for inspection and copying by any member of the board or its special agents during reasonable hours. Licensees may use microfilm, microfiche, disks or other available technologies for the storage of their records, provided the records so stored are readily subject to retrieval and made available for viewing on a screen or in hard copy by the board or its special agents.

The board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting all records, invoices and accounts therein.

"Reasonable hours" shall be deemed to include all business hours of operation and any other time at which there exists any indication of activity upon the licensed premises.

B. All licensed manufacturers, bottlers or wholesalers of alcoholic beverages shall keep a complete, accurate and separate record of all alcoholic beverages manufactured, bottled, purchased, sold or shipped by him. Such records shall show the quantities of all such alcoholic beverages manufactured, bottled, purchased, sold or shipped by him; the dates of all sales, purchases, deliveries or shipments; the names and addresses of all persons to or from whom such sales, purchases, deliveries or shipments are made; the quantities and kinds of alcoholic beverages sold and delivered or shipped and the prices charged therefor and the taxes applicable thereto, if any. Every manufacturer and wholesaler, at the time of delivering alcoholic beverages to any person, shall also prepare a duplicate invoice showing the date of delivery, the quantity and value of each delivery and the name of the purchaser to whom the delivery is made.

C. Every retail licensee shall keep complete, accurate and separate records, including invoices, of the purchases and sales of alcoholic beverages, food and other merchandise. The records of alcoholic beverages shall be kept separate and apart from other records and shall include all purchases thereof, the dates of such purchases, the kinds and quantities

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of alcoholic beverages purchased, the prices charged therefor and the names and addresses of the persons from whom purchased.

Additionally, each retail licensee shall keep accurate accounts of daily sales, showing quantities of alcoholic beverages, food, and other merchandising sold and the prices charged therefor.

D. In addition to the requirements of subsections A and C of *this section*, mixed beverage restaurant licensees shall keep records of all alcoholic beverages purchased for sale as mixed beverages and records of all mixed beverage sales. The following actions shall also be taken:

1. On delivery of a mixed beverage restaurant license by the board, the licensee shall furnish to the board or its special agents a complete and accurate inventory of all alcoholic beverages currently held in inventory on the premises by the licensee; and
2. Once a year, each licensee shall submit on prescribed forms to the board an annual review report. The report is due within 30 days after the end of the mixed beverage license year and shall include:
 - a. A complete and accurate inventory of all alcoholic beverages purchased for sale as mixed beverages and held in inventory at the close of business at the end of the annual review period;
 - b. An accounting of the annual purchases of food, nonalcoholic beverages and alcoholic beverages, including alcoholic beverages purchased for sale as mixed beverages, and miscellaneous items; and
 - c. An accounting of the monthly and annual sales of all merchandise specified in subdivision $\text{D} \ 2 \ b$ of *this subsection*.

E. The terms "sale" and "sell" shall include exchange, barter or traffic, or delivery made otherwise than gratuitously, by any means whatsoever, of mixed beverages and other alcoholic beverages, and of meals or food.

F. In determining "gross receipts from the sale of food" for the purposes of § 4.1-210 of the Code of Virginia, a licensee shall not include any receipts for food for which there was no sale, as defined in this section. Food which is available at an unwritten, non-separate charge to patrons or employees during Happy Hours, private social gatherings, promotional events, or at any other time, shall not be included in the gross receipts. Food shall include hors d'oeuvres.

If in conducting its review pursuant to § 4.1-114 of the Code of Virginia, the board determines that the licensee has failed or refused to keep complete and accurate records of the amounts of mixed beverages or other alcoholic beverages sold at regular prices, as well as at all various reduced and increased prices offered by the licensee, the board may calculate the number of mixed drinks and other alcoholic beverage drinks sold, as determined from purchase records, and presume that such sales were made at the highest posted menu prices for such merchandise.

G. Any changes in the officers, directors or shareholders owning 10% or more of the outstanding capital stock of a

corporation shall be reported to the board within 30 days; provided, however, that corporations or their wholly owned subsidiaries whose corporate common stock is publicly traded and owned shall not be required to report changes in shareholders owning 10% or more of the outstanding capital stock.

H. All banquet and special event licensees in charge of public events shall report to the board the income and expenses associated with the public event on a form prescribed by the board when the licensee engages another person to organize, conduct or operate the event on behalf of the licensee. Reports shall be made within 30 days after the date of each event. "Public events" shall be deemed to include any event at which alcoholic beverages are sold to the general public and not only to personally invited guests.

All applicants for banquet or special event licenses shall indicate at the time of application whether the event is open to the public and whether another person has been or will be engaged to organize, conduct or operate the event on behalf of the licensee. If the applicant indicates that the event is open to the public and another person has been or will be engaged to organize, conduct or operate the event on behalf of the licensee, the applicant shall attach a copy of any contract between the applicant and such other person to the license application.

<p>NOTICE: The forms used in administering 3 VAC 5-70, Other Provisions, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>
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FORMS

Permit for Release of Alcoholic Beverages Not Under Customs or Internal Revenue Bond, #701-102 (eff. 1/92).

Order and Permit for Transportation of Alcohol, #703-69 (eff. 11/87).

Order and Permit for Transportation of Alcoholic Beverages, #703-73.

Mixed Beverage Annual Review, #805-43 (eff. 5/92).

Mixed Beverage Annual Review - Instructions for Completion, #805-44.

Application for Off Premises Keg Permit, #805-45 (eff. 1/93).

Application for Grain Alcohol Permit, #805-75.

Mixed Beverage Annual Review, #805-77.

Special Event License Application Addendum - Notice to Special Event License Applicants, Form SE-1 (rev. 11/01).

Statement of Income & Expenses for Special Event Licenses (with instructions), Form SE-2 (rev. 11/01).

**VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
BUREAU OF LAW ENFORCEMENT OPERATIONS
Statement of Income & Expenses for Special Event Licenses**

INSTRUCTIONS

Step 1 Complete all organizational information where possible. Be sure to include the name of a contact person with their day time phone number.

Step 2 *For the event held _____* Fill out a different statement for each event, normally this will be one day only. If the event was for multiple days enter the beginning and ending date. For organizations having a one-day event each week for several months each event shall be listed separately.

Step 3 Receipts: Total dollar amount should be entered for each category.
 Food & Other Merchandise Sales = All Sales except Alcoholic Beverage Sales
 Alcoholic Beverage Sales = Same
 Admissions = Ticket sales, Admission or Cover Charges
 Other Sources of Receipts = All other income to include items such as: sponsorships (alcohol related sponsors and all other), parking fees, etc. If the organization received one amount of money but has multiple events during the season, divide the amount by the number of events and include the per event amount on the form.

Step 4 Total the Receipts and enter the amount in the space provided.

Step 5 Operating Expenses: Total dollar amount should be entered for each category.
 Advertising = all advertising to include radio, TV, flyers, banners and etc. paid for by the organization.
 Advertisements for the whole season should be divided by the number of events and include the per event amount.
 Salaries and Wages = Each person working for the organization, receiving payment for work relating to this event (i.e. working the event or working prior to or after the event). If a person receives a salary for the entire season, divide the total amount by the number of events and include the per event amount.
 Purchases of Food & Other Merchandise = Items for resale only - Does not include alcoholic beverages.
 Purchases of Alcoholic Beverages = alcoholic beverages only
 Purchase of Other Items = This section would include all items purchased not previously accounted for, such as: paper products, tables, tents and etc.
 Rent = All items rented or leased for this event, such as: port-o-lets, stages, sound equipment, event location, etc. Items rented or leased for the season should be divided by the number of events and include the per event amount.
 Taxes, Licenses, etc = includes items such as: sales tax, ABC license, business license, etc.
 Other Expenses = This section includes all other expenses of the event not already accounted for, such as: bands, promoters, security, office expenses or administrative expenses. Expenses that cover the whole season should be divided by the number of events and include the per event amount.

Step 6 Total the Expenses and enter the amount in the space provided.

Step 7 Total Funds Available for Contributions = Subtract the Operating Expenses from the Receipts and enter the amount in the space provided.

Step 8 Total Funds Contributed = Enter the actual dollar amount contributed to a non profit organization. Do not list contributions that have not yet occurred.

Step 9 Total Funds Not Contributed = All funds remaining that are being retained by the organization obtaining the license.

Form SE-2 Instructions Revised 11/01

VA.R. Doc. Nos. R01-216 and R01-217; Filed January 9, 2002, 9:24 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

Title of Regulation: **14 VAC 5-80. Rules Governing Variable Life Insurance (repealing 14 VAC 5-80-160 through 14 VAC 5-80-190).**

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

Summary:

The proposed amendments repeal Article V (14 VAC 5-80-160 et seq.), which relates to reserve liabilities for variable life insurance. The recommendation to repeal this article results from the adoption of a requirement that the establishment, maintenance, and reporting of reserve liabilities for variable life insurance be in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual and as provided by Article 3 (§ 38.2-1311 et seq.) of Chapter 13 and Article 3 (§ 38.2-3126 et seq.) of Chapter 31 of Title 38.2 of the Code of Virginia.

Public Comment: Persons desiring to comment in support of or in opposition to, or to request a hearing to oppose, the proposed repeal may file such comments or hearing request on or before March 1, 2002, in writing with the Clerk of the Commission, Document Control Center, P. O. Box 2118, Richmond, VA 23218. All such correspondence should refer to Case No. INS020002.

Agency Contact: Jarrett D. Goodwin, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, 6th Floor, Richmond, VA 23219; mailing address P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9365; e-mail jgoodwin@scc.state.va.us.

AT RICHMOND, JANUARY 8, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS020002

Ex Parte: In the matter of
Repealing Certain of the Rules
Governing Variable Life
Insurance

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 recommended the repeal of certain rules set forth in Chapter 80 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Variable Life Insurance," specifically, the rules designated as 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190;

WHEREAS, the Bureau's recommendation to repeal 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 results from the Bureau's adoption of the requirement that the establishment, maintenance, and reporting of reserve liabilities for variable life insurance be in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual and as provided by §§ 38.2-1311 et seq. and 38.2-3126 et seq. of the Code of Virginia; and

WHEREAS, the Commission is of the opinion that the proposed repeal of 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 should be considered with a proposed effective date of March 31, 2002;

THEREFORE, IT IS ORDERED THAT:

(1) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose, the repeal of 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190, shall file such comments or hearing request on or before March 1, 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. INS020002;

(2) If no written request for a hearing on the proposed repeal is filed on or before March 1, 2002, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed repeal, shall consider the repeal of 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 as recommended by the Bureau of Insurance;

(3) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the proposed repeal of 14 VAC 5-80-160, 14 VAC 5-80-170, 14 VAC 5-80-180, and 14 VAC 5-80-190 by mailing a copy of this Order to all insurers licensed and authorized to offer any form of life insurance or annuities as defined by §§ 38.2-102 through 38.2-107.1 of the Code of Virginia; and by forwarding a copy of this Order to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations; and

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (3) above.

ARTICLE V.

~~RESERVE LIABILITIES FOR VARIABLE LIFE INSURANCE.
(Repealed.)~~

~~14 VAC 5-80-160. Reserve liabilities for variable life insurance. (Repealed.)~~

~~Variable life policies. Reserve liabilities for variable life insurance policies shall be established under §§ 38.2-1307 through 38.2-1315 of the Code of Virginia, the Standard Valuation Law, in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.~~

~~14 VAC 5-80-170. Scheduled premium policies. (Repealed.)~~

~~For scheduled premium policies, reserve liabilities for the guaranteed minimum death benefit shall be the reserve needed to provide for the contingency of death occurring when the guaranteed minimum death benefit exceeds the death benefit that would be paid in the absence of the guarantee, and shall be maintained in the general account of the insurer and shall be not less than the greater of the following minimum reserves:~~

~~1. The aggregate total of the term costs, if any, covering a period of one full year from the valuation date, of the guarantee on each variable life insurance contract, assuming an immediate 1/3 depreciation in the current value of the assets of the separate account followed by a net investment return equal to the assumed investment rate; or~~

~~2. The aggregate total of the "attained age level" reserves on each variable life insurance contract. The "attained age level" reserve on each variable life insurance contract shall not be less than zero and shall equal the "residue", as described in subdivision 2 a below, of the prior year's "attained age level" reserve on the contract, with any "residue," increased or decreased by a payment computed on an attained age basis as described in subdivision 2 b below.~~

~~a. The "residue" of the prior year's "attained age level" reserve on each variable life insurance contract shall not be less than zero and shall be determined by adding interest at the valuation interest rate to such prior year's reserve, deducting the tabular claims based on the "excess," if any, of the guaranteed minimum death benefit over the death benefit that would be payable in the absence of such guarantee, and dividing the net result by the tabular probability of survival. The "excess" referred to in the preceding sentence shall be based on the actual level of death benefits that would have been in effect during the preceding year in the absence of the guarantee, taking appropriate account of the reserve assumptions regarding the distribution of death claim payments over the year.~~

~~b. The payment referred to in subdivision 2 of this section shall be computed so that the present value of a level~~

Proposed Regulations

~~payment of that amount each year over the future premium paying period of the contract is equal to (A) minus (B) minus (C), where (A) is the present value of the future guaranteed minimum death benefits, (B) is the present value of the future death benefits that would be payable in the absence of such guarantee, and (C) is any "residue," as described in subdivision 2 a above of the prior year's "attained age level" reserve on such variable life insurance contract. If the contract is paid up, the payment shall equal (A) minus (B) minus (C). The amounts of future death benefits referred to in (B) shall be computed assuming a net investment return of the separate account which may differ from the assumed investment rate and/or the valuation interest rate but in no event may exceed the maximum interest rate permitted for the valuation of life contracts.~~

~~3. The valuation interest rate and mortality table used in computing the two minimum reserves described in subdivisions 1 and 2 above shall conform to permissible standards for the valuation of life insurance contracts. In determining such minimum reserve, the company may employ suitable approximations and estimates, including but not limited to groupings and averages.~~

~~14 VAC 5-80-180. Flexible premium policies. (Repealed.)~~

~~For flexible premium policies, reserve liabilities for any guaranteed minimum death benefit shall be maintained in the general account of the insurer and shall not be less than the aggregate total of the term costs, if any, covering the period provided for in the guarantee not otherwise provided for by the reserves held in the separate account assuming an immediate 1/3 depreciation in the current value of the assets of the separate account followed by a net investment return equal to the valuation interest rate.~~

~~The valuation interest rate and mortality table used in computing this additional reserve, if any, shall conform to permissible standards for the valuation of life insurance contracts. In determining such minimum reserve, the company may employ suitable approximations and estimates, including but not limited to groupings and averages.~~

~~14 VAC 5-80-190. Fixed incidental insurance benefits. (Repealed.)~~

~~Reserve liabilities for all fixed incidental insurance benefits and any guarantees associated with variable incidental insurance benefits shall be maintained in the general account and reserve liabilities for all variable aspects of the variable incidental insurance benefits shall be maintained in a separate account, in amounts determined in accordance with the actuarial procedures appropriate to such benefit.~~

VA.R. Doc. No. R02-111; Filed January 8, 2002, 1:58 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 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 B 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 A referenced in the following order was published in 18:9 VA.R. 1216-1226 January 14, 2002.

Title of Regulation: **20 VAC 5-302-10 et seq. Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility (amending 20 VAC 5-302-20).**

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

Summary:

The proposed amendments expand the information to be included in applications filed for authority to construct electric generating facilities. The proposed amendments require that applicants submit studies detailing the cumulative impact that proposed electric generating and manufacturing facilities will have on fuel supply, air quality, and the source used for cooling water. The expansion also requires applicants to submit information intended to help the commission gauge what, if any, impact the proposed electric generating facility will have on the applicant's ability to exert market power.

Agency Contact: Tommy Oliver, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, telephone (804) 371-9358 or e-mail tolover@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.

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

¹ 20 VAC 5-302-10 *et seq.*

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

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 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).

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.

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.

Proposed Regulations

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 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.

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.

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.

⁶ This subsection dealt with need, viability, and cost effectiveness of proposed projects.

⁷ 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.

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

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 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:

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.

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.

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:

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.

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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

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

²² *Id.* at 82.

²³ *Id.* at 84.

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.

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

²⁸ BPA Protocol at 1.

²⁹ *Id.*

³⁰ *Id.*

³¹ Virginia Tech Study at 60.

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.

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 [Note: Attachment A was published in 18:9 VA.R. 1216-1226 January 14, 2002, and is not set out below] 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 down-loadable 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

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.

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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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 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.

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

The following information shall be provided 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. Legal name of the applicant as well as any trade name.
2. 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.
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.
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 or affiliations with an incumbent electric utility as defined in § 56-576 of the Code of Virginia.
7. Specific information about the site for the proposed facility, including:
 - a. A written description of the location 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 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 required and the status of such approvals.
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, net dependable capacity and expected seasonal heat rates.
 - c. Estimated costs, and schedule for construction, testing and commercialization.
9. A description of the fuel supply arrangement for the proposed facility. The description should detail:
- a. Fuel type, quality and source or sources.
 - 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.
 - i. *Impacts of applicant's facility, in conjunction with other proposed electric generating facilities and manufacturing facilities, on Virginia's natural gas and fuel oil infrastructure and availability of fuel supplies.*
10. A discussion of economic impacts (both positive and negative), of the project. The discussion should address the tax and employment implications of the project.
11. A list of other local, state or federal government agencies whose requirements must be met in connection with the construction or operation of the project and a statement of the status of the approval procedures for each of these agencies.
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 quality. Discussion should identify required air permits, expected restrictions, expected emissions, rates of emissions, ~~and any~~ needed emissions offsets or allowances, *and the cumulative impacts of applicant's proposed facility and other proposed facilities on existing overall air quality in any area that may be impacted by the applicant's proposed facility. Other proposed facilities shall include all proposed electric generating and other proposed facilities that can or will influence air quality in any area that may be impacted by applicant's proposed facility if such facilities require an air permit issued by a state or federal authority and if the owners or developers of such facilities have sought approval from any federal, state or local governing body for zoning or land use permits such as special use permits or conditional use permits, or requests for water withdrawal permits or water discharge permits, or air permits. Assumptions regarding existing air quality should be based on the maximum allowed emissions from existing permitted sources and an ambient level of pollutants from nonpermitted sources.*
 - b. 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, *and the cumulative impacts of applicant's proposed facility and other facilities on existing water resources in any area that may be impacted by applicant's proposed facility. Other facilities shall include all existing and proposed electric generating and other facilities that can or will draw from the same water source as applicant's proposed facility if such facilities have or will require a water withdrawal permit issued by a state or federal authority and if, in the case of proposed facilities, the owners or developers of such facilities have sought approval from any federal, state or local governing body for zoning or land use permits such as special use permits or conditional use permits, or requests for water withdrawal permits or water discharge permits, or air permits.*
 - c. Discharge of cooling water. Discussion should include an identification of required permits for water discharge and potential impacts on regional water flows.
 - d. 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.
 - g. Erosion and sediment control.

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- h. Archaeological, historic, scenic, cultural, or architectural resources in the area.
- i. Chesapeake Bay Preservation Areas designated by the locality.
- j. Wildlife resources.
- k. Recreation, agricultural and forest resources. Discussion should identify federal, local, state or private parks and recreation areas.
- l. The use of pesticides and herbicides.
- m. Geology and mineral resources, caves, and sinkholes.
- n. Transportation infrastructure.

13. A general discussion of reliability impacts including:

- a. A description of transmission interconnection requirements and 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.
- c. A description of anticipated services (ancillary services, re-dispatch, energy imbalance, etc.) that may be provided to any transmission service provider.
- d. A discussion of existing and expected generation reserves in the region and the impact of the proposed facility on such reserves.

14. A discussion of whether the proposed facility 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 how the proposed facility will impact an applicant's ability to exert market power within the control area in which the facility is expected to be constructed. In addition, the following information should be included.

- a. Total capacity controlled by or under contract to the applicant and its affiliates located within the control area and reasonably accessible to the control area through transmission interconnections, with and without the proposed facility.
- b. Information regarding whether there are purchase options for the project or any part of its output. Such information should identify the holder of any such options.
- c. Total capacity located within the control area and reasonably accessible to the control area through transmission interconnections, prior to construction of the proposed facility.
- d. Five-year projections of total expected capacity additions by size, technology and fuel type within the control area and expected increases in transmission interconnection capacities into the control area.

e. Five-year projections of capacity additions by size, technology and fuel type within the control area to be made by the incumbent electric utility and its affiliates.

f. A description of the impact of the proposed facility on transmission congestion.

g. A market power analysis that demonstrates that neither the applicant nor an affiliate of the applicant, considered separately and collectively, has or will have, as a result of the control of electric generating capacity or energy within a transmission constrained area, market power over the sale of electric generating capacity or energy to retail customers located within the Commonwealth, or to licensed competitive service providers selling electric generating capacity or energy to retail customers located within the Commonwealth.

~~15.~~ 16. A discussion of whether and, if so, how the project will further the goals of advancement of electronic competition in Virginia.

VA.R. Doc. No. R02-101; Filed December 14, 2001, 4:27 p.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 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-371. Regulations for the Licensure of Nursing Facilities (amending 12 VAC 5-371-40).**

Title of Regulation: **12 VAC 5-410. Regulations for the Licensure of Hospitals in Virginia (amending 12 VAC 5-410-70).**

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

Effective Date: February 28, 2002.

Summary:

Section 32.1-102.2 of the Code of Virginia requires the State Health Commissioner, through regulation, to condition a nursing facility or hospital license on whether the applicant has complied with any agreement as a result of the granting of a Certificate of Public Need (COPN) or upon the up-to-date payment of any civil penalties owed as a result of the willful failure to honor the condition of a COPN. This action is to finalize the emergency regulatory action that became effective on December 31, 1999.

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

REGISTRAR'S NOTICE: The proposed regulations were adopted as published in 17:24 VA.R. 3528-3531 August 13, 2001, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulations is not set out.

VA.R. Doc. Nos. R00-224 and R00-226; Filed July January 9, 2002, 11:32 a.m.

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REGISTRAR'S NOTICE: Due to its length, 12 VAC 5-421 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 Health (see contact information below), and is accessible on the Virginia Register website at <http://legis.state.va.us/codecomm/register/vol18/welcome.htm>.

Title of Regulation: **12 VAC 5-420. Rules and Regulations Governing Restaurants (REPEALED).**

Title of Regulation: **12 VAC 5-421. [Food] Regulations [~~Governing Restaurants~~ (adding 12 VAC 5-421-10 through 12 VAC 5-421-4070)] .**

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Effective Date: March 1, 2002.

Summary:

The regulations replace the existing regulations governing restaurants, which were last revised in 1988. The regulation establishes minimum sanitary standards for operating restaurants. Included are standards for the safe and sanitary maintenance, storage, operation, and use of the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; procedures for vector and pest control; requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; requirements for an approved water supply and sewage disposal system; personal hygiene standards for employees, particularly those engaged in food handling; and the appropriate use of precautions to prevent the transmission of communicable diseases. The regulations also inform potential restaurant owners or operators how to obtain a permit to operate a restaurant from the department. This regulation addresses the emergence of new strains of bacteria and other organisms and incorporates new control measures for the prevention of foodborne disease.

The proposed regulations were based on the FDA 1997 Model Food Code but were changed to incorporate the amendments made in the FDA 1999 Model Food Code. Most of the changes made to the final regulation were for clarification with no substantial changes to the requirements. The regulations were also amended to delete the exemptions for bed and breakfast facilities in order to keep them regulated.

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: Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, Main Street Station, 1500 E. Main Street, Room 115, Richmond, VA 23219, telephone (804) 225-4022, FAX (804) 225-4003, e-mail ghagy@vdh.state.va.us.

VA.R. Doc. Nos. R98-216 and R98-217; Filed January 2, 2002, 2:08 p.m.

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Title of Regulation: **12 VAC 5-430. Transient Lodging and Hotel Sanitation in Virginia (REPEALED).**

Title of Regulation: **12 VAC 5-431. Sanitary Regulations for Hotels (adding 12 VAC 5-431-10 through 12 VAC 5-431-480).**

Statutory Authority: §§ 35.1-11 and 35.1-13 of the Code of Virginia.

Effective Date: March 1, 2002.

Summary:

The current regulation that establishes minimum sanitary standards in hotels and that has been in effect since 1948 is repealed. The new regulation includes updated standards for cleanliness and storage of linens, vector control, solid waste collection and disposal, operations of food service, operation of swimming pools or spas, and general sanitation of the rooms and facility. The regulation also provides potential hotel owners or operators with procedures for obtaining a permit to operate a hotel.

The regulation removes the requirement for a minimum annual inspection of hotels. Annual random inspections will be conducted at a percentage of hotels, and inspections will be made in response to complaints. In addition, the regulation requires replacement of ice machines with common ice bins with automatic ice dispensing machines within two years of the effective date of the new regulation.

The proposed regulation was changed to redefine the term "bed and breakfast facility" and to decrease from 30 inches to 24 inches the required distance between beds.

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: Gary L. Hagy, Director, Division of Food and Environmental Services, Department of Health, P.O. Box 2448, Room 115, Richmond, VA 23218, telephone (804) 225-4022, FAX (804) 225-4003.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:22 VA.R. 3259-3269 July 16, 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.

CHAPTER 431.
SANITARY REGULATIONS FOR HOTELS.
PART I.
DEFINITIONS AND GENERAL PROVISIONS.

12 VAC 5-431-10. Definitions.

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

"Agent" means a legally authorized representative for the owner.

"Approved water supply" means a waterworks that has a valid waterworks operation permit from the department or a water supply that is evaluated for compliance with the Private Well Regulations (12 VAC 5-630-10 et seq.), tested, and if found in reasonable compliance with the applicable standards, accepted and approved by the commissioner or the commissioner's designee.

"Bed and breakfast facility" means a residential-type establishment that provides two or more rental accommodations and food service on any single [~~night~~ day] to a maximum of [~~42~~ 18] transient guests for a period of five or more days in any calendar year [or any residential type of facility providing at least one rental accommodation for transient guests and food service for a total of 30 or more days in any calendar year].

"Commissioner" means the state health commissioner or his designee who has been delegated powers in accordance with subdivision 2 of 12 VAC 5-431-40.

"Department" means the Virginia Department of Health.

"District health department" means a consolidation of local health departments as authorized in § 32.1-31 C of the Code of Virginia.

"Director" means the local health director or his subordinate who has been delegated powers in accordance with subdivision 2 of 12 VAC 5-431-40.

"Division" means the Division of Food and Environmental Services of the Virginia Department of Health.

"Employees" means and includes all maids, porters, and any other persons whose duties include the cleaning of rooms, toilets, or any part of the building, or the rendering of service to guests.

"Hot water" has the meaning as defined by the Virginia Uniform Statewide Building Code.

"Hotel" means any establishment offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels and similar facilities by whatever name called that consist of two or more lodging units.

"Local health department" means the department established in each city and county in accordance with § 32.1-30 of the Code of Virginia.

"Lodging unit" means any room that is established and maintained for use as a sleeping area for temporary occupancy.

"Office" means the Office of Environmental Health Services of the Virginia Department of Health.

"Operator" means any person who is responsible for the daily operation of a hotel.

“Owner” means any person who owns, leases, or proposes to own or lease a hotel.

“Permit” means a license to operate a hotel.

“Person” means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

“Person in charge” means the individual present at a hotel who is responsible for the operation at the time of inspection.

“Sanitary survey” means an investigation or inspection of any condition that may affect public health.

“Sewage” means water-carried and nonwater-carried human excrement and kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

“Sewage disposal system” means a sewerage system or treatment works designed not to result in a point source discharge.

“Sewer” means any sanitary or combined sewer used to convey sewage or municipal or industrial wastes.

“Sewerage system” means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, wooden chopsticks, toothpicks and similar articles intended for one-time, one-person use and then discarded.

“Swimming pool” means any structure, basin chamber, or tank, located either indoors or outdoors, containing an artificial body of water intended to be used for swimming, wading, diving or recreational bathing, including spas and hot tubs, and having a water depth of 24 inches or more at any point.

“Transient” means any individual who occupies a lodging unit in a hotel.

“Treatment works” means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluents resulting from such treatment.

“Variance” means a conditional waiver to a specific regulation granted by the commissioner pursuant to 12 VAC 5-431-100 to a specific owner relating to a specific situation or facility and may be for a specified time period.

“Virginia Uniform Statewide Building Code” means 13 VAC 5-61 [~~-44 et seq.~~] of the Virginia Administrative Code.

12 VAC 5-431-20. [No change from proposed.]

12 VAC 5-431-30. Applicability of other Virginia regulations to hotels.

A. The following Virginia regulations shall be applicable to hotels:

1. [~~Rules and Food~~] Regulations [~~Governing Restaurants (12 VAC 5-420-10 et seq.)~~] (12 VAC 5-421)].
2. Sewage Handling and Disposal Regulations (12 VAC 5-610 [~~-20 et seq.~~]).
3. Waterworks Regulations (12 VAC 5-590 [~~-10 et seq.~~]).
4. Sewerage Regulations (12 VAC 5-580 [~~-10 et seq.~~]).
5. Private Well Regulations (12 VAC 5-630 [~~-10 et seq.~~]).
6. Regulations Governing Tourist Establishment Swimming Pools and Other Public Pools (12 VAC 5-460 [~~-10 et seq.~~]).
7. Swimming Pool Regulations Governing the Posting of Water Quality Test Results (12 VAC 5-462 [~~-10 et seq.~~]).

B. These regulations are in addition to the requirements of the Virginia Uniform Statewide Building Code (13 VAC 5-61 [~~-44 et seq.~~]).

12 VAC 5-431-40 and 12 VAC 5-431-50. [No change from proposed.]

12 VAC 5-431-60. Applicability of Administrative Process Act.

The provisions of the Virginia Administrative Process Act (§ [~~9-6.14-1~~ 2.2-4000] et seq. of the Code of Virginia) shall govern the procedures for rendering all case decisions.

12 VAC 5-431-70 through 12 VAC 5-431-90. [No change from proposed.]

12 VAC 5-431-100. Variances.

A. The commissioner may grant a variance to these regulations by following the appropriate procedures set forth in this section.

B. Requirements for a variance. The commissioner may grant a variance if he finds that the hardship imposed, which may be economic, outweighs the benefits that may be received by the public and that granting such a variance does not subject the public to unreasonable health risks or environmental pollution.

C. Application for a variance. Any owner who seeks a variance shall apply in writing to the local health department. All requests for variances must be made in writing and received by the local health department prior to denial of the hotel permit or within 30 days after such denial. The application for a variance shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical data including result of relevant tests conducted pursuant to the requirements of these regulations;

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4. Statements or evidence that establishes that the public health, welfare and environment would not be adversely affected if the variance were granted;

5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare;

6. Other information believed pertinent by the applicant; and

7. Such other information as the district or local health department or commissioner may require.

D. Evaluation of a variance application. The commissioner shall act on any variance request submitted pursuant to subsection C of this section within 60 days of receipt of the request. In evaluating a variance application, the commissioner shall consider such factors as the following:

1. The effect that such a variance would have on the operation of the hotel;

2. The cost and other economic considerations imposed by this requirement;

3. The effect that such a variance would have on protection of the public health, safety, welfare and the environment; and

4. Such other factors as the commissioner may deem appropriate.

E. Disposition of a variance request. The commissioner may grant, modify or deny a variance request.

1. If the commissioner denies a variance request, he shall provide the owner an opportunity to an informal hearing as defined by § [~~9-6-14:11~~ 2.2-4019] of the Code of Virginia. Following this opportunity for an informal hearing, the commissioner may reject any application for a variance by sending a rejection notice to the applicant. The rejection notice shall be in writing and shall state the reasons for the rejection. A rejection notice constitutes a case decision.

2. If the commissioner proposes to grant a variance request, the applicant shall be notified in writing of this decision. Such notice shall identify the variance and the hotel involved and shall specify the period of time for which the variance will be effective. Such notice shall provide that the variance will be terminated when the hotel comes into compliance with the applicable regulation and may be terminated upon a finding by the commissioner that the hotel has failed to comply with any requirements or schedules issued in conjunction with the variance. The effective date of the variance shall be as noted in the variance letter.

3. All variances granted to any hotel may be transferable unless otherwise stated. Each variance shall be attached to the permit to which it is granted. Each variance is revoked when the permit to which it is attached is revoked.

4. No owner may challenge the terms or conditions of a variance after 30 calendar days have elapsed from the receipt of the variance.

12 VAC 5-431-110. Hearing types.

Hearings before the commissioner or his designee shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved:

1. Informal hearings. An informal hearing is a meeting with an employee or director of the district or local health department held in conformance with § [~~9-6-14:11~~ 2.2-4019] of the Code of Virginia.

2. Adjudicatory hearing. An adjudicatory hearing is a formal, public adjudicatory proceeding before the commissioner or a designated hearing officer held in conformance with § [~~9-6-14:12~~ 2.2-4020] of the Code of Virginia.

12 VAC 5-431-120 and 12 VAC 5-431-130. [No change from proposed.]

12 VAC 5-431-140. Appeals.

A. Any appeal from a denial of a permit to operate a hotel must be made in writing and received by the local health department within 30 days of the date the denial letter was received.

B. Any request for hearing on the denial of an application for a variance pursuant to 12 VAC 5-431-200 E 1 must be made in writing and received within 30 days of receipt of the denial notice.

C. Pursuant to the Administrative Process Act (§ [~~9-6-14:1~~ 2.2-4000] et seq. of the Code of Virginia), an aggrieved owner may appeal a final decision of the commissioner to the appropriate circuit court.

12 VAC 5-431-150. Grandfather clause.

Permits granted to hotels prior to [~~(insert effective date of these regulations)~~ March 1, 2002] shall remain valid until ownership changes or unless conditions at the hotel change in a manner that would adversely affect the public health, safety, welfare, or environment. Necessary alterations, modifications or repairs to a hotel shall not be grandfathered and shall comply with the version of the Virginia Uniform Statewide Building Codes in effect at the time the changes are made.

12 VAC 5-431-160 through 12 VAC 5-431-220. [No change from proposed.]

12 VAC 5-431-230. Permits issued under prior regulations.

Permits granted prior to [~~(insert effective date of these regulations)~~ March 1, 2002] shall not require a new permit so long as the ownership of the hotel has not changed and the permit holder otherwise complies with these regulations.

12 VAC 5-431-240 through 12 VAC 5-431-340. [No change from proposed.]

12 VAC 5-431-350. Bed spacing requirements.

A. Bed arrangements of lodging units shall provide not less than [~~30~~ 24] inches clear space between each bed, cot, or bunk.

B. No lodging unit shall contain more than two tiers of beds. When two tiers are used, there shall be at least:

- 1. Three feet of clear vertical space between tiers of beds and between the top tier and ceiling; and
- 2. Four feet of space between tiered beds.

C. There shall be sufficient space between the floor and the underside of the beds to facilitate easy cleaning. In lieu of such space, the bed shall have a continuous base or shall be on rollers.

12 VAC 5-431-360 through 12 VAC 5-431-430. [No change from proposed.]

12 VAC 5-431-440. Food services.

A. Eating and drinking establishments, commissaries, mobile units, and vending machines operated in conjunction with a hotel shall be operated in compliance with the [~~Rules and Regulations Governing Restaurants (12 VAC 5-420-10 et seq.)~~ Food Regulation (12 VAC 5-421)] .

B. When reusable glassware is provided by the hotel, it must be properly washed, rinsed, and sanitized. An approved three-compartment sink or a commercial dishwashing machine shall be provided in a kitchen or separate room for the purpose of performing this function. Sanitized glassware shall be stored in a clean site that is removed from sources of contamination. A single-service cover is to be placed on the opening of the glassware prior to its removal from the cleaning site. If this cover is removed by the guest, then the glassware is presumed to be soiled and shall be washed and sanitized.

C. Single-service articles shall be properly stored and protected from contamination. The reuse of these items is prohibited.

D. Ice buckets shall be constructed and repaired with safe materials and shall be corrosive resistant, nonabsorbent, nontoxic, smooth, easily cleanable and durable under conditions of normal use. Single-service ice buckets may be used if intended for one use only and if made from clean, sanitary safe materials.

E. When ice buckets are provided by hotels, they must be properly washed, rinsed and sanitized. An approved three-compartment sink or commercial dishwashing machine shall be provided in the kitchen or a separate room for the purpose of performing this function. A food grade liner may be used in lieu of a three-compartment sink to protect ice from contamination as long as the liner and ice bucket itself are clean and of approved construction. When ice buckets are provided, they must have either an approved lid or a food grade liner available to protect ice from contamination.

F. Bottled or packaged water shall be obtained from an approved source and shall be packaged, handled, sorted and dispensed in a way that protects it from contamination.

G. Any hotel that makes ice available in public areas, including but not limited to lobbies, hallways, and outdoor areas, shall restrict access to such ice in accordance with the following provisions:

- 1. Newly constructed facilities. After [~~(insert effective date of these regulations)~~ March 1, 2002], any newly constructed hotel that installs ice-making equipment, and any existing hotel that installs or replaces ice-making

equipment, shall install only automatic dispensing, sanitary ice-making and storage equipment in areas accessible to the public. Any such establishment may install open-type bin ice machines in areas not accessible to the public provided they meet the requirement of subdivision 2 of this subsection.

- 2. Existing facilities. After [~~(insert date two years after effective date of these regulations)~~ March 1, 2004], any existing hotel that has not converted to automatic dispensing, ice-making and storage shall no longer permit unrestricted public access to open-type ice bins and shall dispense ice to guests only by having employees give out prefilled, individual sanitary containers of ice or by making available prefilled, disposable, closed bags of ice.

H. EXEMPTION: Bed and breakfast facilities are exempt from [~~subsections A and subsection~~] B of this section. Bed and breakfast facilities shall comply with all [applicable] sections of the [~~Rules and Regulations Governing Restaurants (12 VAC 5-420-10 et seq.)~~ governing semi-public restaurants serving 12 or less recipients of service Food Regulations of the Board of Health (12 VAC 5-421)] .

12 VAC 5-431-450 through 12 VAC 5-431-480. [No change from proposed.]

VA.R. Doc. No. R94-256; Filed January 2, 2002, 2:07 p.m.

REGISTRAR'S NOTICE: Due to its length, 12 VAC 5-581 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 Health (see contact information below), and is accessible on the Virginia Register website at <http://legis.state.va.us/codecomm/register/vol18/welcome.htm>.

Title of Regulation: 12 VAC 5-581. Sewage Collection and Treatment (SCAT) Regulations (adding 12 VAC 5-581-10 through 12 VAC 5-581-1070).

Statutory Authority: §§ 32.1-164 and 62.1-44.19 of the Code of Virginia.

Effective Date: February 27, 2002.

Summary:

These regulations provide standards for the design, construction and operation of sewage collection systems and sewage treatment facilities. The amendments bring the regulations into line with current best practices to reduce the time required to license and build collection and treatment facilities and to provide flexibility for applicants who wish to use designs different from those specified in the previous regulations.

Implementation of the SCAT Regulations by the Virginia Department of Health (VDH) will provide owners, operators, consultants, contractors, and equipment suppliers with updated, uniform standards for design and installation of sewage collection, treatment, reuse and disposal of sewage for large and small communities.

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The SCAT Regulations include the following:

1. Update compliance and enforcement issues in accordance with the Administrative Process Act.
2. Establish new permit requirements and provide for waivers of formal permits for small sewage collection and treatment systems.
3. Establish procedures that are much more flexible than the procedures specified in the current Sewerage Regulations.
4. Make available a general permit for local approval of projects involving the expansion of sewage collection systems.
5. Allow the issuance of construction permits without formal technical evaluations of design documents, based upon submittals of signed statements by responsible design consultants that the designs meet the required standards.
6. Define "sludge management plans" and provide a link to the Biosolids Use Regulations (12 VAC 5-585), which have replaced several sections of the current Sewerage Regulations.
7. Update the procedures to be used to evaluate and approve new untried (nonconventional) treatment processes.
8. Address previous deficiencies in the current Sewerage Regulations, including specific information on assurance resources for performance guarantees and schedules for performance reliability testing.
9. Address a regulatory deficiency through procedures for issuance of permits for large-scale (5,000 gpd or more) subsurface sewage disposal systems that are not provided for in the Sewage Handling and Disposal Regulations (12 VAC 5-610).
10. Describe the jurisdictional relationships for approving building sewer service.
11. Provide for a more representative Regulation Advisory Committee than that specified in the current regulations.
12. Update testing and monitoring requirements in comparison to the outdated requirements in the current regulations.
13. Outline recommendations for operation of treatment works that were not included in the Sewerage Regulations.
14. Include current design standards for disinfection of treated sewage discharges including alternatives to chlorination that are not included in the current regulations.
15. Update the procedures and technical design standards for land treatment systems and other natural treatment processes.
16. Allow a more effective and earlier determination of site suitability than provided for in the Sewerage Regulations.
17. Provide design standards for constructed wetlands for natural treatment of sewage discharges.

18. Consolidate and update the advanced wastewater treatment (AWT) design and provide new design standards for the control of nutrients in sewage discharges.

The final SCAT Regulations include a timeline of 30 days to evaluate a complete submission of design documents and 15 days to notify the owner of the final decision based on that evaluation. The detailed content of sludge management plans and operational testing for treatment works were revised to remove any conflicts with existing regulations.

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

Agency Contact: Dr. Calmet M. Sawyer, Ph.D., P.E., Division Director, Division of Wastewater Engineering, Department of Health, 1500 East Main Street, Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail csawyer@vdh.state.va.us.

VA.R. Doc. No. R01-229; Filed January 9, 2002, 11:34 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved and (ii) § 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 Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **Homebound Criterion and Other Technical Changes.**

12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-160; adding 12 VAC 30-50-165).

12 VAC 30-60. Standards Established and Methods Used to Assure High Quality Care (amending 12 VAC 30-60-70; adding 12 VAC 30-60-75).

12 VAC 30-130. Methods and Standards for Establishing Payment Rates: Inpatient Hospital Care (amending 12 VAC 30-130-20).

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

Effective Date: February 27, 2002.

Summary:

The amendments (i) delete the requirement that recipients meet the homebound criterion in order to qualify for home-based health care services; (ii) change the requirement that a physician must review, sign, and date a recipient's plan of

care from every 62 days to every 60 days as specified in 42 CFR 440.70; (iii) move the Durable Medical Equipment (DME) language from the home health section of the Virginia Administrative Code (VAC) to a new section of the VAC without substantive change; and (v) place licensing authority with the legislatively established Board of Physical Therapy.

Agency Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7959.

12 VAC 30-50-160. Home health services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of a practitioner of the healing arts. Home health services shall be provided in accordance with guidelines found in the Virginia Medicaid Home Health Manual.

B. Nursing services provided by a home health agency.

1. Intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area.

2. Patients may receive up to 32 visits by a licensed nurse annually. Limits are per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services. Payment shall not be made for additional service unless authorized by DMAS.

C. Home health aide services provided by a home health agency.

1. Home health aides must function under the supervision of a registered nurse.

2. Home health aides must meet the certification requirements specified in 42 CFR 484.36.

3. For home health aide services, patients may receive up to 32 visits annually. Limits shall be per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient.

~~D. Durable medical equipment (DME) and supplies suitable for use in the home.~~

~~1. General requirements and conditions.~~

~~a. All medically necessary supplies and equipment shall be covered. Unusual amounts, types, and duration of usage must be authorized by DMAS in accordance with published policies and procedures. When determined to be cost effective by DMAS, payment may be made for rental of the equipment in lieu of purchase.~~

~~b. DME providers shall adhere to all applicable DMAS policies, laws, and regulations for durable medical equipment and supplies. DME providers shall also comply with all other applicable Virginia laws and regulations~~

~~requiring licensing, registration, or permitting. Failure to comply with such laws and regulations shall result in denial of coverage for durable medical equipment or supplies which are regulated by such licensing agency or agencies.~~

~~e. DME and supplies must be furnished pursuant to a Certificate of Medical Necessity (CMN) (DMAS-352).~~

~~d. A CMN shall contain a physician's diagnosis of a recipient's medical condition and an order for the durable medical equipment and supplies that are medically necessary to treat the diagnosed condition and the recipient's functional limitation. The order for DME or supplies must be justified in the written documentation either on the CMN or attached thereto. The CMN shall be valid for a maximum period of six months for Medicaid recipients 21 years of age and younger. The maximum valid time period for Medicaid recipients older than 21 years of age is 12 months. The validity of the CMN shall terminate when the recipient's medical need for the prescribed DME or supplies ends.~~

~~e. DME must be furnished exactly as ordered by the attending physician on the CMN. The CMN and any supporting verifiable documentation must be complete (signed and dated by the physician) and in the provider's possession within 60 days from the time the ordered DME and supplies are initially furnished by the DME provider. Each component of the DME must be specifically ordered on the CMN by the physician.~~

~~f. The CMN shall not be changed, altered, or amended after the attending physician has signed it. If changes are necessary, as indicated by the recipient's condition, in the ordered DME or supplies, the DME provider must obtain a new CMN. New CMNs must be signed and dated by the attending physician within 60 days from the time the ordered supplies are furnished by the DME provider.~~

~~g. DMAS shall have the authority to determine a different (from those specified above) length of time a CMN may be valid based on medical documentation submitted on the CMN. The CMN may be completed by the DME provider or other health care professionals, but it must be signed and dated by the attending physician. Supporting documentation may be attached to the CMN but the attending physician's entire order must be on the CMN.~~

~~h. The DME provider shall retain a copy of the CMN and all supporting verifiable documentation on file for DMAS' post payment audit review purposes. DME providers shall not create nor revise CMNs or supporting documentation for this service after the initiation of the post payment review audit process. Attending physicians shall not complete, nor sign and date, CMNs once the post payment audit review has begun.~~

~~2. Preauthorization is required for incontinence supplies provided in quantities greater than two cases per month.~~

~~3. Supplies, equipment, or appliances that are not covered include, but are not limited to, the following:~~

~~a. Space conditioning equipment, such as room humidifiers, air cleaners, and air conditioners;~~

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b. Durable medical equipment and supplies for any hospital or nursing facility resident, except ventilators and associated supplies or specialty beds for the treatment of wounds consistent with DME criteria for nursing facility residents that have been approved by DMAS central office;

c. Furniture or appliances not defined as medical equipment (such as blenders, bedside tables, mattresses other than for a hospital bed, pillows, blankets or other bedding, special reading lamps, chairs with special lift seats, hand-held shower devices, exercise bicycles, and bathroom scales);

d. Items that are only for the recipient's comfort and convenience or for the convenience of those caring for the recipient (e.g., a hospital bed or mattress because the recipient does not have a decent bed; wheelchair trays used as a desk surface); mobility items used in addition to primary assistive mobility aide for caregiver's or recipient's convenience (e.g., electric wheelchair plus a manual chair); cleansing wipes;

e. Prosthesis, except for artificial arms, legs, and their supportive devices which must be preauthorized by the DMAS central office (effective July 1, 1989);

f. Items and services which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (e.g., dentifrices; toilet articles; shampoos which do not require a physician's prescription; dental adhesives; electric toothbrushes; cosmetic items, soaps, and lotions which do not require a physician's prescription; sugar and salt substitutes; and support stockings);

g. Orthotics, including braces, splints, and supports;

h. Home or vehicle modifications;

i. Items not suitable for or not used primarily in the home setting (i.e., car seats, equipment to be used while at school, etc.); and

j. Equipment for which the primary function is vocationally or educationally related (i.e., computers, environmental control devices, speech devices, etc.).

4. For coverage of blood glucose meters for pregnant women, refer to 12 VAC 30-50-510.

5. Coverage of home infusion therapy. Home infusion therapy shall be defined as the intravenous administration of fluids, drugs, chemical agents, or nutritional substances to recipients in the home setting. DMAS shall reimburse for these services, supplies, and drugs on a service day rate methodology established in 12 VAC 30-80-30. The therapies to be covered under this policy shall be: hydration therapy, chemotherapy, pain management therapy, drug therapy, and total parenteral nutrition (TPN). All the therapies which meet criteria will be covered for three months. If any therapy service is required for longer than the original three months, prior authorization shall be required for the DME component for its continuation. The established service day rate shall reimburse for all services

delivered in a single day. There shall be no additional reimbursement for special or extraordinary services. In the event of incompatible drug administration, a separate HCPCS code shall be used to allow for rental of a second infusion pump and purchase of an extra administration tubing. When applicable, this code may be billed in addition to the other service day rate codes. There must be documentation to support the use of this code on the I.V. Implementation Form. Proper documentation shall include the need for pump administration of the medications ordered, frequency of administration to support that they are ordered simultaneously, and indication of incompatibility. The service day rate payment methodology shall be mandatory for reimbursement of all I.V. therapy services except for the recipient who is enrolled in the Technology Assisted waiver program. The following limitations shall apply to this service:

a. This service must be medically necessary to treat a recipient's medical condition. The service must be ordered and provided in accordance with accepted medical practice. The service must not be desired solely for the convenience of the recipient or the recipient's caregiver.

b. In order for Medicaid to reimburse for this service, the recipient must:

(1) Reside in either a private home or a domiciliary care facility, such as an adult care residence. Because the reimbursement for DME is already provided under institutional reimbursement, recipients in hospitals, nursing facilities, rehabilitation centers, and other institutional settings shall not be covered for this service.

(2) Be under the care of a physician who prescribes the home infusion therapy and monitors the progress of the therapy.

(3) Have body sites available for peripheral intravenous catheter or needle placement or have a central venous access; and

(4) Be capable of either self-administering such therapy or have a caregiver who can be adequately trained, is capable of administering the therapy, and is willing to safely and efficiently administer and monitor the home infusion therapy. The caregiver must be willing to and be capable of following appropriate teaching and adequate monitoring. In those cases where the recipient is incapable of administering or monitoring the prescribed therapy and there is no adequate or trained caregiver, it may be appropriate for a home health agency to administer the therapy.

6. The medical equipment and supply vendor must provide the equipment and supplies as prescribed by the physician on the certificate of medical necessity. Orders shall not be changed unless the vendor obtains a new certificate of medical necessity prior to ordering or providing the equipment or supplies to the patient.

7. Medicaid shall not provide reimbursement to the medical equipment and supply vendor for services provided prior to

~~the date prescribed by the physician or prior to the date of the delivery or when services are not provided in accordance with published policies and procedures. If reimbursement is denied for one of these reasons, the medical equipment and supply vendor may not bill the Medicaid recipient for the service that was provided.~~

~~8. The following criteria must be satisfied through the submission of adequate and verifiable documentation satisfactory to the department. Medically necessary DME and supplies shall be:~~

- ~~a. Ordered by the physician on the CMN;~~
- ~~b. A reasonable and necessary part of the recipient's treatment plan;~~
- ~~c. Consistent with the recipient's diagnosis and medical condition, particularly the functional limitations and symptoms exhibited by the recipient;~~
- ~~d. Not furnished solely for the convenience, safety, or restraint of the recipient, the family, attending physician, or other practitioner or supplier;~~
- ~~e. Consistent with generally accepted professional medical standards (i.e., not experimental or investigational); and~~
- ~~f. Furnished at a safe, effective, and cost-effective level suitable for use in the recipient's home environment.~~

~~9. Coverage of enteral nutrition (EN) which does not include a legend drug shall be limited to when the nutritional supplement is the sole source form of nutrition, is administered orally or through a nasogastric or gastrostomy tube, and is necessary to treat a medical condition. Coverage of EN shall not include the provision of routine infant formula. A nutritional assessment shall be required for all recipients receiving nutritional supplements.~~

~~E. D. Physical therapy, occupational therapy, or speech pathology services and audiology services provided by a home health agency or medical rehabilitation facility.~~

- ~~1. Service covered only as part of a physician's plan of care.~~
- ~~2. Patients may receive up to 24 visits for each rehabilitative therapy service ordered annually without authorization. Limits shall apply per recipient regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services.~~

~~F. E. The following services are not covered under the home health services program:~~

- ~~1. Medical social services;~~
- ~~2. Services or items which would not be paid for if provided to an inpatient of a hospital, such as private-duty nursing services, or items of comfort which have no medical necessity, such as television;~~
- ~~3. Community food service delivery arrangements;~~

4. Domestic or housekeeping services which are unrelated to patient care and which materially increase the time spent on a visit;

5. Custodial care which is patient care that primarily requires protective services rather than definitive medical and skilled nursing care; and

6. Services related to cosmetic surgery.

12 VAC 30-50-165. Durable medical equipment (DME) and supplies suitable for use in the home.

A. General requirements and conditions.

1. All medically necessary supplies and equipment shall be covered. Unusual amounts, types, and duration of usage must be authorized by DMAS in accordance with published policies and procedures. When determined to be cost effective by DMAS, payment may be made for rental of the equipment in lieu of purchase.

2. DME providers shall adhere to all applicable DMAS policies, laws, and regulations for durable medical equipment and supplies. DME providers shall also comply with all other applicable Virginia laws and regulations requiring licensing, registration, or permitting. Failure to comply with such laws and regulations shall result in denial of coverage for durable medical equipment or supplies that are regulated by such licensing agency or agencies.

3. DME and supplies must be furnished pursuant to a Certificate of Medical Necessity (CMN) (DMAS-352).

4. A CMN shall contain a physician's diagnosis of a recipient's medical condition and an order for the durable medical equipment and supplies that are medically necessary to treat the diagnosed condition and the recipient's functional limitation. The order for DME or supplies must be justified in the written documentation either on the CMN or attached thereto. The CMN shall be valid for a maximum period of six months for Medicaid recipients 21 years of age and younger. The maximum valid time period for Medicaid recipients older than 21 years of age is 12 months. The validity of the CMN shall terminate when the recipient's medical need for the prescribed DME or supplies ends.

5. DME must be furnished exactly as ordered by the attending physician on the CMN. The CMN and any supporting verifiable documentation must be complete (signed and dated by the physician) and in the provider's possession within 60 days from the time the ordered DME and supplies are initially furnished by the DME provider. Each component of the DME must be specifically ordered on the CMN by the physician.

6. The CMN shall not be changed, altered, or amended after the attending physician has signed it. If changes are necessary, as indicated by the recipient's condition, in the ordered DME or supplies, the DME provider must obtain a new CMN. New CMNs must be signed and dated by the attending physician within 60 days from the time the ordered supplies are furnished by the DME provider.

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7. DMAS shall have the authority to determine a different (from those specified above) length of time a CMN may be valid based on medical documentation submitted on the CMN. The CMN may be completed by the DME provider or other health care professionals, but it must be signed and dated by the attending physician. Supporting documentation may be attached to the CMN but the attending physician's entire order must be on the CMN.

8. The DME provider shall retain a copy of the CMN and all supporting verifiable documentation on file for DMAS' post payment audit review purposes. DME providers shall not create or revise CMNs or supporting documentation for this service after the initiation of the post payment review audit process. Attending physicians shall not complete, or sign and date, CMNs once the post payment audit review has begun.

B. Preauthorization is required for incontinence supplies provided in quantities greater than two cases per month.

C. Supplies, equipment, or appliances that are not covered include, but are not limited to, the following:

1. Space conditioning equipment, such as room humidifiers, air cleaners, and air conditioners;

2. Durable medical equipment and supplies for any hospital or nursing facility resident, except ventilators and associated supplies or specialty beds for the treatment of wounds consistent with DME criteria for nursing facility residents that have been approved by DMAS central office;

3. Furniture or appliances not defined as medical equipment (such as blenders, bedside tables, mattresses other than for a hospital bed, pillows, blankets or other bedding, special reading lamps, chairs with special lift seats, hand-held shower devices, exercise bicycles, and bathroom scales);

4. Items that are only for the recipient's comfort and convenience or for the convenience of those caring for the recipient (e.g., a hospital bed or mattress because the recipient does not have a decent bed; wheelchair trays used as a desk surface); mobility items used in addition to primary assistive mobility aide for caregiver's or recipient's convenience (e.g., electric wheelchair plus a manual chair); cleansing wipes;

5. Prosthesis, except for artificial arms, legs, and their supportive devices, which must be preauthorized by the DMAS central office (effective July 1, 1989);

6. Items and services that are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (e.g., dentifrices; toilet articles; shampoos that do not require a physician's prescription; dental adhesives; electric toothbrushes; cosmetic items, soaps, and lotions that do not require a physician's prescription; sugar and salt substitutes; and support stockings);

7. Orthotics, including braces, splints, and supports;

8. Home or vehicle modifications;

9. Items not suitable for or not used primarily in the home setting (i.e., car seats, equipment to be used while at school, etc.); and

10. Equipment for which the primary function is vocationally or educationally related (i.e., computers, environmental control devices, speech devices, etc.).

D. For coverage of blood glucose meters for pregnant women, refer to 12 VAC 30-50-510.

E. Coverage of home infusion therapy. Home infusion therapy shall be defined as the intravenous administration of fluids, drugs, chemical agents, or nutritional substances to recipients in the home setting. DMAS shall reimburse for these services, supplies, and drugs on a service day rate methodology established in 12 VAC 30-80-30. The therapies to be covered under this policy shall be: hydration therapy, chemotherapy, pain management therapy, drug therapy, and total parenteral nutrition (TPN). All the therapies that meet criteria will be covered for three months. If any therapy service is required for longer than the original three months, prior authorization shall be required for the DME component for its continuation. The established service day rate shall reimburse for all services delivered in a single day. There shall be no additional reimbursement for special or extraordinary services. In the event of incompatible drug administration, a separate HCPCS code shall be used to allow for rental of a second infusion pump and purchase of an extra administration tubing. When applicable, this code may be billed in addition to the other service day rate codes. There must be documentation to support the use of this code on the I.V. Implementation Form. Proper documentation shall include the need for pump administration of the medications ordered, frequency of administration to support that they are ordered simultaneously, and indication of incompatibility. The service day rate payment methodology shall be mandatory for reimbursement of all I.V. therapy services except for the recipient who is enrolled in the Technology Assisted waiver program. The following limitations shall apply to this service:

1. This service must be medically necessary to treat a recipient's medical condition. The service must be ordered and provided in accordance with accepted medical practice. The service must not be desired solely for the convenience of the recipient or the recipient's caregiver.

2. In order for Medicaid to reimburse for this service, the recipient must:

a. Reside in either a private home or a domiciliary care facility, such as an adult care residence. Because the reimbursement for DME is already provided under institutional reimbursement, recipients in hospitals, nursing facilities, rehabilitation centers, and other institutional settings shall not be covered for this service.

b. Be under the care of a physician who prescribes the home infusion therapy and monitors the progress of the therapy.

c. Have body sites available for peripheral intravenous catheter or needle placement or have a central venous access; and

d. Be capable of either self-administering such therapy or have a caregiver who can be adequately trained, is capable of administering the therapy, and is willing to safely and efficiently administer and monitor the home infusion therapy. The caregiver must be willing to and be capable of following appropriate teaching and adequate monitoring. In those cases where the recipient is incapable of administering or monitoring the prescribed therapy and there is no adequate or trained caregiver, it may be appropriate for a home health agency to administer the therapy.

F. The medical equipment and supply vendor must provide the equipment and supplies as prescribed by the physician on the certificate of medical necessity. Orders shall not be changed unless the vendor obtains a new certificate of medical necessity prior to ordering or providing the equipment or supplies to the patient.

G. Medicaid shall not provide reimbursement to the medical equipment and supply vendor for services provided prior to the date prescribed by the physician or prior to the date of the delivery or when services are not provided in accordance with published policies and procedures. If reimbursement is denied for one of these reasons, the medical equipment and supply vendor may not bill the Medicaid recipient for the service that was provided.

H. The following criteria must be satisfied through the submission of adequate and verifiable documentation satisfactory to the department. Medically necessary DME and supplies shall be:

1. Ordered by the physician on the CMN;
2. A reasonable and necessary part of the recipient's treatment plan;
3. Consistent with the recipient's diagnosis and medical condition, particularly the functional limitations and symptoms exhibited by the recipient;
4. Not furnished solely for the convenience, safety, or restraint of the recipient, the family, attending physician, or other practitioner or supplier;
5. Consistent with generally accepted professional medical standards (i.e., not experimental or investigational); and
6. Furnished at a safe, effective, and cost-effective level suitable for use in the recipient's home environment.

I. Coverage of enteral nutrition (EN) which does not include a legend drug shall be limited to when the nutritional supplement is the sole source form of nutrition, is administered orally or through a nasogastric or gastrostomy tube, and is necessary to treat a medical condition. Coverage of EN shall not include the provision of routine infant formula. A nutritional assessment shall be required for all recipients receiving nutritional supplements.

12 VAC 30-60-70. Utilization control: Home health services.

A. Home health services which meet the standards prescribed for participation under Title XVIII, excluding any homebound standard, will be supplied.

B. Home health services shall be provided by a licensed home health agency on a part-time or intermittent basis to a homebound recipient in his place of residence. The place of residence shall not include a hospital or nursing facility. Home health services must be prescribed by a physician and be part of a written plan of care utilizing the Home Health Certification and Plan of Treatment forms which the physician shall review, sign, and date at least every 62 60 days. For receipt of durable medical equipment and supplies (DME) only services, refer to subsection I of this section.

C. Except in limited circumstances described in subdivision 4 below, to be eligible for home health services, the patient must be essentially homebound. The patient does not have to be bedridden. Essentially homebound shall mean:

1. The patient is unable to leave home without the assistance of others who are required to provide medically necessary health care interventions or the use of special medical equipment;
2. The patient has a mental or emotional problem which is manifested in part by refusal to leave the home environment or is of such a nature that it would not be considered safe for him to leave home unattended;
3. The patient is ordered by the physician to restrict activity due to a weakened condition following surgery or heart disease of such severity that stress and physical activity must be avoided; or
4. The patient has an active communicable disease and the physician quarantines the patient.

D. Under the following conditions, Medicaid will reimburse for home health services when a patient is not essentially homebound. When home health services are provided because of one of the following reasons, an explanation must be included on the Home Health Certification and Plan of Treatment forms:

1. When the combined cost of transportation and medical treatment exceeds the cost of a home health services visit;
2. When the patient cannot be depended upon to go to a physician or clinic for required treatment, and, as a result, the patient would in all probability have to be admitted to a hospital or nursing facility because of complications arising from the lack of treatment;
3. When the visits are for a type of instruction to the patient which can better be accomplished in the home setting; or
4. When the duration of the treatment is such that rendering it outside the home is not practical.

E. C. Covered services. Any one of the following services may be offered as the sole home health service and shall not be contingent upon the provision of another service.

1. Nursing services,
2. Home health aide services,
3. Physical therapy services,
4. Occupational therapy services, or

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5. Speech-language pathology services, ~~or~~
6. ~~Medical supplies, equipment, and appliances suitable for use in the home.~~
- F. *D.* General conditions. The following general conditions apply to skilled nursing, home health aide, physical therapy, occupational therapy, and speech-language pathology services provided by home health agencies.

1. The patient must be under the care of a physician who is legally authorized to practice and who is acting within the scope of his license. The physician may be the patient's private physician or a physician on the staff of the home health agency or a physician working under an arrangement with the institution which is the patient's residence or, if the agency is hospital-based, a physician on the hospital or agency staff.

2. Services shall be furnished under a written plan of care and must be established and periodically reviewed by a physician. The requested services or items must be necessary to carry out the plan of care and must be related to the patient's condition. ~~The written plan of care shall appear on the Home Health Certification and Plan of Treatment forms.~~ The initial plan of care must be reviewed, signed, and dated by the attending physician, or physician designee, no later than 21 days after the implementation of the plan of care.

3. A physician recertification shall be required at intervals of at least once every ~~62~~ 60 days, must be signed and dated by the physician who reviews the plan of care, and should be obtained when the plan of care is reviewed. The physician recertification statement must indicate the continuing need for services and should estimate how long home health services will be needed. ~~Recertifications must appear on the Home Health Certification and Plan of Treatment forms.~~

4. The physician-orders for therapy services shall include the specific procedures and modalities to be used, identify the specific discipline to carry out the plan of care, and indicate the frequency and duration for services.

5. ~~The DMAS 352 Certificate of Medical Necessity (CMN) for durable medical equipment and supplies shall include the specific item ordered and each component must be individually identified. The CMN shall include a narrative clinical diagnosis which relates the diagnosis and equipment ordered to the recipient's specific need, the frequency of use, the number of supplies needed monthly, and an estimate of how long the recipient will require the use of the equipment or supplies. All durable medical equipment and supplies ordered must be directly related to the recipient's condition and medical treatment/need.~~

6. 5. A written physician's statement located in the medical record must certify that:

~~a. The home health services are required because the individual is confined to his home (except when receiving outpatient services);~~

~~b. a. The patient needs licensed nursing care, home health aide services, physical or occupational therapy, or~~

~~speech-language pathology services, or durable medical equipment and/or supplies;~~

~~e. b. A plan for furnishing such services to the individual has been established and is periodically reviewed by a physician; and~~

~~d. c. These services were furnished while the individual was under the care of a physician.~~

7. 6. The plan of care shall contain at least the following information:

a. Diagnosis and prognosis,

b. Functional limitations,

c. Orders for nursing or other therapeutic services,

~~d. Orders for medical supplies and equipment, when applicable;~~

~~e. d. Orders for home health aide services, when applicable,~~

~~f. e. Orders for medications and treatments, when applicable,~~

~~g. f. Orders for special dietary or nutritional needs, when applicable, and~~

~~h. g. Orders for medical tests, when applicable, including laboratory tests and x-rays.~~

G. *E.* Utilization review shall be performed by DMAS to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate. Such post payment review audits may be unannounced. Services not specifically documented in patients' medical records as having been rendered shall be deemed not to have been rendered and no reimbursement shall be provided.

H. *F.* All services furnished by a home health agency, whether provided directly by the agency or under arrangements with others, must be performed by appropriately qualified personnel. The following criteria shall apply to the provision of home health services:

1. Nursing services. Nursing services must be provided by a registered nurse or by a licensed practical nurse under the supervision of a graduate of an approved school of professional nursing and who is licensed as a registered nurse.

2. Home health aide services. Home health aides must meet the qualifications specified for home health aides by 42 CFR 484.36. Home health aide services may include assisting with personal hygiene, meal preparation and feeding, walking, and taking and recording blood pressure, pulse, and respiration. Home health aide services must be provided under the general supervision of a registered nurse. A recipient may not receive duplicative home health aide and personal care aide services.

3. Rehabilitation services. Services shall be specific and provide effective treatment for patients' conditions in accordance with accepted standards of medical practice.

The amount, frequency, and duration of the services shall be reasonable. Rehabilitative services shall be provided with the expectation, based on the assessment made by physicians of patients' rehabilitation potential, that the condition of patients will improve significantly in a reasonable and generally predictable period of time, or shall be necessary to the establishment of a safe and effective maintenance program required in connection with the specific diagnosis.

a. Physical therapy services shall be directly and specifically related to an active written ~~care~~ *plan of care* designed *and personally signed and dated* by a physician after any needed consultation with a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*, or a physical therapy assistant who is licensed by the Board of ~~Medicine~~ *Physical Therapy* and is under the direct supervision of a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*. When physical therapy services are provided by a qualified physical therapy assistant, such services shall be provided under the supervision of a qualified physical therapist who makes an onsite supervisory visit at least once every 30 days. This *supervisory* visit shall not be reimbursable.

b. Occupational therapy services shall be directly and specifically related to an active written ~~care~~ *plan of care* designed by a physician after any needed consultation with an occupational therapist registered and certified by the American Occupational Therapy Certification Board. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by an occupational therapist registered and certified by the American Occupational Therapy Certification Board, or an occupational therapy assistant who is certified by the American Occupational Therapy Certification Board under the direct supervision of an occupational therapist as defined above. When occupational therapy services are provided by a qualified occupational therapy assistant, such services shall be provided under the supervision of a qualified occupational therapist who makes an onsite supervisory visit at least once every 30 days. This *supervisory* visit shall not be reimbursable.

c. Speech-language pathology services shall be directly and specifically related to an active written ~~care~~ *plan of care* designed *and personally signed and dated* by a physician after any needed consultation with a speech-language pathologist licensed by the Board of Audiology and Speech-Language Pathology. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a speech-language pathologist licensed by the Board of Audiology and Speech-Language Pathology.

4. A visit shall be defined as the duration of time that a nurse, home health aide, or rehabilitation therapist is with a client to provide services prescribed by a physician and that are covered home health services. Visits shall not be defined in measurements or increments of time.

~~1. Durable medical equipment (DME) and supplies.~~

~~1. DME providers shall retain copies of the CMN and all applicable supporting documentation on file for post payment audit reviews. Durable medical equipment and supplies that are not ordered on the CMN for which reimbursement has been made by Medicaid will be retracted. Supporting documentation is allowed to justify the medical need for durable medical equipment and supplies. Supporting documentation does not replace the requirement for a properly completed CMN. The dates of the supporting documentation must coincide with the dates of service on the CMN and the medical practitioner providing the supporting documentation must be identified by name and title. DME providers shall not create or revise CMNs or supporting documentation for durable medical equipment and supplies provided after the post payment audit review has been initiated.~~

~~2. Persons needing only DME/supplies may obtain such services directly from the DME provider without having to consult or obtain services from a home health service or home health provider. DME/supplies must be ordered by the physician, be related to the medical treatment of the patient, and the complete order must be on the CMN for persons receiving DME/supplies. Supplies used for treatment during the visit are included in the visit rate of the home health provider. Treatment supplies left in the home to maintain treatment after the visits shall be charged separately.~~

12 VAC 30-60-75. Durable medical equipment (DME) and supplies.

A. DME providers shall retain copies of the CMN and all applicable supporting documentation on file for post payment audit reviews. Durable medical equipment and supplies that are not ordered on the CMN for which reimbursement has been made by Medicaid will be retracted. Supporting documentation is allowed to justify the medical need for durable medical equipment and supplies. Supporting documentation does not replace the requirement for a properly completed CMN. The dates of the supporting documentation must coincide with the dates of service on the CMN and the medical practitioner providing the supporting documentation must be identified by name and title. DME providers shall not create or revise CMNs or supporting documentation for durable medical equipment and supplies provided after the post payment audit review has been initiated.

B. Persons needing only DME/supplies may obtain such services directly from the DME provider without having to consult or obtain services from a home health service or home health provider. DME/supplies must be ordered by the physician, be related to the medical treatment of the patient, and the complete order must be on the CMN for persons receiving DME/supplies. Supplies used for treatment during the visit are included in the visit rate of the home health

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provider. Treatment supplies left in the home to maintain treatment after the visits shall be charged separately.

12 VAC 30-130-20. Physical therapy.

A. Services for individuals requiring physical therapy are provided only as an element of hospital outpatient service, nursing facility service, home health service, rehabilitation agency service; by a school division employing qualified physical therapists; or when otherwise included as an authorized service by a cost provider who provides rehabilitation services.

B. Effective July 1, 1988, the Program will not provide direct reimbursement to enrolled providers for physical therapy service rendered to patients residing in long-term care facilities. Reimbursement for these services is and continues to be included as a component of the nursing facilities' operating cost.

C. Physical therapy services meeting all of the following conditions shall be furnished to patients:

1. The services shall be directly and specifically related to an active written treatment plan designed and personally signed and dated (as in 12 VAC 30-130-10 B) by a physician after any needed consultation with a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*; and

2. The services shall be of a level of complexity and sophistication, or the condition of the patient shall be of a nature that the services can only be performed by a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*, or a physical therapy assistant who is licensed by the Board of ~~Medicine~~ *Physical Therapy* and is under the direct supervision of a physical therapist licensed by the Board of ~~Medicine~~ *Physical Therapy*. When physical therapy services are provided by a qualified physical therapy assistant, such services shall be provided under the supervision of a qualified physical therapist who makes an onsite supervisory visit at least once every 30 days. This supervisory visit shall not be reimbursable.

VA.R. Doc. No. R02-113; Filed January 9, 2002, 11:43 a.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

Title of Regulation: 13 VAC 10-180-10 et seq. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-50, 13 VAC 10-180-60, and 13 VAC 10-180-100).

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

Effective Date: January 9, 2002.

Summary:

The amendments (i) provide a definition for a Revitalization Area; (ii) require all applicants to provide relocation assistance to displaced households; (iii) insert defined Revitalization Area into Housing Needs point category; (iv) move points for leasing preference to families with children to the Tenant Population scoring category; (v) revise the method for providing points for local financial support; (vi) delete census tract calculation points from the Development Characteristics scoring category; (vii) provide points on a sliding scale for units that have the minimum number of bathrooms; (viii) revise definition of elderly households to 55 and over housing as defined in the Fair Housing Act, which will permit up to 20% nonelderly units in a development; (ix) provide points for leasing preference to families with children with a sliding point scale for producing 3-bedroom units; (x) provide points for relocation assistance on a sliding scale based on the number of occupied units and the number of units in the proposed development; (xi) delete points for using a nonprofit managing general partner; (xii) provide negative points for exceeding the per unit credit amount parameters under the Efficient Use of Resources scoring category; (xiii) permit bonus points for developments serving lower income households that receive rental assistance exceeding the rent levels that would be applicable to such income levels; (xiv) adjust the threshold score to reflect changes to the scoring categories; (xv) establish a minimum credit amount needed for partially funded developments to 70% of feasible credit amount and permit the reservation of additional credits from the at-large pool to partially funded developments from the geographic pools, without requiring such developments to credit move to the at-large pool; (xvi) revise the paragraph regarding the cap on credits to any one applicant and related applicants by providing a definition of related parties; (xvii) require tax-exempt bond-financed developments to submit an application and provide a market study prior to the issuance of bonds; and (xviii) make other miscellaneous administrative clarification changes.

Agency Contact: J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701 or e-mail judson.mckellar@vhda.com.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:2 VA.R. 172-184 October 8, 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.

13 VAC 10-180-10. Definitions.

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

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

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

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

"IRS" means the Internal Revenue Service.

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

"Low-income jurisdiction" means any city or county in the Commonwealth with an area median income at or below the statewide area median income established by the U.S. Department of Housing and Urban Development.

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

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

"Revitalization Area" means [(i)] any area designated by a municipality for implementation of either a "redevelopment plan" meeting the requirements of § 36-51 of the Code of Virginia or a "conservation plan" meeting the requirements of § 36-51.1 of the Code of Virginia [or (ii) any area documented by local government officials as a revitalization area] .

13 VAC 10-180-50. [No change from proposed.]

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

The executive director may divide the amount of credits into separate pools. The division of such pools may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

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

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and

2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of this section, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

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

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") of credits as he may deem appropriate to satisfy the foregoing requirement. If any such nonprofit pools are so established, the executive director may rank the applications therein and reserve credits to such

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applications before ranking applications and reserving credits in other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other pool or pools as the executive director shall designate reservations therefor in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess qualified applications") or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits.

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

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

1. Readiness.

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

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

c. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (20 points)

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

2. Housing needs characteristics.

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

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

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points; or 60 points if the proposed development is a rehabilitation of existing apartments that did not receive points in subdivision 2(a) above)

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

- (3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)
- c. Documentation from the local authorities that the proposed development is located in [~~(i)~~] a ~~locally identified~~ Revitalization Area, or determination by the authority that the proposed development is located in a Difficult Development Area as defined by HUD or in an Enterprise Zone [*or Housing Revitalization Zone*] designated by the state (20 points) [~~or (ii) if the proposed development is in~~] a qualified census tract ~~and the development of which contributes to a concerted community revitalization plan within either a Revitalization Area [*or* ,] Enterprise Zone [*or Housing Revitalization Zone*].~~ (25 points)
- d. Commitment by the applicant to give leasing preference to individuals and families (i) ~~with children~~, (ii) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant; or (iii) (i) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points each for (i), and either (i) or (ii) ~~or (iii)~~ above). Points under (i) above are available only to developments that will have at least 20% of its units with three or more bedrooms and no more than 20% of its units with one bedroom or less.)
- e. Any of the following: (i) firm financing commitment(s) from the local government, *local* housing authority, Federal Home Loan Bank affordable housing funds, or the Rural Development of the U.S. Department of Agriculture ~~or~~, (ii) a resolution passed by the locality in which the proposed development is to be located committing a ~~grant or below market rate loan or a waiver of taxes and fees, donation of land or other similar financial~~ support to the development *in a form approved by the authority* or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development unless permitted by the executive director for good cause. (The amount of such financing or value of local support will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)
- f. Any development subject to HUD's section 8 or section 236 programs at the time of application. (20 points)
3. Development characteristics.
- a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest gross square footage per unit for a given unit type established by the executive director. If the average actual gross square footage per unit for a given unit type is less than the lowest gross square footage per unit for a given unit type established by the executive director or greater than the highest gross square footage per unit for a given unit type established by the executive director, the lowest or highest, as the case may be, gross square footage per unit for a given unit type established by the executive director shall be used in the above calculation rather than the actual gross square footage per unit for a given unit type.)
- ~~b. Rehabilitation of existing housing stock and adaptive reuse developments (points equal to (percentage of households at or below 60% of the Area Median Income (AMI) in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100) minus 10). Increase of housing stock attributable to new construction (points equal to 90 minus (percentage of households at or below 60% of the AMI in the proposed development's census tract (not less than 10% and not to exceed 90%) times 100)). Developments involving both rehabilitation and new construction will be scored on a weighted average of the point calculations above. Proposed new construction developments to be located in the jurisdictions included in the rural pool established by the executive director will receive an additional 20 points; however, no applicant will receive more than 80 points under this subdivision. Notwithstanding the above, the applicant shall receive the maximum 80 points in this subdivision if the applicant provides a letter signed by the chief executive officer of the locality in which the proposed development is located requesting the authority to override the point calculations and provide the maximum points under this subdivision.~~
- ~~e. b. Lower amount of credit request. (Fifty points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000. Developments financed with tax-exempt bonds will receive an automatic 25 points under this scoring category.)~~

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

(1) The following points are available for any application:

(a) If all 2-bedroom units have 1.5 bathrooms and all 3-bedroom units have 2 bathrooms. (15 points multiplied by the percentage of units meeting these requirements)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points, no points if points awarded in subdivision 1 (b) above)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point, no points if points awarded in subdivision 1 (b) above)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for metal or vinyl windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

(m) If all exterior doors exposed to weather are metal. (1 point)

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

(o) Durable siding other than brick that complies with ASTM 1186 standard specifications and is warranted to last for 50 or more years. (5 points)

(p) If the development has a minimum STC (sound transmission class) rating of 52 for the floor construction between units. (3 points)

(q) All kitchen cabinets comply with authority minimum guidelines. (1 point)

(r) All closet doors are side hinged (no bi-fold or sliding doors). (1 point)

(s) All exterior wood, including trim, fascia and rake boards are clad in aluminum. (1 point)

(2) The following points are available to applications electing to serve elderly and/or physically disabled tenants as elected in subdivision 4 a of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

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

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

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

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

(g) If all entrance doors to each unit have two eye viewers, one at 48 inches and the other at standard height. (1 point)

(3) The following points are available to proposed developments which rehabilitate or adaptively reuse an existing structure:

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

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (3 points)

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

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

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

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (3 points)

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

(h) If replacing the roof, removing the old roof and felt. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 d of this section is 50 points.

e. Any proposed 50 unit or less development that meets at least three of the following criteria: (i) sets maximum rents on all units at or below 25% of the gross income of households at or below 50% of the area median income (without vouchers or rental assistance); (ii) restricts at least 20% of the units for occupancy by households with incomes at or below 40% of the area median income; (iii) requires at least 60% of the developer's fee to pay development costs; and (iv) has below market rate financial assistance from local, state or federal government. (20 points)

4. Tenant population characteristics.

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

b. Commitment by the applicant to ~~creating a development in which 20% or more of the low-income units have three or more bedrooms give [a] leasing preference to individuals and families with children in developments that will have no more than 20% of its units with one bedroom or less.~~ Applicants receiving points under this subdivision b may not receive points under subdivision a above. [~~(30 points)~~ (15 points; plus 0.75 points for each percent of the low-income units in the development with three or more bedrooms up to an additional 15 points for a total of no more than 30 points under this subdivision b)]

[c. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points times the number of certified occupied units divided by the greater of (i) the number of certified occupied units or (ii) the number of units of the proposed development)]

5. Sponsor characteristics. a. Evidence that the development team for the proposed development has the demonstrated experience, qualifications and ability to perform. (10 points)

~~b. Participation by a qualified nonprofit organization (or by a wholly owned subsidiary of such organization) authorized to do business in Virginia and substantially based or active in the community of the development that acts as a managing general partner under the partnership agreement. (20 points) No staff member, officer or member of the board of directors of such qualified nonprofit organization may materially participate, directly or indirectly, in the proposed development through a for-profit entity.~~

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (~~# 180 points multiplied by the percentage by which the total amount of the per unit credit amount of the proposed development equals or exceeds is less than the applicable standard per unit credit amount established by the executive director, the proposed development is assigned no points; if [including] negative points [will be assessed] using the percentage [in by] which the total amount of the per unit credit amount of the proposed development is less than exceeds the applicable standard per unit credit amount established by the executive director, the difference is calculated as a percentage of such standard per unit credit amount established by the executive director, and then multiplied by 180 points.~~)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (~~# 75 points multiplied by the percentage by which the total amount of the per unit cost of the proposed development equals or exceeds is less than the applicable standard per unit cost amount established by the executive director [;] the proposed development is assigned no points; if [including negative points using the percentage in which the total amount of the per unit cost of the proposed development] is less than [exceeds the applicable standard per unit cost amount established by the executive] director, the difference is calculated as a percentage of such standard per unit cost amount established by the executive director, and then multiplied by 75 points.~~)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivisions 3c and 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

7. Bonus points.

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required

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by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of housing units in the proposed development both rent restricted to and occupied by households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points (50 points for proposed developments in low-income jurisdictions) multiplied by (ii) the percentage of housing units in the proposed development rent restricted to households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to the rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision c may not receive bonus points under subdivision d below. (40 points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a local housing authority or qualified nonprofit organization (substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership) and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such local housing authority or qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any refinancings of the development. Applicants receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points or, if the applicant receives 20 points under subdivision 5 (b) of this section, 50 points; plus 5 points if the local housing authority or qualified nonprofit organization submits a homeownership plan satisfactory to the authority in which the local housing authority or qualified nonprofit

organization commits to sell the units in the development to tenants whose incomes shall not exceed the applicable income limit at the time of their initial occupancy of such units.)

In calculating the points for subdivisions 7(a) and (b) above, ~~(i) any unit with rental assistance that exceeds the rent limit for 50% or 40% of the area median gross income, whichever is applicable, will not be counted as a low-income unit with incomes below those required by the IRC in order for the development to be a qualified low-income development for bonus point purposes when calculating the percentage of such low-income units in the proposed development and (ii) any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that the locality submits evidence satisfactory to the authority of such requirement.~~

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application that is assigned a total number of points less than a threshold amount of ~~550~~ (475 450 (375 points for developments financed with tax-exempt bonds) points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

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

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

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the highest combination of points from subdivision 2(c)(ii) and subdivision 7 above, and each application so selected shall receive (in order based upon the number of such points, beginning with the application with the highest number of such points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of points from subdivision 2(c)(ii) and subdivision 7 above and if the amount of credits available for

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

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

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may

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

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, provided that the *available credits represent at least 70% of the feasible credit amount established by the executive director and the applicant's modified development produces, as modified, will produce at least 75% of the units and bedrooms described in the application for the proposed development*, or (ii) move the proposed development and the credits available to another pool. Any modifications shall be subject to the approval of the executive director; however, in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to this section. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application *and any development modified pursuant to the provisions of this paragraph*. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the

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executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the executive director shall not reserve more than \$1.2 million of credits to any general partner(s) or principal(s) of such general partner(s), directly or indirectly, in any credit year. total amount of credits that may be awarded [in any credit year] after credit year 2001 to any applicant or to any related applicants for one or more developments shall not exceed [\$1,200,000 10% of Virginia's per capita dollar amount of credits for such credit year (the "credit cap"). However, if the amount of credits to be reserved in any such credit year to all applications assigned a total number of points at or above the threshold amount set forth above shall be less than Virginia's dollar amount of credits available for such credit year, then the authority's board of commissioners may waive the credit cap to the extent it deems necessary to reserve credits in an amount at least equal to such dollar amount of credits] . Applicants shall be deemed to be related if any principal in an applicant or any person or entity related to the applicant or principal is a principal in any other applicant or applicants. A principal is a general partner or other person or entity who, in the determination of the executive director, will exercise, directly or indirectly, substantial control over the applicant or will perform responsibilities or functions customarily performed by [the an] applicant with respect to [the an] application or [the a] development. For the purpose of determining whether any person or entity is related to the applicant or principal, persons or entities shall be deemed to be related if the executive director determines that any substantial relationship existed, either directly between them or indirectly through a series of one or more substantial relationships (e.g., if party A has a substantial relationship with party B and if party B has a substantial relationship with party C, then A has a substantial relationship with both party B and party C), at any time within three years of the filing of the application for the credits. In determining in any credit year whether an applicant has a substantial relationship with another applicant with respect to any application for which credits were awarded in any prior credit year, the executive director shall determine whether the applicants were related as of the date of the filing of such prior credit year's application or within three years prior thereto and shall not consider any relationships or any changes in relationships subsequent to such date. Substantial relationships shall include, but not be limited to, the following relationships (in each of the following relationships, the persons or entities involved in the relationship are deemed to be related to each other): (i) the persons are in the same immediate family (including, without limitation, a spouse, children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, and nephews) and are living in the same household; (ii) the entities have one or more common general partners or members (including related persons and entities), or the entities have one or more common owners [which that] (by themselves or together with any other related persons and entities) have, in the aggregate, 5.0% or more ownership interest in each entity; (iii) the entities are under the common control (e.g., the same person or persons and any related persons serve as a majority of the

voting members of the boards of such entities or as chief executive officers of such entities) of one or more persons or entities (including related persons and entities); (iv) the person is a general partner, member or employee in the entity or is an owner (by himself or together with any other related persons and entities) of 5.0% or more ownership interest in the entity; (v) the entity is a general partner or member in the other entity or is an owner (by itself or together with any other related persons and entities) of 5.0% or more ownership interest in the other entity; or (vi) the person or entity is otherwise controlled, in whole or in part, by the other person or entity. In determining compliance with the [foregoing limitation of \$1,200,000 credit cap] with respect to any application, the executive director may exclude any person or entity related to the applicant or to any principal in such applicant if the executive director determines that (i) such person or entity will not participate, directly or indirectly, in matters relating to the applicant or the ownership of the development to be assisted by the credits for which the application is submitted, (ii) such person or entity has no agreement or understanding relating to such application or the tax credits requested therein, and (iii) such person or entity will not receive a financial benefit from the tax credits requested in the application. A limited partner or other similar investor shall not be determined to be a principal and shall be excluded from the determination of related persons or entities unless the executive director shall determine that such limited partner or investor will, directly or indirectly, exercise control over the applicant or participate in matters relating to the ownership of the development substantially beyond the degree of control or participation [which that] is usual and customary for limited partners or other similar investors with respect to developments assisted by the credits. If the award of multiple applications of any applicant or related applicants in any credit year shall cause [such limitation of \$1,200,000 the credit cap] to be exceeded, such applicant or applicants shall, upon notice from the authority, jointly designate those applications for which credits are not to be reserved or are to be reserved in an amount less than the amount requested in the application (if the amount of credits to be reserved for any application is to be so reduced, the applicant may modify the proposed development and the application to achieve financial feasibility based upon the amount of the credits as so reduced; provided, however, that the credits may not be reduced to less than 70% of the amount of credits requested in the application and may not be reduced so as to produce fewer than 75% of the number of units or bedrooms proposed in the application) so that such limitation shall not be exceeded. Such notice shall specify the date by which such designation shall be made. In the absence of any such designation by the date specified in such notice, the executive director shall make such designation as he shall determine to best serve the interests of the program. Each applicant and each principal therein shall make such certifications, shall disclose such facts and shall submit such documents to the authority as the executive director may require to determine compliance with [the above described limitation of \$1,200,000 credit cap]. If an applicant or any principal therein makes any misrepresentation to the authority concerning such applicant's or principal's relationship with any other person or entity, the executive director may reject any or all of such applicant's pending applications for reservation or allocation of credits, may terminate any or all reservations of

credits to the applicant, and may prohibit such applicant, the principals therein and any persons and entities then or thereafter having a substantial relationship (in the determination of the executive director as described above) with the applicant or any principal therein from submitting applications for credits for such period of time [~~in the future~~] as the executive director shall determine.

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

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The executive director shall make a written explanation available to the general public for any allocation of housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the authority.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without

ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such

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credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

13 VAC 10-180-100. [No change from proposed.]

VA.R. Doc. No. R02-5; Filed January 9, 2002, 10:48 a.m.



GOVERNOR

EXECUTIVE ORDER NUMBER EIGHTY-EIGHT (01)

AUTHORITY AND RESPONSIBILITY OF THE GOVERNOR'S SECRETARIES AND OTHER SENIOR EXECUTIVE BRANCH OFFICIALS

By virtue of the authority vested in me by Section 2.2-104, 2.2-200, 2.2-203, 2.2-204, 2.2-208, 2.2-211, 2.2-212, 2.2-215, 2.2-221, 2.2-225, and 2.2-228 of the *Code of Virginia*, I hereby affirm and delegate to the individuals holding appointments in the positions named herein the powers and duties set out below, in accordance with the following conditions:

1. The delegations stated herein are subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers.
2. The standing delegations stated herein are subject to all other orders and directives of the Governor that require actions to be taken by, or that otherwise delegate authority and responsibility to, Executive Branch officials and employees.
3. All major policy decisions and actions shall be reviewed by the Governor's Policy Office and shall be approved by the Director of Policy and by the Governor. Thereafter, each Secretary shall provide policy guidance to those persons under the Secretary's supervision who are authorized to take such actions set forth in this Executive Order, and shall be advised by such persons of any proposed actions that may be in conflict with such guidance.
4. In the event conflicts arise among agencies within a Secretarial area concerning any action authorized by this Executive Order, that Secretary is hereby authorized to resolve them. Should conflicts arise among agencies in more than one Secretarial area concerning any action authorized by this Executive Order, the matter shall be resolved by the Governor, or by the Chief of Staff acting in the Governor's behalf.
5. All reports and recommendations that by law are required from any entity to be presented to the Governor shall first be given to the Secretary to whom supervision over the entity had been assigned. Except as specifically delegated, however, the Governor retains the responsibility for the submission of reports and recommendations to the General Assembly.
6. All authority given to the Governor pertaining to emergencies, military affairs, appointments, and membership in all organizations shall be retained by the Governor unless explicitly delegated by Executive Order.
7. In the event that the Secretary to whom powers and duties have been delegated herein is not available, I hereby affirm and delegate to the Chief of Staff such powers and duties during the Secretary's absence as may be required to carry out the functions delegated to that Secretary. In the event the Chief of Staff will be unavailable, and during his absence, the Chief of Staff may delegate any of the powers and duties conferred upon him under this Executive Order to one or more of the Governor's Secretaries whom he shall designate in writing.

Part 1: Supervision of Agencies by the Governor's Secretaries and Related Duties

A. Agencies are assigned to the Secretaries as defined in Title 2.2, Chapter 2 of the Code of Virginia. Each Secretary shall have authority and responsibility to:

1. Direct the development of goals, objectives, policies, and plans that are necessary to the effective and efficient operation of government.
2. Make recommendations to the Governor's Policy Office and the Governor regarding major policy issues, delegations of authority, and other matters affecting the development and implementation of policy positions and objectives on behalf of the Governor.
3. Hold agency heads accountable for their administrative, fiscal, and program actions in the conduct of the respective powers and duties of the agencies.
4. Resolve administrative, jurisdictional, operational, programmatic, or policy conflicts between agencies or officials.
5. Coordinate communications with the federal government and the governments of the other states, subject to guidelines established under the Governor's direction, in matters related to agency program and activities.
6. Receive first all reports that by law are required from any assigned agency to be presented to the Governor. Except as specifically delegated, however, the Governor retains responsibility for the submission of reports to the General Assembly.
7. Receive all recommendations required of assigned agencies by statute to be made to the Governor and convey them to the Governor.

B. Each Secretary shall direct the formulation of a comprehensive program budget, as identified in § 2.2-1508 of the Code of Virginia, recommending to the Governor through the Department of Planning and Budget for those agencies assigned to the Secretary.

C. Each Secretary is authorized to employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by statute or executive order, subject to the funds available for the operation of the office, state law and regulation, and such other orders and directives as may be issued under the authority of the Governor.

Part 2: Delegation of Authority to Officials Within the Secretariat of Administration

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Governor

Authorizing Section	Subject Matter of Authority Delegated		
		2.2-2263	Approve leases proposed by Virginia Public Building Authority, as lessee or lessor, and sale, transfer, and conveyance of property acquired or constructed by the Virginia Public Building Authority.
A. To the Secretary of Administration:			
2.2-103 B	Oversee and monitor establishment and maintenance of classification plan and administration of compensation plan.	2.2-2818	Establish and approve health insurance plan for state employees and retired state employees to be administered by Department of Human Resource Management.
2.2-125 A	Accept property known as The White House of the Confederacy, any buildings of the Confederate Memorial Literary Society, and the Lee House.	2.2-2821	Approve workers' compensation insurance program for state employees.
2.2-1138 A, C	Approve preparation and amendment of long-range site plan for location of state buildings in the Richmond area, acquisition of land to effect plan, and execution of projects.	2.2-2822	Set policies making patents and copyrights developed by state employees during working hours or within the scope of employment property of the Commonwealth.
2.2-1138 B	Exempt certain projects from provisions of § 2.2-1138 A.	2.2-4103	Approve withholding of compensation of agency officers or employees until they comply with the Virginia Register Act.
2.2-1149	Approve acquisition of real property by state agencies.	2.2-4303 C	Approve exception to competitive bid for procurement of insurance.
2.2-1150	Approve conveyance and transfer of real property by state agencies.	4.1-103	Approve purchase or acquisition of title to land or buildings required for alcoholic beverage control purposes. Approve sale or conveyance of same.
2.2-1150 D, 1151	Approve conveyance of easements and appurtenances thereto to utility companies, public service companies, cable television companies, and political subdivisions by state agencies. Approve leases to a credit union for space in a state-owned office building after written approval by the Attorney General as to the form of the written lease agreements.	7.1-20	Approve deeds conveying certain waste and unappropriated lands, plus certain marshlands in Accomack and Northampton counties.
2.2-1152	Approve conveyance of land to Department of Transportation by state agencies.	7.1-23	Convey to political subdivisions, title to vacant lands acquired, but no longer used, by the United States.
2.2-1153	Authorize transfer of surplus state-owned property to Department of General Services.	7.1-25.1	Accept relinquishment of jurisdiction over United States lands in Virginia.
2.2-1155	Approve temporary transfer of real property between state agencies or temporary leases to private entities under stated conditions.	10.1-109	Approve conveyance, leasing, renewal of leases, or transfer of property of the Department of Conservation and Recreation.
2.2-1156	Approve sale or lease of surplus property by the Department of General Services.	10.1-110	Approve granting of easements over properties held or controlled by the state to governmental agencies, political subdivisions, public utilities, and public service companies or authorities.
2.2-1157	Determine if mineral exploration, leasing, or extraction is in public interest. Approve execution of leases or contracts.	10.1-111	Approve making and execution of leases, contracts, or deeds for the removal or mining of minerals on Department of Conservation and Recreation property.
2.2-1204	Establish and approve health insurance plan for employees of local governments, local officers, teachers and retirees, and their dependents to be administered by Department of Human Resource Management.	10.1-112	Approve contracts and leases for revenue-producing capital projects in state parks.
2.2-2221	Authorize percentage of net royalties to be shared with developers of patented, copyrighted, patentable, or copyrightable property.	10.1-114	Approve terms and conditions for leasing of acquired commemorative facilities and historic sites by Director, Department of Conservation and Recreation.
		10.1-201	Approve terms and conditions for custody or leasing of property acquired through gift or

	contribution by Director, Department of Conservation and Recreation.	23-288	Approve requests from Jamestown-Yorktown Foundation to acquire lands, property, and structures necessary to its purposes, or to lease land owned by the Foundation.
10.1-645	Approve sale of water storage facilities authorized by §10.1-638(B) to entity eligible for loan under §10.1-638(A).	23-298	Approve acquisitions or conveyance of real property by Virginia Frontier Culture Museum Board of Trustees. Approve leases of land by the Trustees.
10.1-1190	Approve major state projects after review of environmental impact statement, in order for State Comptroller to authorize payment of funds from the state treasury.	29.1-105	Approve contracts respecting or leasing any land or buildings held by Board of Game and Inland Fisheries to private persons, corporations, associations, other agencies, public authorities, or political subdivisions.
15.2-2903	Approve schedule for assessment of local mandates.	32.1-122.03	Identify critical issues for State Health Plan.
23-4.1	Approve sale, lease, or conveyance of real property by boards of visitors or trustees of state educational institutions.	37.1-12	Approve request of Commissioner of DMHMRSAS to raze buildings under Commissioner's supervision and control.
23-4.4	Approve transfers by boards of visitors, State Board for Community Colleges, or their designees of interests in intellectual property developed wholly or significantly through use of state general funds under stated conditions.	51.1-702	Authorize the Virginia Retirement System Board to enter into federal-state agreement regarding Social Security Act benefits under stated conditions.
23-9.1	Approve, at request of State Board of Education, granting of easements on property of institutions under the Board to political subdivisions, cable television companies, public utility, or public service companies.	53.1-31	Approve contracts, easements, and leases for removing or mining gas, oil, or minerals found in real estate titled to Board of Corrections.
23-49.21	Approve, at request of Board of Visitors of Old Dominion University, lease, sale, or conveyance of real estate to which it has acquired title.	53.1-81	Authorize sale of state land for regional jail facilities.
23-49.32	Approve, at request of Board of Visitors of Christopher Newport University, lease, sale, or conveyance of real estate to which it has acquired title.	53.1-95.9	Approve transfer of real property from state agencies and commissions to jail authorities.
23-50.13	Approve, at request of Board of Visitors of Virginia Commonwealth University, sale, lease, or conveyance of real estate, including easements, to which it has acquired title.	57-5	Enter lease agreement with Sons of Confederate Veterans for the lease of Pelham Chapel.
23-77.1	Approve, at request of Board of Visitors of University of Virginia, sale, lease, or conveyance of real estate to which it has acquired title.	B. To the Director, Department of General Services:	
23-91.33	Approve, at request of Board of Visitors of George Mason University, sale, lease, or conveyance of real estate to which it has acquired title.	2.2-121	Approve purchase of passenger vehicles and transfer of surplus motor vehicles among state agencies.
23-91.44	Approve, at request of Board of Visitors of Mary Washington College, sale, lease, or conveyance of real estate to which it has acquired title.	2.2-123	Assign and reassign rooms and space in public buildings at the seat of government.
23-164.10	Approve, at the request of Board of Visitors of James Madison University, sale, lease, or conveyance of easements for University property.	2.2-503	Assign office space for Attorney General and supporting personnel.
		2.2-1115 D, E	Issue notices to state agencies to desist from violations of centralized purchasing provisions.
		2.2-1119	Order, through the Division of Purchases and Supply, the purchase of materials, equipment, supplies, and non-professional services otherwise exempted.
		2.2-1138 C	Approve buildings and property as to their conformance with approved site plan.
		2.2-1141	Approve purchase of furniture and repairs, including funding, required for certain

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	buildings within master site plan of Capitol Square.	2.2-3322	Establish office hours for executive department agencies at the seat of government.
2.2-1143	Designate buildings for contract of utility services within master site plan of Capitol Square.	52-24	Determine amount of compensation for investigators and temporary special police officers.
2.2-1146	Approve lease of state-owned property in the state site plan or lying near Capitol Square and prescribe rental period.		
2.2-1172	Approve use of state-owned property for parking in the Richmond area.		
2.2-2401 A, 2402	Approve and accept works of art and their location.		
2.2-2402	Approve or disapprove, with advice and counsel of the Art and Architectural Review Board, plans to build, renovate, remodel, or remove structures on state property.		
2.2-4309	Approve modifications to fixed-price contracts under stated conditions. Revise restrictions, if necessary, on contract modifications.		
2.2-4321	Establish written procedures for debarment under Virginia Public Procurement Act.		
2.2-4343 B	Provide written determination of public interest where federal grant transaction requirements do not conform to Virginia Public Procurement Act.		
7.1-33	Regulate size and dimensions of state flag.		
15.2-2005	Approve location and maintenance of sewerage and surface drainage on or through state property.		
18.2-139	Consent to cut down or otherwise destroy trees growing on Capitol grounds.		
22.1-133	Answer requests of school boards for a flag of the Commonwealth for each new public school.		
23-296.1	Approve transfer of real property—Gunston Hall.		
33.1-406, 407	Promulgate rules and regulations for the purchase, use, maintenance, and repair of state-owned vehicles. Perform certain administrative functions.		
42.1-86	Prescribe, with State Library Board, place, and manner of preserving security copies of public records.		
44-136	Authorize Adjutant General to lease vacant armories under specified conditions.		
58.1-212	Provide offices in the city of Richmond for State Tax Commissioner.		
C. To the Director, Department of Human Resources Management:			
2.2-124	Establish rules to regulate athletic leaves of absence for state employees.		
Part 3: Delegation of Authority to Officials within the Secretariat of Commerce and Trade			
The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited <i>Code of Virginia</i> sections:			
	Authorizing Section		Subject Matter of Authority Delegated
A. To the Secretary of Commerce and Trade:			
	3.1-739.1		Accept rules and regulations in state's behalf regarding suppression of specified diseases in domestic animals. Cooperate accordingly with federal officials.
	10.1-1149		Execute Southeastern Interstate Forest Fire Protection Compact.
	10.1-1150		Execute Middle Atlantic Interstate Forest Fire Protection Compact.
	10.1-1159		Issue proclamations to close hunting and fishing season when extraordinary fire hazards exist.
	10.1-1160		Extend hunting season for a number of days not to exceed the number of days the proclamation of dry conditions was in effect.
	13.1-985		Approve articles of incorporation for industrial development corporations prior to issuance by State Corporation Commission.
	40.1-22.1		Authorize agreements with U.S. Occupational Safety and Health Administration to provide training to employees of Department of Labor and Industry and other state agencies to assist in enforcing Public Law 91-596.
	45.1-381		Execute Interstate Compact to Conserve Oil and Gas.
	60.2-116		Approve Virginia Employment Commission reciprocal agreements.
	62.1-132.14		Approve contracts known as "agreements of local cooperation" between Virginia Port Authority or other designated by the Governor and the U.S. Army Corps of Engineers.
B. To the Director, Department of Mines, Minerals and Energy:			
	45.1-382		Serve as representative to Interstate Compact to Conserve Oil and Gas.

C. To the Director, Department of Forestry:

10.1-1158 Issue proclamations prohibiting open burning.

Part 4: Delegation of Authority to Officials within the Secretariat of Education

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing Section Subject Matter of Authority Delegated

A. To the Secretary of Education:

23-38.84 Receive, with Secretary of Finance, annual statement of receipts, disbursements, and investments of the Virginia Higher Education Tuition Trust Fund, from governing board.

23-132.3 Approve plans for information by Virginia Cooperative Extension Service of Virginia Polytechnic Institute and State University and the Cooperative Extension Service Program of Virginia State University.

23-261 Assign additional duties to State Council of Higher Education for Virginia in its capacity as State Commission on Postsecondary Education.

B. To the Superintendent of Public Instruction:

22.1-209.1:3 C Receive an annual report from all school boards that have implemented the Advancement Via Individual Determination (AVID) Program.

Part 5: Delegation of Authority to Officials within the Office of Finance

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing Section Subject Matter of Authority Delegated

A. To the Secretary of Finance:

2.2-816 Approve payment of claims referred by State Comptroller otherwise not allowed due to expiration of time limits.

2.2-1503 Prepare annually, for submission to General Assembly, six-year estimates of revenue collections for the general fund and each major nongeneral fund.

2.2-1801 B Receive notice of absence of State Treasurer and State Comptroller when absence exceeds five days.

2.2-1839 Approve insurance plans administered for political subdivisions, constitutional officers, and other specified entities.

2.2-1840 Approve blanket surety bonding plan for state employees.

10.1-1197.3 Authorize increase in cost of administering Transportation Safety Fund to over \$65,000 per year.

10.1-1429.5 Approve disbursements from Voluntary Remediation Fund.

15.2-2659 Investigate defaults of bonds of any locality and instruct Comptroller to withhold payment.

23-30.01 Approve borrowing by an educational institution upon its endowment and other investments.

23-30.02 Approve an educational institution's borrowing of funds to purchase real estate under certain conditions.

23-30.27:1 C Request detail from higher education institutions on specific equipment to be acquired through Virginia College Building Authority. Approve emergency acquisition and leases under stated conditions.

23-38.10:7 A Approve at the request of the board and president of a higher education institution, borrowing money under certain conditions to provide additional student loan funds.

23-38.84 Receive, with Secretary of Education, annual statement of receipts, disbursements, and investments of the Virginia College Savings Plan from governing board.

30-137A Approve, with Auditor of Public Accounts, uniform bookkeeping methods for localities.

36-55.41 Include in budget reported to presiding officer of each house of the General Assembly, a sum that may be required to restore capital reserve fund of Housing Development Authority.

58.1-2 Enter into reciprocal agreements with other states for collection of taxes.

62.1-215 B Include in budget reported to General Assembly a sum required to restore Virginia Resources Authority capital reserve funds.

B. To the Director, Department of Planning and Budget:

2.2-1139 Approve transfer of funds to Department of General Services from appropriations to other agencies for construction, alteration, reconstruction, and repair of buildings, or acquisition of land for their use.

2.2-1512 Adopt budget classifications.

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2.2-1819	Approve quarterly estimates of planned expenditures prior to release of appropriation.	44-146.28	Expend and allot sufficient funds to carry out disaster service missions and responsibilities.
3.1-22.20	Allocate monies to Farmers Major Disaster Fund.	45.1-161.321	Authorize transfer of funds to Virginia Fuel Commission from state treasury.
3.1-188.27 B	Approve funds for cooperative pest control efforts in adjacent states.	51.1-145 K	Include in biennial appropriation bill, contributions from state treasury to the retirement allowance account.
4.1-116 B	Approve amount of quarterly sums allowed for reserve fund of Department of Alcoholic Beverage Control.	53.1-10	Approve acceptance of gifts, donations, and bequests on behalf of Department of Corrections.
10. 1-709 B	Approve allocations from Special Emergency Assistance Fund in time of disaster under provisions of Public Beach Conservation and Development Act, after consultation with Secretary of Natural Resources.	53.1-82.2 A(2)	Approve agreements between the Treasury Board and localities or regional authorities concerning reimbursement of jail projects.
23-9.9	Receive biennial budget requests from higher education institutions and budget recommendations from State Council of Higher Education for Virginia.	60.2-311	Include in budget reported to General Assembly, a sum required to make replacements to the Unemployment Compensation Administration Fund.
23-9.9	Receive higher education institutions' proposals for capital projects to be financed by bonds of the institution of higher education for inclusion in the budget. Approve conditions of grants from federal government for capital projects. In developing recommendations for the Governor as to which capital projects proposed to be financed by bonds should be approved, DPB shall consult with Department of General Services and State Council of Higher Education for Virginia.	60.2-506	Designate method of financing unemployment benefits for state employees.
23-100.1	Approve, at request of Virginia Military Institute or its Board, acceptance of gifts, grants, devises, and bequests.	63.1-36	Approve receipt of grants-in-aid funds and gifts by the Commissioner of the Department of Social Services to alleviate, treat, or prevent poverty, delinquency, or other social problems.
23-218 C	Approve acceptance of grants or contributions of money or property by State Board for Community Colleges.		
28.2-1101	Approve solicitation, acceptance, and use of public or private funds by Virginia Institute of Marine Science.		
33.1-285.1 B	Include in budget reported to presiding officer of each house of the General Assembly, a sum that may be required to restore the Commonwealth of Virginia transportation funds.		
37.1-42.1	Approve Commissioner's acceptance, on behalf of Department of Mental Health, Mental Retardation, and Substance Abuse Services, of donations, gifts, and bequests; and acceptance, execution, and administration of any trust in which the Department may have an interest.		
42.1-57	Approve Library Board's acceptance of federal grants for libraries and allocation of such funds.		
			C. To the State Comptroller:
		3.1-62	Examine records, books, and accounts of produce market authorities.
			D. To the State Treasurer:
		2.2-1806	Invest funds deposited in state treasury in excess of amount currently needed.
		2.2-2809	Designate certain officers to give surety bonds, fix penalties, or require new or additional bonds.
		3.1-22.8 D	Fix penalty for surety bonds required to be posted by certain officials of Chippokes Plantation Farm Foundation.
		3.1-22.18	Approve farm disaster loans and increase or decrease maximum amount of loans.
		3.1-69	Authorize loans from Produce Market Loan Fund. Prescribe manner in which principal and interest shall be secured.
		4.1-102 D	Fix Penalty and approve surety bonds for Alcoholic Beverage Control Board members.
		5.1-1.3	Fix surety bond penalty for Director, Department of Aviation.
		10.1-2006	Fix surety bond penalty for members of the Board of Trustees of the Virginia Museum of Natural History.
		10.1-2401 D	Fix surety bond penalty for members of the Board of Trustees of the Virginia Historic Preservation Foundation.

15.2-2659	Investigate alleged defaults on local general obligation bonds. Withhold payment of state funds to local government in default and order payment to bond holders by State Comptroller. Give notice (as soon as practicable) of such defaults and of the availability of funds with the paying agent or the State Comptroller by a one-time publication in a daily paper of general circulation in the city of Richmond or by registered mail to the owners of registered bonds.	52-3	Fix surety bond penalty for Superintendent of State Police.		
		53.1-11	Fix corporate surety bond penalty for Director, Department of Corrections.		
		54.1-305	Fix surety bond penalty for Director, Department of Professional and Occupational Regulation.		
		58.1-201	Fix surety bond penalty for State Tax Commissioner.		
		60.2-109	Fix penalty for surety bond for Commissioner, Virginia Employment Commission.		
21-163	Fix surety bond penalties for members of sanitation district commissions and approve surety or guaranty company for such bonding.	62.1-209 B(11)	Accept petition from Virginia Resources Authority or trustees regarding default on local obligations owned by Authority or held by trustees.		
21-200, 280	Accept filing of instrument(s) from bondholders in cases of default on sanitation district commission bonds for tidal and/or nontidal waters in order to have trustee appointed to represent bondholders.	63.1-6	Fix surety bond penalty for Commissioner of Social Services.		
		63.1-19	Fix surety bond penalty for Board of Social Services.		
22.1-168	Receive petition from Virginia Public School Authority or trustee to secure payment of sums necessary to cover default on bonds held by Authority or trustee.	<p>Part 6: Delegation of Authority to Officials within the Secretariat of Health and Human Resources</p> <p>The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center; width: 30%;">Authorizing Section</td> <td style="text-align: center;">Subject Matter of Authority Delegated</td> </tr> </table> <p>A. To the Secretary of Health and Human Resources:</p>		Authorizing Section	Subject Matter of Authority Delegated
Authorizing Section	Subject Matter of Authority Delegated				
23-19(h)	Approve educational institutions' deposit of securities as collateral for federal loans for capital projects.	2.2-2503 C	Request Advisory Commission on Mandated Health Insurance Benefits to meet.		
23-20(b)	Receive bondholder certification of default on bonds issued by educational institutions.	2.2-5408	Submit state plan for community action agencies to U.S. Secretary of Health and Human Services.		
23-30.29:3	Investigate alleged defaults on payment of bonds or interest by institutions to the Virginia College Building Authority.	15.2-964	Receive reorganization plans from cities and counties for local human resources agencies under stated conditions. Issue guidelines for such plans. Direct state boards and commissions to modify rules, regulations, and guidelines accordingly. Prepare submissions to General Assembly for Governor. Issue guidelines for maintaining records.		
23-247	Fix penalty on corporate surety bonds for Board of Trustees, Science Museum of Virginia.	28.2-803 A	Request State Health Commissioner to examine or analyze fish or shellfish.		
30-131	Fix surety bond penalty for Auditor of Public Accounts. Determine Auditor's employees who should be bonded and approve their penalties as fixed by the Auditor.	32.1-21	Approve Board of Health action that authorizes State Health Commissioner to hold teaching position.		
33.1-9	Fix surety bond penalty for Commonwealth Transportation Board.	32.1-325	Approve state plan and amendments to the plan for medical assistance services submitted to federal government.		
36-111	Fix surety bond penalty for State Building Code Technical Review Board.				
37.1-44	Fix surety bond penalty for Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services.				
42.1-16	Approve surety bond of State Librarian.				
44-21	Approve surety bonds of Adjutant General and fiscal clerks in Department of Military Affairs.				
46.2-202	Fix surety bond penalty for Commissioner, Department of Motor Vehicles.				

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- 37.1-28 Authorize Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services to receive and expend Social Security payments and retirement benefits on behalf of patients at institutions under Commissioner's control.
- 51.5-2 Designate agencies that serve the disabled to formulate cooperative plan in accordance with state law and federal Rehabilitation Act.
- 63.1-24 Request Board of Social Services to investigate questions and consider problems and report their findings and conclusions.
- 63.1-28.1 Authorize investigation of the management of any institution licensed or required to be inspected by the State Board of Social Services.
- 63.1-36 Approve receipt of grants-in-aid, funds and gifts made for the purpose of alleviating, treating or preventing poverty, delinquency or other social problems.
- 63.1-219.2 and 238.7 Develop, negotiate, and enter into interstate compacts on behalf of the Commonwealth with other states for the protection of adopted children receiving assistance from the Department of Social Services.
- 63.1-293 Change rules of any state agency to assure proper functioning of pilot program for delivery of human services. Request variances or exceptions to federal rules governing administration or use of funds for human services programs.
- 63.1-298 Approve cost of administering pilot programs for delivery of human services (costs to be determined by appropriate state agencies and cities and counties where pilot programs are located).

B. To the Commissioner, Department of Social Services:

- 63.1-44 Approve establishment of welfare districts consisting of two or more cities and/or counties.
- 63.1-56.1 Approve establishment of facilities for children (or contracts for services) by local boards of welfare.
- 63.1-292 Authorize up to five counties or cities to develop and implement pilot programs for delivery of human services.
- 63.1-294 Promulgate rules and regulations for counties and cities desiring to establish pilot programs for human services delivery.

C. To the Commissioner, Department of Health:

- 32.1-283.1 Receive annual report from the State Child Fatality Review Team.

Part 7: Delegation Authority to Officials within the Secretariat of Natural Resources

The persons hold appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Section Subject Matter of Authority Delegated

A. To the Secretary of Natural Resources:

- 10.1-213 E Approve amendments to the instruments of dedication of natural area preserves under stated conditions.
- 10.1-505 Approve or disapprove work plans and soil and water conservation programs embodied in federal laws which, by their terms or by related executive orders, require approval.
- 10.1-1402 Approve acquisition by Virginia Waste Management Board of lands to be used for hazardous waste management sites.
- 10.1-1430 Enter into agreements with federal government providing for discontinuance of the federal government's responsibilities regarding low-level radioactive waste.
- 10.1-1431 A Authorize Virginia Waste Management Board to enter into agreements with federal government to cooperatively handle low-level radioactive waste.
- 10.1-1432 Approve acquisition by Virginia Waste Management Board of lands to be used for low-level radioactive waste facility sites.
- 10.1-1434 Approve request of Virginia Waste Management Board for resources and services of other state agencies in performance of Board's duties for hazardous waste facility sites.
- 10.1-1702 Determine state board, commission, office, or officer through which "public bodies" may exercise powers under Open Space Land Act.
- 28.2-621 Approve, at request of Marine Resources Commissioner, lease of public oyster-planting grounds that may be required for dredging operations or spoils disposal areas in connection with federal navigation improvement projects.
- 28.2-1208 A Approve, with Attorney General, certain easements and leases of beds of state waters recommended by Marine Resources Commission.
- 41.1-3 Control oyster bed, rock, or shoal at Old Magazine at Westhampton and adjacent state lands. Issue regulations for use of this land in interest of state.

B. To the Director, Department of Environmental Quality:

- 10.1-1411 Designate regional boundaries for solid waste management.
- 21-179 Receive reports of sanitation district commissions.

Part 8: Delegation of Authority to Officials within the Secretariat of Public Safety

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing Section Subject Matter of Authority Delegated

A. To the Secretary of Public Safety:

- 2.2-117 Establish and administer, with advice of the Virginia Economic Development Partnership, an anti-crime partnership program.
- 15.2-3307 Receive, with the Secretary of Transportation, notification from cities barred from annexation that elect to be treated as immune counties for purposes of State Police services and highway maintenance and construction or notification of termination of such status.
- 16.1-309.5 Approve, for purposes of eligibility for construction, reimbursement plans, including personnel needs, for construction of detention homes, group homes, or other residential care facilities for children in need of services or for delinquent or alleged delinquent youth.
- 44-158 Promulgate necessary rules and regulations to mobilize fire fighters to assist other political subdivisions during time a state of war exists between the United States and any foreign country.
- 44-204 Approve training for Virginia State Defense Force or National Defense Executive Reserve, not to exceed fifteen workdays per federal fiscal year.
- 46.2-1157 Issue order requiring inspection of motor vehicles, trailers, and semitrailers by the Superintendent of State Police.
- 53.1-45 Approve alternatives for sale of articles produced or manufactured and services provided, other than on the open market, and in best interest of state, by Director, Department of Corrections.
- 53.1-80 Approve construction of local jails to qualify for reimbursement.
- 53.1-81 Approve construction of regional jails to qualify for reimbursement.

- 53.1-82 Approve enlargement or renovation of regional jails to qualify for reimbursement.
- 53.1-191 Approve credits towards terms of prisoners for injury or extraordinary services.
- 66-2 Provide direction to the Director of the Department of Juvenile Justice in the supervision of the agency.

B. To the Director, Department of Corrections:

- 53.1-45.1 Approve agreements with public or private entities to operate work programs in state correctional facilities.

C. To the Director, Department of Criminal Justice Services:

- 15.2-1715 Approve the release of funds from Intensified Drug Enforcement Jurisdictions Fund to localities.

D. To the Coordinator, Department of Emergency Management:

- 44-146.27 Approve acceptance of services, supplies, materials, equipment, or funds from federal government or private sector to the state or through the state to any political subdivision, for emergency services purposes.

E. To the Adjutant General, Department of Military Affairs:

- 44-43 Convene general courts-martial of the National Guard.
- 44-75.1 Authority to call forth militia for certain small scale, emergency-related operations as may be specified in a separate executive order.
- 44-112 Make requisition of Secretary of Defense for federal funds to support the militia.
- 44-116 Have printed and distributed copies of military laws of Virginia and the Uniform Code of Military Justice of the United States, as deemed necessary.

F. To the Superintendent, Department of State Police:

- 52-9.1 Approve uniform and insignia design to be adopted by Superintendent of State Police for use of State Police Officers.
- 52-16 Establish and maintain radio and teletype system to aid local law enforcement personnel and Department of State Police.
- 52-17 Negotiate with localities for sharing cost of communications system.
- 52-18 Designate districts for communications system.
- 52-19 Issue rules and regulations for communications system.

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G. To the Director, Department of Juvenile Justice:

- 66-3(3) Approve agreements with public or private entities to operate work program for children committed to the Department of Juvenile Justice.

Part 9: Delegation of Authority to Officials Within the Secretariat of Technology

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing

Section Subject Matter of Authority Delegated

A. To the Director, Department of Information Technology:

- 42.1-32.6 Approve Library Board's plan for communications centers and networking services.

Part 10: Delegation of Authority to Officials Within the Secretariat of Transportation

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing

Section Subject Matter of Authority Delegated

A. To the Secretary of Transportation:

- 15.2-3307 Receive, with the Secretary of Public Safety, notification from cities barred from annexation that elect to be treated as immune counties for purposes of State Police services and highway maintenance and construction or notification of termination of such status.
- 33.1-42 Approve incorporation or elimination of roads or streets into state highway system.
- 33.1-299 Approve turnpike projects proposed by Commonwealth Transportation Board.
- 33.1-340 Receive reports of refusal of highway contractors' associations to permit examination of papers, records, and accounts. Certify such information to the Commonwealth Transportation Commissioner. Certify to Commonwealth Transportation Board that full examination has been made prior to further letting of any contracts with association members.
- 46.2-383 Approve destroying of conviction, forfeiture, assignment, acceptance, or judgment records under certain conditions by Commissioner of Motor Vehicles.

- 46.2-703 Enter into reciprocal agreements, with advice of Reciprocity Board, with other states for assessing and collecting motor vehicle license fees.

- 46.2-750 Approve use of state-owned vehicles without regular official state-use-only license plates by Department of Economic Development.

- 46.2-751 Direct Commissioner of Motor Vehicles to issue license plates for state-owned, passenger-type vehicles.

- 46.2-1127 Approve increases in axle and gross weight limits on Federal Interstate Highway System on recommendation of Department of Motor Vehicles.

- 59.1-162 Direct cooperation of Commonwealth Transportation Board and Department of Motor Vehicles with Commissioner of Agriculture and Consumer Services in carrying out provisions for testing and inspecting gasoline and lubricating oils.

- 62.1-132.14 Approve contracts known as "agreements of local cooperation" between the Virginia Port Authority, or other agencies assigned by me, and the U.S. Army Corps of Engineers.

B. To the Commissioner, Department of Motor Vehicles:

- 2.2-119 Administer highway safety program.

- 46.2-661 Extend, at his discretion, reciprocal privileges to vehicle owners residing in other states or in foreign countries.

Part 11: Delegation of Authority to the Secretary of the Commonwealth

A. The Secretary of the Commonwealth shall coordinate and advise the Governor concerning recommendations for executive appointments.

B. The Secretary of the Commonwealth shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing

Section Subject Matter of Authority Delegated

- 2.2-3114 Prepare annually a list of officials and positions coming under Virginia Comprehensive Conflict of Interests Act. Notify officials of need to comply with the Act.

- 3.1-636.8 Proclaim results of referendum on levy of excise tax on apples grown in Virginia.

- 54.1-2012 Notify specified organizations of vacancies, caused by other than expiration of a term, on Real Estate Appraiser Board.

Part 12: Delegation Of Authority to the Chief of Staff

A. The duties and powers conferred upon the Chief of Staff by Executive Order Number Three (98) are affirmed and incorporated herein by reference.

B. The Chief of Staff shall have authority to take those actions or to sign, in my stead, the documents referenced herein by subject matter in the cited *Code of Virginia* sections:

Authorizing Section	Subject Matter of Authority Delegated
2.2-202	Supplement expense funds of Secretaries from funds appropriated to the Governor's office.
55-184.1	Order and set terms of sale for escheated land. Deliver order to State Treasurer, to be transmitted to the escheator, who shall proceed to sell according to such order.
55-186.2	Sign and seal the grant, received from the State Treasurer, conveying escheated property from the Commonwealth to the escheat purchaser and deliver the grant to the State Librarian.

Part 13: Designation of Officials to Serve as Governor's Cabinet

In addition to the Governor's Secretaries as defined in Title 2.2 of the *Code of Virginia*, the following positions shall be deemed of cabinet rank: Chief of Staff; Secretary of the Commonwealth; Counselor to the Governor.

The Director of the Virginia Liaison Office and the Director of the Department of Planning and Budget shall regularly attend Cabinet meetings, together with such other officials and employees as the Governor or Chief of Staff may direct.

This Executive Order rescinds Executive Order Number Thirty-one (94), issued by Governor George Allen on October 25, 1994, Executive Order Number Fifty-Nine (95), issued by Governor George Allen on December 15, 1995, and Executive Order Seventy-Nine (97), issued by Governor George Allen on September 26, 1997.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of December, 2001.

/s/ James S. Gilmore, III, Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Edward Byrne Memorial Formula Grant Program

The Department of Criminal Justice Services has submitted an application to the Bureau of Justice Assistance, U.S. Department of Justice, to obtain FY 2002 funding available through the Edward Byrne Memorial Formula Grant Program. The application requests a total of \$11,628,988 in federal funds, which is the amount allocated to Virginia in accord with the distribution formula governing the Byrne program.

The Department and the Criminal Justice Services Board anticipate using these funds to make grants to support local and state agency projects for school resource officers, criminal records system upgrades, drug abuse treatment for adult and juvenile offenders, crime prevention, training and technical assistance and other criminal justice system improvements that have previously received funding through this grant program.

The application is available for public review at the department's offices at 805 East Broad Street, Richmond, Virginia 23219; and comments from the public are welcome. Inquiries should be directed to Joe Marshall at (804) 786-1577 or by e-mail to jmarshall@dcjs.state.va.us.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria on a 4.5-Mile Segment of Accotink Creek Additional Public Comment Period

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for fecal coliform bacteria on a 4.5-mile segment of Accotink Creek. This impaired segment is located in Fairfax County and begins at the confluence of Crooks Branch and extends to Lake Accotink. Accotink Creek is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria. This is an extension of the public comment period that ended January 29, 2002; stakeholders have requested additional time to evaluate the TMDL approach.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The public comment period will be extended to February 28, 2002. A fact sheet on the development of the TMDL for fecal coliform bacteria on Accotink Creek 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, Virginia 22193, telephone (703) 583-3896, FAX (703) 583-3841 or e-mail kebennett@deq.state.va.us.

STATE WATER CONTROL BOARD

Notice of Periodic Reviews of Regulations

Pursuant to Executive Order Number Twenty-five (1998), the Department of Environmental Quality, on behalf of the State Water Control Board, will review several regulations. The purpose of the review is to determine whether the regulations should be terminated, amended or retained in their current form. The review of the regulations will be guided by the principles listed in Executive Order Number Twenty-five (1998).

1. Eastern Virginia Ground Water Management Area (9 VAC 25-600). The purpose of this regulation is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth; to minimize the impacts of new permitted withdrawals on pre-existing ground water users to be measured by the number of documented reports of unmitigated impacts on existing ground water users attributable to permitted withdrawals; and to preserve existing high quality ground water for future beneficial uses to be measured by the number of documented reports of ground water quality decline (specifically increases in chloride concentrations) at permitted withdrawal sites with ground water quality monitoring requirements. Comments on this regulation should be sent to Terry D. Wagner at the address below or e-mail tdwagner@deq.state.va.us.

2. Ground Water Withdrawal Regulations (9 VAC 25-610). The purpose of these regulations is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth; to minimize the impacts of new permitted withdrawals on pre-existing ground water users to be measured by the number of documented reports of unmitigated impacts on existing ground water users attributable to permitted withdrawals; and to preserve existing high quality ground water for future beneficial uses to be measured by the number of documented reports of ground water quality declines (specifically increases in chloride concentrations) at permitted withdrawal sites that monitor ground water quality. Comments on this regulation should be sent to Terry D. Wagner at the address below or e-mail tdwagner@deq.state.va.us.

3. Order Declaring the Eastern Shore of Virginia – Accomack and Northampton Counties – As a Critical Ground Water Area (9 VAC 25-620). The purpose of these regulations is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth; to minimize the impacts of new permitted withdrawals on pre-existing ground water users to be measured by the number of documented reports of unmitigated impacts on existing ground water users attributable to permitted withdrawals; and to preserve

existing high quality ground water for future beneficial uses to be measured by the number of documented reports of ground water quality declines (specifically increases in chloride concentrations) at permitted withdrawal sites with ground water quality monitoring requirements. Comments on this regulation should be sent to Terry D. Wagner at the address below or e-mail tdwagner@deq.state.va.us.

4. Petroleum Underground Storage Tank Financial Responsibility Requirements (9 VAC 25-590). The purpose of these regulations is to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to establish procedures and requirements for owners/operators to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. Comments on this regulation should be sent to Cara L. Kail at the address below or e-mail clkail@deq.state.va.us.

The department and the board are seeking public comment on the review of any issue relating to these regulations including whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) the regulations are clearly written and easily understandable by the affected persons.

Comments on the above are welcome and will be accepted until February 19, 2002. Comments should be sent to the contact person listed above at the Department of Environmental Quality, P.O. Box 10009, 629 East Main Street, Richmond, VA 23240-0009. (Note: Please include your full name and mailing address in the e-mail.)

Proposed Consent Special Order Caroline County Caroline County Regional Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue a Consent Special Order (order) to Caroline County (permittee) regarding the Caroline County Regional Wastewater Treatment Plant (WWTP) located in Caroline County, Virginia.

The Caroline County Regional WWTP is subject to VPDES Permit No. VA0073504. The order requires that the permittee develop and implement written procedures; review and evaluate operation and maintenance staffing; update all Operation and Maintenance Manuals for the pumping stations and the WWTP and develop and implement an inspection program. The permittee has agreed to payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through February 27, 2002. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental

Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to saoakes@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

Proposed Consent Special Order Coleman Oil Company

The State Water Control Board proposes to take an enforcement action against the above listed company. Under the terms of the proposed Special Order, the company has agreed to pay a civil charge for past violation of the underground storage tank regulations. The requirements contained in the order bring the facility into compliance with state law and protects water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive comments relating to the Special Order until February 28, 2002. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, VA 24212 and should refer to the Consent Special Order. Comments can also be sent by e-mail to drsizemore@deq.state.va.us. Anyone wishing to comment must include his name, address and phone number and all comments must be received before the end of the comment period.

The proposed order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia.

A copy of the order may be obtained in person or by mail from the above office.

Proposed Consent Special Order Stafford County Board of Supervisors

The State Water Control Board (Board) proposes to issue a Consent Special Order (order) to the Stafford County Board of Supervisors (county) regarding the Aquia wastewater treatment facility (WWTP) located in Stafford County, Virginia.

The WWTP is subject to VPDES Permit No. VA0060968. The proposed order includes a schedule of compliance that requires the county to upgrade the WWTP to achieve compliance with final permit limits and provides interim limits for certain parameters until the upgrade is complete. The county has agreed to the issuance of the order.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the amended order through February 27, 2002. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to eacrosier@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit

General Notices/Errata

the Woodbridge address, or call (703) 583-3886, in order to obtain or examine a copy of the amended order.

Proposed Consent Special Order Virginia State Golf Association

The State Water Control Board proposes to issue a consent special order to the Virginia State Golf Association (VSGA) to resolve certain alleged violations of environmental laws and regulations occurring at the Founders Bridge residential golf community located in Powhatan and Chesterfield Counties, Virginia. The proposed order requires VSAG to submit proof of recordation of the written protection for compensatory wetland mitigation areas; a procedures manual addressing water withdrawals in Bernards Creek; and the payment of a civil charge.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive for 30 days from the date of publication of this notice written comments relating to the proposed consent special order. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060; or sent to the e-mail address of ecakers@deq.state.va.us. All comments received by e-mail must include your name, address and phone number. A copy of the order may be obtained in person or by mail from the above office.

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.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08

ERRATA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Title of Regulation: 18 VAC 10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations.

Publication: 18:7 VA.R. 1045-1057 December 17, 2001.

Correction to the final regulation:

Page 1050, 18 VAC 10-20-280, paragraph two, line seven, unstrike "\$150" and delete "\$175"; line 8, strike "\$150" and insert "\$175"

Page 1052, 18 VAC 10-20-370 D 2 b, line 2, change "referenced" to "reference"

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: 9 VAC 10-20. Chesapeake Bay Preservation Area Designation and Management Regulations.

Publication: 18:9 VA.R. 1196-1213 January 14, 2002.

Correction to Final Regulation:

Page 1196, after agency contact information, insert:

<p>REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:2 VA.R. 144-190 October 9, 2000, 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.</p>

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

Department of Agriculture and Consumer Services, 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

Department of Agriculture and Consumer Services, 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

Department of Agriculture and Consumer Services, 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 

Calendar of Events

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.

Farmland Preservation Task Force

† January 29, 2002 - 10 a.m. -- Open Meeting
Virginia Farm Bureau Federation Headquarters, 12580 West Creek Parkway, Richmond, Virginia. 

The Farmland Preservation Task Force has the responsibility of developing a proposed Purchase of Development Rights (PDR) program for the state. The Task Force will begin to review the experiences of other states with PDR programs and develop a vision for farmland preservation in Virginia. The Task Force plans to have a draft proposal ready for public comment in the fall of 2002. Any person who needs any accommodation in order to participate at the meeting should contact William Dickinson, Jr. before the meeting date so that suitable arrangements can be made.

Contact: William Dickinson, Jr., Assistant Commissioner, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 210, Richmond, VA 23219, telephone (804) 786-3501, FAX (804) 371-2945, e-mail wdickinson@vdacs.state.va.us.

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.

Virginia Irish Potato Board

† February 11, 2002 - 7:30 p.m. -- Open Meeting
Eastern Shore Agricultural Research and Extension Center, Research Drive, Painter, Virginia 

A meeting to review the financial statement and hear and approve minutes of the last meeting. In addition, the board will plan and review grants request for 2002-03 season and discuss other business that may come before the board. The board will entertain public comment at the conclusion of

all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact J.W. Nottingham at least five days before the meeting date so that suitable arrangements can be made.

Contact: J. W. Nottingham, Program Director, Virginia Irish Potato Board, P.O. Box 26, Onley, VA 23418, telephone (757) 787-5867, FAX (757) 787-5973.

Virginia Plant Pollination Advisory Board

† **February 27, 2002 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor, Board
Room, Richmond, Virginia. ♿

An annual meeting. 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 Keith R. Tignor at least five days before the meeting date so that suitable arrangements can be made.

Contact: Keith R. Tignor, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793.

Virginia Soybean Board

† **March 7, 2002 - 8 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia. ♿

A meeting to discuss checkoff revenues resulting from sales of the 2001 soybean crop, approve previous meeting minutes, hear project reports for FY 2001-2002, and project proposals for FY 2002-2003. Funding decisions will be made for the fiscal year beginning 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 Winegrowers Advisory Board

† **February 7, 2002 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor Board
Room, Richmond, Virginia. ♿

The second general business meeting for fiscal year 2002. The board will review and approve the board's financial report and the minutes from the last meeting. In addition, viticulture, enology, and marketing reports will be heard. 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 Mary Davis-Barton at least two days before the meeting date so that suitable arrangements can be made.

Contact: Mary Davis-Barton, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122.

STATE AIR POLLUTION CONTROL BOARD

† **February 12, 2002 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, Tidewater Regional
Office, 5636 Southern Boulevard, Virginia Beach, Virginia. ♿

A public hearing to receive comment on an application from United Winner Metals Inc. to install and operate a secondary aluminum production process at the facility in Chesapeake, VA.

Contact: Yen T. Bao, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2195, e-mail ytbao@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **March 29, 2002 - 10 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-20. Advertising.** The purpose of the proposed amendments is to amend 3 VAC 5-20-10 to allow limited use of point of sale advertising using professional athletes and athletic teams by beer and wine retailers, and to amend 3 VAC 5-20-60 to increase the maximum wholesale value of novelty and specialty items bearing alcoholic beverage advertising which may be given away by alcoholic beverage manufacturers and wholesalers.

Statutory Authority: §§ 4.1-111 and 4.1-320 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ♿

† **March 29, 2002 - 10 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage
Road, Richmond, Virginia.

April 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 Alcoholic Beverage Control Board

Calendar of Events

intends to amend regulations entitled: **3 VAC 5-30. Tied-House.** The purpose of the proposed amendments is to allow alcoholic beverage manufacturers, bottlers, and wholesalers to provide advertising materials to retail licensees that have been customized for the individual retailer, with some restrictions.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

† **March 29, 2002 - 10 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-50. Retail Operations.** The purpose of the proposed amendments is to reduce the advance notice required of events to be catered under a caterer's license from two days to 24 hours.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

† **March 29, 2002 - 10 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-60. Manufacturers and Wholesalers Operations.** The purpose of the proposed amendments is to increase the maximum wholesale value of novelty and specialty items that may be given away by representatives of distilled beverage manufacturers, and to allow such representatives to provide routine business entertainment to mixed beverage licensees.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

† **March 29, 2002 - 10 a.m.** -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

April 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70. Retail Operations.** The purpose of the proposed amendments is to (i) permit the peddling of cider and the reporting of cider sales by wholesale wine licensees in the same manner as beer and (ii) require all special event licensees in charge of public events to report to the board the income and expenses associated with the event when the licensee engages another person to organize, conduct, or operate the event on behalf of the licensee.

Statutory Authority: §§ 4.1-103 and 4.1-111, and 4.1-213 of the Code of Virginia.

Contact: Sara M. Gilliam, Assistant Secretary, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4440, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† **January 28, 2002 - 10 a.m.** -- Open Meeting
Institute for Biology and Drug Discovery, Virginia Commonwealth University, 800 Leigh Street, Suite 202, Richmond, Virginia. ♿

A regular meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Department of the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

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.

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.

ART AND ARCHITECTURAL REVIEW BOARD

† **February 1, 2002 - 10 a.m.** -- Open Meeting

† **March 1, 2002 - 10 a.m.** -- Open Meeting

† **April 5, 2002 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request submittal form DGS-30-905 or submittal instructions form DGS-30-906.

Contact: Richard L. Ford, AIA, Chairman, Department of General Services, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **January 29, 2002 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

Calendar of Events

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

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 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, 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 Port Authority, 600 World Trade Center, Norfolk, Virginia 🗿 (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or 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.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **February 12, 2002 - 10 a.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia 🗿 (Interpreter for the deaf provided upon request)

The Northern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs in the northern area. No comments from the public will be entertained at this meeting; however, written comments are welcome. A tentative agenda is available upon request.

Contact: Carolyn J. Elliott, Administrative Program Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

† **February 12, 2002 - Noon** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia 🗿 (Interpreter for the deaf provided upon request)

The Grants Committee will meet to consider the FY03 Competitive Grants Program applications for funding. No

comments from the public will be entertained at this meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Administrative Program Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

† **February 12, 2002 - 2 p.m.** -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Southern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the southern area. No comments from the public will be entertained at this meeting; however, written comments are welcome. A tentative agenda is available upon request.

Contact: Carolyn J. Elliott, Administrative Program Assistant, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

COMPENSATION BOARD

† **February 26, 2002 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

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.

BOARD OF CORRECTIONS

Correctional Services/Policy and Regulations Committee

† **February 12, 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 Drive, Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

† **February 13, 2002 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ♿

A monthly meeting of the full board to discuss correctional matters that may be brought before the board for consideration.

Contact: Barbara Reyes, Executive Secretary, Board of Corrections, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3288, FAX (804) 674-3509, e-mail reyesbb@vadoc.state.va.us.

BOARD OF COUNSELING

† **February 7, 2002 - 9 a.m.** -- Closed Meeting
Sheraton Richmond West, 6624 West Broad Street, Tidewater Room, Richmond, Virginia. ♿

A meeting of the Examination Committee to evaluate requests for proposals for examinations for certified substance abuse counselors and licensed professional counselors. This will be a closed meeting held in closed session.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail coun@dhp.state.va.us.

† **February 7, 2002 - 11:30 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Tidewater Room, Richmond, Virginia. ♿

A meeting of the Credentials Committee to review applicant credentials. No public comments will be received.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-7260, (804) 662-7197/TTY ☎, e-mail coun@dhp.state.va.us.

February 7, 2002 - 1 p.m. -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Tidewater Room, Richmond, Virginia. ♿

Calendar of Events

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.

† **February 8, 2002 - 10 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 W. Broad Street, Tidewater Room, Richmond, Virginia. ♿

A general business meeting. The board will consider reports of standing committees and the ad hoc committee on substance abuse. The board will consider issues related to the regulations of its counseling professions. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-9197/TTY ☎, e-mail ebrown@dhp.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **February 6, 2002 - 9:30 a.m.** -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, 2nd Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled quarterly meeting of the board.

Contact: Leslie Hutcherson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9502, FAX (804) 662-9718, toll-free (800) 552-7917, (804) 662-9502/TTY ☎, e-mail hutchelg@ddhh.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

February 21, 2002 - 11 a.m. -- Open Meeting

March 21, 2002 - 11 a.m. -- Open Meeting

† **April 18, 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., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

January 28, 2002 - 9:30 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia.

March 18, 2002 - 9:30 a.m. -- Open Meeting

Old Dominion University, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **April 15, 2002 - 9:30 a.m.** -- Open Meeting

Richmond area; location to be announced. ♿ (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.

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

† **April 24, 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.

† **April 25, 2002 - 9 a.m.** -- Open Meeting

† **April 26, 2002 - 9 a.m.** -- Open Meeting

Location to be announced. ♿ (Interpreter for the deaf provided upon request)

This is a working session and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **February 8, 2002 - 7 p.m.** -- Public Hearing

Big Island Public Library, 1111 Schooldays Road (Route 122), Big Island, Virginia. ♿

A public hearing to solicit comments on the draft permit amendment which would allow the facility to incorporate

several structural and operational changes to improve the drainage characteristics of the landfill.

Contact: Donald H. Bruson, III, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4239, e-mail dhbrunson@deq.state.va.us.

† **February 12, 2002 - 7 p.m.** -- Public Hearing
Major Hillard Public Library, 824 Old George Washington Highway North, Chesapeake, Virginia. 

A public hearing to receive comments on a draft permit amendment for the VEPCO industrial landfill located in Chesapeake. The permit amendment would incorporate a groundwater monitoring plan into the permit.

Contact: Rosemarie Ballance, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4223, e-mail rballance@deq.state.va.us.

† **March 19, 2002 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee. Meeting minutes and agenda are available from the contact person listed below.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

BOARD OF FORESTRY

January 30, 2002 - 8:30 a.m. -- Open Meeting
Linden Row Inn, 100 East Franklin Street, 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 30, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

An informal hearing of the Special Conference Committee being held in accordance with § 2.2-4020 of the Code of Virginia. No public comments will be heard.

Contact: Elizabeth Tisdale, 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 

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. 

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.

Calendar of Events

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.

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 

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.

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.

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.

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: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail bgd@doli.state.va.us.

THE LIBRARY OF VIRGINIA

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

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

February 7, 2002 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A general business meeting including adoption of proposed regulations for 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.

Calendar of Events

Informal Conference Committee

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 Dixon, 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.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mine Land Reclamation

† **February 15, 2002 - 1 p.m.** -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, Conference Room 116, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to give interested persons the opportunity to be heard in regard to the FY 2002 Abandoned Mine Land Consolidated Grant Application to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, AML Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900,

Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247, (800) 828-1120/TTY ☎, e-mail rlw@mme.state.va.us.

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 dmvj3b@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

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.

Calendar of Events

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.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† March 6, 2002 - 9 a.m. -- Open Meeting
Holiday Inn Select - Koger South Conference Center, 1021 Koger Center Boulevard, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly board meeting.

Contact: Glendora Reed, Administrative Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail reedgr@vbpd.state.va.us.

BOARD OF PHARMACY

NOTE: CHANGE IN MEETING DATE

† February 4, 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 to discuss the adoption of final regulations for pilot programs and exempt changes to Code of Virginia references in regulations. The board 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

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

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.

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
† **March 27, 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
† **March 28, 2002 - 8 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
† **March 28, 2002 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting of the full board.

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 (8

04) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RESOURCES AUTHORITY

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

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.

STATE BOARD OF SOCIAL SERVICES

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 

Calendar of Events

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.

COUNCIL ON TECHNOLOGY SERVICES

† January 31, 2002 - 9:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Rooms C, D,
and E, Richmond, Virginia.

A full council meeting to advise and assist the Secretary of
Technology on enterprise-wide technology priorities,
investment, and management. Visit www.cots.state.va.us
for agenda information. Public comment will be received at
the end of the meeting.

Contact: Jenny Wootton, Executive Director, Council on
Technology Services, Office of the Secretary of Technology,
202 N. 9th St., Room 506, Richmond, VA 23219, telephone
(804) 786-9579, FAX (804) 786-9584, e-mail
jwootton@gov.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† February 20, 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: Katherine Tracy, 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.

† February 21, 2002 - 10 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street,
Auditorium, Richmond, Virginia.

A monthly meeting of the Commonwealth Transportation
Board to vote on proposals presented regarding bids,
permits, additions and deletions to the highway system, and
any other matters requiring board approval. Public comment
will be received at the outset of the meeting on items on the
meeting agenda for which the opportunity for public
comment has not been afforded the public in another forum.
Remarks will be limited to 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,
Department of Transportation, 1401 E. Broad St., Richmond,
VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-
mail Mathis_ca@vdot.state.va.us.

BOARD OF VETERINARY MEDICINE

† February 7, 2002 - 9 a.m. -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, Roanoke,
Virginia. (Interpreter for the deaf provided upon request)

Informal hearings (disciplinary hearings). These are public
meetings, but public comment will not be received.

Contact: Terri H. Behr, Administrative Assistant, Board of
Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond,
VA 23230, telephone (804) 662-9915, FAX (804) 662-7098,
(804) 662-7197/TTY, e-mail terri.behr@dhp.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,
P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-
4326.

STATE WATER CONTROL BOARD

† January 30, 2002 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
4th Floor Conference Room, Richmond, Virginia.

A meeting of the advisory committee assisting the
department in the development of the general permit for
concentrated aquatic animal production operations.

Contact: Michael Gregory, State Water Control Board,
Department of Environmental Quality, P.O. Box 10009,
Richmond, VA 23240, telephone (804) 698-4065, e-mail
mbgregory@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.

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 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.

† February 12, 2002 - 7 p.m. -- Public Hearing
Louisa County High School, 757 Davis Highway (Route 22), Mineral, Virginia. 

A public hearing to receive comments on the proposed issuance of a VPDES Permit for the Zion Crossroads wastewater treatment facility. The facility is a proposed municipal discharge located on State Route 15, approximately 8,000 feet north of Interstate 64.

Contact: Anna T. Westernik, Department of Environmental Quality, 13901 Crown Court Woodbridge, VA 22193, telephone (703) 583-3837, e-mail atwesterni@deq.state.va.us.

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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**

Calendar of Events

(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.

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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.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **March 21, 2002 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ♿, e-mail waterwasteoper@dpor.state.va.us.

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 28

† Alzheimer's Disease and Related Disorders Commission Education, Board of
- Advisory Board for Teacher Education and Licensure

January 29

† Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
- Farmland Preservation Task Force
† Asbestos, Lead, and Home Inspectors, Virginia Board for

January 30

Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
- Architects Section
Forestry, Board of
† Funeral Directors and Embalmers, Board of
- Special Conference Committee
† Water Control Board, State

January 31

Labor and Industry, Department of
- Virginia Apprenticeship Council
Longwood College
- Executive Committee
Manufactured Housing Board, Virginia
Social Services, State Board of
† Technology Services, Council on
Voluntary Formulary Board, Virginia

February 1

† Art and Architectural Review Board
Physical Therapy, Board of

February 4

Branch Pilots, Board for
† Pharmacy, Board of
Professional and Occupational Regulation, Board of

February 5

Branch Pilots, Board for
Hopewell Industrial Safety Council
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
† Deaf and Hard-of-Hearing, Department for the

February 7

† Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Counseling, Board of
- Credentials Committee
- Examination Committee
- Regulatory/Supervision/Legislative Committee
Medicine, Board of
Nursing, Board of
- Special Conference Committee
† Veterinary Medicine, Board of
- Informal Conference Committee

February 8

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
† Counseling, Board of

February 11

- † Agriculture and Consumer Services, Department of
 - Virginia Irish Potato Board
- Nursing, Board of
 - Special Conference Committee

February 12

- † Chesapeake Bay Local Assistance Board
 - Grants Committee
 - Northern Area Review Committee
 - Southern Area Review Committee
- † Corrections, Board of
 - Correctional Services/Policy and Regulations Committee
- 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
- † Corrections, Board of
- 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
- † Mines, Minerals and Energy, Department of
 - Division of Mined Land Reclamation

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
- † Transportation Board, Commonwealth
- 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
- † Transportation Board, Commonwealth
- Water Control Board, State

February 26

- Cemetery Board
- † Compensation Board
- Marine Resources Commission
- Nursing, Board of
 - Special Conference Committee

February 27

- † Agriculture and Consumer Services, Department of
 - Virginia Plant Pollination Advisory Board
- 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 1

- † Art and Architectural Review Board

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
- † People with Disabilities, Virginia Board for

March 7

- † Agriculture and Consumer Services, Department of
 - Virginia Soybean Board

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

Calendar of Events

- Executive Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee

Nursing, Board of

March 19

- † Environmental Quality, Department of
- Ground Water Protection Steering Committee

March 20

- Nursing, Board of
- Polygraph Examiners Advisory Board

March 21

- Design-Build/Construction Management Review Board
- Nursing, Board of
- † Waterworks and Wastewater Works Operators, Virginia for Board

March 26

- Marine Resources Commission

March 27

- Education, Board of
- Medicine, Board of
- Informal Conference Committee
- † Real Estate Board
- Continuing Education Committee

March 28

- † Real Estate Board
- Fair Housing Committee

April 5

- † Art and Architectural Review Board

April 9

- Medical Assistance Services, Board of

April 15

- † Board of Education
- Advisory Board for Teacher Education and Licensure

April 18

- † Design-Build/Construction Management Review Board

April 24

- † Education, Board of

April 25

- † Education, Board of

April 26

- † Education, Board of

PUBLIC HEARINGS

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 8

- † Environmental Quality, Department of

February 12

- † Air Pollution Control Board
- † Environmental Quality, Department of
- Game and Inland Fisheries, Department of
- † Water Control Board, State

February 13

- Game and Inland Fisheries, Department of

February 20

- Water Control Board, State

March 14

- Agriculture and Consumer Services, Department of

March 29

- † Alcoholic Beverage Control Board