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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 11, dated February 11, 2002). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-400-10	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-20	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-30	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-50	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-80	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-90	Added	18:21 VA.R. 2768	8/1/02
2 VAC 5-610-10 through 2 VAC 5-610-80	Amended	18:21 VA.R. 2768	8/1/02
Title 3. Alcoholic Beverages			
3 VAC 5-20-10	Amended	18:23 VA.R. 3094	8/28/02
3 VAC 5-20-60	Amended	18:23 VA.R. 3095	8/28/02
3 VAC 5-30-60	Amended	18:23 VA.R. 3095	8/28/02
3 VAC 5-50-170	Amended	18:23 VA.R. 3096	8/28/02
3 VAC 5-60-80	Amended	18:23 VA.R. 3096	8/28/02
3 VAC 5-70-20	Amended	18:23 VA.R. 3097	8/28/02
3 VAC 5-70-90	Amended	18:23 VA.R. 3097	8/28/02
Title 4. Conservation and Natural Resources			
4 VAC 5-35-10 through 4 VAC 5-35-50	Repealed	18:14 VA.R. 1800	4/25/02
4 VAC 5-36-10 through 4 VAC 5-36-210	Added	18:14 VA.R. 1800-1827	4/25/02
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-380-60 emer	Repealed	18:23 VA.R. 3102	7/1/02-6/30/03
4 VAC 15-380-120 emer	Added	18:23 VA.R. 3102	7/1/02-6/30/03
4 VAC 20-252-150	Amended	18:21 VA.R. 2836	5/29/02-6/27/02
4 VAC 20-252-150	Amended	18:22 VA.R. 2927	6/19/02
4 VAC 20-270-30	Amended	18:14 VA.R. 1827	3/5/02
4 VAC 20-270-40	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-55	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-56	Added	18:14 VA.R. 1828	3/5/02
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-430-50	Amended	18:18 VA.R. 2287	5/1/02
4 VAC 20-430-60	Amended	18:18 VA.R. 2287	5/1/02
4 VAC 20-560-20	Erratum	18:14 VA.R. 1911	--
4 VAC 20-560-20 emer	Amended	18:14 VA.R. 1904	3/4/02-3/31/02
4 VAC 20-560-20	Amended	18:16 VA.R. 2054	4/1/02
4 VAC 20-560-50 emer	Amended	18:14 VA.R. 1905	3/4/02-3/31/02
4 VAC 20-560-50	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-620-20	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-40	Amended	18:12 VA.R. 1646	1/31/02
4 VAC 20-620-50	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-50	Amended	18:21 VA.R. 2836	6/1/02-6/30/02
4 VAC 20-620-50	Amended	18:22 VA.R. 2927	6/19/02
4 VAC 20-620-60	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-60	Erratum	18:21 VA.R. 2846	--

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-620-60	Amended	18:21 VA.R. 2836	6/1/02-6/30/02
4 VAC 20-620-60	Amended	18:22 VA.R. 2928	6/19/02
4 VAC 20-620-70	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-70	Amended	18:21 VA.R. 2837	6/1/02-6/30/02
4 VAC 20-620-70	Amended	18:22 VA.R. 2928	6/19/02
4 VAC 20-670-30 emer	Amended	18:22 VA.R. 2935	6/20/02-7/20/02
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-47 emer	Added	18:12 VA.R. 1697	2/1/02-2/28/02
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-752-10	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-20	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-20 emer	Amended	18:24 VA.R. 3300	7/15/02-8/14/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-752-30	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-910-45	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-910-45	Erratum	18:21 VA.R. 2846	--
4 VAC 20-950-30	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-40	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-45	Amended	18:12 VA.R. 1647	1/31/02
4 VAC 20-950-45	Amended	18:14 VA.R. 1830	3/4/02
4 VAC 20-950-45	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 50-20-30	Amended	18:14 VA.R. 1831	7/1/02
4 VAC 50-20-50	Amended	18:14 VA.R. 1832	7/1/02
4 VAC 50-20-50	Erratum	18:17 VA.R. 2183	--
4 VAC 50-20-70	Amended	18:14 VA.R. 1832	7/1/02
4 VAC 50-20-120	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-220	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-320	Amended	18:14 VA.R. 1835	7/1/02
Title 6. Criminal Justice and Corrections			
6 VAC 15-40-10	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-40	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-90 through 6 VAC 15-40-130	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-150	Amended	18:20 VA.R. 2584	7/17/02
6 VAC 15-40-155	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-160	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-280	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-290	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-360 through 6 VAC 15-40-390	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-393	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-395	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-400	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-410	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-450	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-460	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-470	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-490	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-520	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-540 through 6 VAC 15-40-580	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-620	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-640 through 6 VAC 15-40-670	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-690	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-740	Amended	18:20 VA.R. 2583	7/17/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 15-40-800 through 6 VAC 15-40-830	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-833	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-835	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-840	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-870	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-900	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-910	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-920	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-940 through 6 VAC 15-40-970	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1020	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1030	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1040	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1070	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1080	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1100	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1110	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1130	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1190	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1193	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1195	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1200	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1330	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1350	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 20-171-10	Amended	18:15 VA.R. 1955	5/10/02
6 VAC 20-171-50	Amended	18:15 VA.R. 1957	5/10/02
6 VAC 20-171-120	Amended	18:15 VA.R. 1958	5/10/02
6 VAC 20-171-200	Amended	18:15 VA.R. 1958	5/10/02
6 VAC 20-171-220	Amended	18:15 VA.R. 1959	5/10/02
6 VAC 20-171-230	Amended	18:15 VA.R. 1960	5/10/02
6 VAC 20-171-240	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-250	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-260	Amended	18:15 VA.R. 1962	5/10/02
6 VAC 20-171-280	Amended	18:15 VA.R. 1963	5/10/02
6 VAC 20-171-310	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-320	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-330	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-340	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-350	Amended	18:15 VA.R. 1966	5/10/02
6 VAC 20-171-350	Erratum	18:20 VA.R. 2680	--
6 VAC 20-171-445	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-450	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-480	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-520	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-530	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-540	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-150-10	Amended	18:24 VA.R. 3284	10/1/02
6 VAC 35-150-35	Added	18:24 VA.R. 3285	10/1/02
6 VAC 35-150-55	Amended	18:24 VA.R. 3285	10/1/02
6 VAC 35-150-70 through 6 VAC 35-150-165	Amended	18:24 VA.R. 3285-3286	10/1/02
6 VAC 35-150-170	Repealed	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-175	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-180	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-190	Amended	18:24 VA.R. 3286	10/1/02
6 VAC 35-150-200 through 6 VAC 35-150-350	Amended	18:24 VA.R. 3286-3288	10/1/02
6 VAC 35-150-360	Repealed	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-370 through 6 VAC 35-150-420	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-427	Added	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-430	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-435	Amended	18:24 VA.R. 3288	10/1/02
6 VAC 35-150-440	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-450	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-460	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-490 through 6 VAC 35-150-540	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-620 through 6 VAC 35-150-650	Amended	18:24 VA.R. 3289	10/1/02
6 VAC 35-150-670 through 6 VAC 35-150-720	Amended	18:24 VA.R. 3289	10/1/02
Title 8. Education			
8 VAC 20-21-10	Amended	18:12 VA.R. 1648	3/28/02
8 VAC 20-21-40	Amended	18:12 VA.R. 1649	3/28/02
8 VAC 20-21-50	Amended	18:12 VA.R. 1650	3/28/02
8 VAC 20-21-90	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-100	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-120	Amended	18:12 VA.R. 1652	3/28/02
8 VAC 20-21-170	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-590	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-660	Amended	18:12 VA.R. 1655	3/28/02
8 VAC 20-21-680	Amended	18:12 VA.R. 1656	3/28/02
8 VAC 20-80-30	Amended	18:12 VA.R. 1657	3/27/02
8 VAC 20-80-40	Amended	18:12 VA.R. 1660	3/27/02
8 VAC 20-80-54	Amended	18:12 VA.R. 1661	3/27/02
8 VAC 20-80-56	Amended	18:12 VA.R. 1664	3/27/02
8 VAC 20-80-60	Amended	18:12 VA.R. 1666	3/27/02
8 VAC 20-80-66	Amended	18:12 VA.R. 1668	3/27/02
8 VAC 20-80-70	Amended	18:12 VA.R. 1671	3/27/02
8 VAC 20-80-76	Amended	18:12 VA.R. 1676	3/27/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-630-10 through 8 VAC 20-630-70	Added	18:12 VA.R. 1683-1684	3/28/02
8 VAC 40-70-10 through 8 VAC 40-70-50	Amended	18:21 VA.R. 2770-2773	7/1/02
8 VAC 40-120-10 through 8 VAC 40-120-50	Amended	18:21 VA.R. 2774-2778	7/31/02
8 VAC 40-120-55	Added	18:21 VA.R. 2778	7/31/02
8 VAC 40-120-60 through 8 VAC 40-120-140	Amended	18:21 VA.R. 2778-2787	7/31/02
8 VAC 40-120-190	Amended	18:21 VA.R. 2787	7/31/02
8 VAC 40-120-210 through 8 VAC 40-120-230	Amended	18:21 VA.R. 2787-2788	7/31/02
8 VAC 40-120-250	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-270	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-280	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-130-10	Amended	18:21 VA.R. 2789	7/1/02
8 VAC 40-130-25	Added	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-30	Amended	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-50	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-70	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-90	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-100	Repealed	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-120	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-130	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-140	Repealed	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-150 through 8 VAC 40-130-180	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-200	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-220	Amended	18:21 VA.R. 2793	7/1/02
Title 9. Environment			
9 VAC 5-10-10	Amended	18:21 VA.R. 2793	8/1/02
9 VAC 5-10-20	Amended	18:21 VA.R. 2794	8/1/02
9 VAC 5-20-180	Amended	18:21 VA.R. 2800	8/1/02
9 VAC 5-40-10	Amended	18:21 VA.R. 2802	8/1/02
9 VAC 5-40-20	Amended	18:21 VA.R. 2803	8/1/02
9 VAC 5-40-30	Amended	18:21 VA.R. 2807	8/1/02
9 VAC 5-40-40	Amended	18:21 VA.R. 2808	8/1/02
9 VAC 5-40-50	Amended	18:21 VA.R. 2809	8/1/02
9 VAC 5-40-160 through 9 VAC 5-40-230	Repealed	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-50-10	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-20	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-30	Amended	18:21 VA.R. 2813	8/1/02
9 VAC 5-50-40	Amended	18:21 VA.R. 2814	8/1/02
9 VAC 5-50-50	Amended	18:21 VA.R. 2815	8/1/02
9 VAC 5-50-160 through 9 VAC 5-50-230	Repealed	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-50-240	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-250	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-260	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-320	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-390	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-60-10	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-20	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-30	Amended	18:21 VA.R. 2817	8/1/02
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-60-200 through 9 VAC 5-60-270	Added	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-60-200	Erratum	18:17 VA.R. 2183	--
9 VAC 5-60-300 through 9 VAC 5-60-370	Added	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-60-300	Erratum	18:17 VA.R. 2183	--
9 VAC 5-80-10	Repealed	18:20 VA.R. 2587	9/1/02
9 VAC 5-80-11	Repealed	18:20 VA.R. 2608	9/1/02
9 VAC 5-80-1100 through 9 VAC 5-80-1320	Added	18:20 VA.R. 2587-2612	9/1/02
9 VAC 5-80-1250	Erratum	18:23 VA.R. 3136	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-2000 through 9 VAC 5-80-2090	Amended	18:14 VA.R. 1845-1852	5/1/02
9 VAC 5-80-2100	Repealed	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2110	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2120	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2150	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2160	Repealed	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2180	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2190	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2200	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2210	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2220	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2230	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2240	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-91-20	Amended	18:20 VA.R. 2613	10/1/02
9 VAC 5-91-30	Amended	18:20 VA.R. 2619	10/1/02
9 VAC 5-91-41	Repealed	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-50	Amended	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-70	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-120	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-160 through 9 VAC 5-91-230	Amended	18:20 VA.R. 2622-2623	10/1/02
9 VAC 5-91-260	Amended	18:20 VA.R. 2623	10/1/02
9 VAC 5-91-270	Amended	18:20 VA.R. 2623	10/1/02
9 VAC 5-91-290 through 9 VAC 5-91-340	Amended	18:20 VA.R. 2623-2625	10/1/02
9 VAC 5-91-360	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-370	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-380	Amended	18:20 VA.R. 2626	10/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-91-410 through 9 VAC 5-91-450	Amended	18:20 VA.R. 2626-2636	10/1/02
9 VAC 5-91-460	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-470	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-480 through 9 VAC 5-91-620	Amended	18:20 VA.R. 2636-2639	10/1/02
9 VAC 5-91-650 through 9 VAC 5-91-720	Amended	18:20 VA.R. 2639-2641	10/1/02
9 VAC 5-91-680	Erratum	18:23 VA.R. 3136	--
9 VAC 5-91-740	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-750	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-770	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-780	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-790	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-800	Amended	18:20 VA.R. 2642	10/1/02
9 VAC 5-140-10 through 9 VAC 5-140-940	Added	18:20 VA.R. 2654-2657	7/17/02
9 VAC 5-140-20	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-60	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-430	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-860	Erratum	18:22 VA.R. 2953	--
9 VAC 5-140-870	Erratum	18:22 VA.R. 2953	--
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 10-20-40	Erratum	18:13 VA.R. 1763	--
9 VAC 10-20-130	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-181	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-191	Erratum	18:13 VA.R. 1764	--
9 VAC 20-60	Erratum	18:12 VA.R. 1714	--
9 VAC 20-60-1285 emer	Amended	18:21 VA.R. 2837	7/1/02-6/30/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
Appendix 3.1 of 9 VAC 20-90 emer	Amended	18:21 VA.R. 2838	7/1/02-6/30/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-120-10	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-20	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-40 through 9 VAC 20-120-100	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-120	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-130	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-150 through 9 VAC 20-120-180	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-200 through 9 VAC 20-120-310	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-330	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-340	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-360	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-370	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-380	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-390	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-410 through 9 VAC 20-120-480	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-500	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-530	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-540	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-560	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-590	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-640	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-680 through 9 VAC 20-120-760	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-770 through 9 VAC 20-120-800	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-810	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-835	Added	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-840	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-880	Amended	18:18 VA.R. 2287	6/19/02
Appendix 10.1	Repealed	18:18 VA.R. 2287	6/19/02
Appendix 10.4	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-160-10 through 9 VAC 20-160-40	Amended	18:18 VA.R. 2288-2290	7/1/02
9 VAC 20-160-50	Repealed	18:18 VA.R. 2290	7/1/02
9 VAC 20-160-60 through 9 VAC 20-160-120	Amended	18:18 VA.R. 2290-2292	7/1/02
9 VAC 20-160-130	Repealed	18:18 VA.R. 2292	7/1/02
9 VAC 25-20-110 emer	Amended	18:21 VA.R. 2839	7/1/02-6/30/03
9 VAC 25-20-120 emer	Amended	18:21 VA.R. 2840	7/1/02-6/30/03
9 VAC 25-20-130 emer	Amended	18:21 VA.R. 2841	7/1/02-6/30/03
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-60	Repealed	18:20 VA.R. 2657	7/17/02
9 VAC 25-194-10	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-40 through 9 VAC 25-194-70	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-80	Repealed	18:19 VA.R. 2452	10/15/02
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-55	Added	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	*
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	*
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	*
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	*

* 30 days after notice in the *Virginia Register* of EPA approval.

** Notice of effective date published in 18:17 VA.R. 2174.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-420	Repealed	18:26 VA.R. 3808	***
9 VAC 25-430	Repealed	18:26 VA.R. 3808	***
9 VAC 25-440	Repealed	18:26 VA.R. 3808	***
9 VAC 25-450	Repealed	18:26 VA.R. 3808	***
9 VAC 25-452	Repealed	18:26 VA.R. 3808	***
9 VAC 25-460	Repealed	18:26 VA.R. 3808	***
9 VAC 25-470	Repealed	18:26 VA.R. 3808	***
9 VAC 25-480	Repealed	18:26 VA.R. 3808	***
9 VAC 25-490	Repealed	18:26 VA.R. 3808	***
9 VAC 25-500	Repealed	18:26 VA.R. 3808	***
9 VAC 25-510	Repealed	18:26 VA.R. 3808	***
9 VAC 25-520	Repealed	18:26 VA.R. 3808	***
9 VAC 25-530	Repealed	18:26 VA.R. 3808	***
9 VAC 25-540	Repealed	18:26 VA.R. 3808	***
9 VAC 25-550	Repealed	18:26 VA.R. 3808	***
9 VAC 25-560	Repealed	18:26 VA.R. 3808	***
9 VAC 25-570	Repealed	18:26 VA.R. 3808	***
9 VAC 25-572	Repealed	18:26 VA.R. 3808	***
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	18:26 VA.R. 3809-3852	***
Title 10. Finance and Financial Institutions			
10 VAC 5-160-50	Added	18:19 VA.R. 2453	5/15/02
10 VAC 5-200-10 through 10 VAC 5-200-80	Added	18:24 VA.R. 3296-3299	7/22/02
Title 11. Gaming			
11 VAC 10-20-260 through 11 VAC 10-20-310	Amended	18:20 VA.R. 2661-2664	5/22/02
11 VAC 10-20-330	Amended	18:20 VA.R. 2664	5/22/02
11 VAC 10-20-340	Amended	18:20 VA.R. 2671	5/22/02
11 VAC 10-100-80	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-100	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-110	Repealed	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-140	Repealed	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-150	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-150	Erratum	18:23 VA.R. 3136	--
11 VAC 10-100-151	Added	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-152	Added	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-170	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-100-190	Amended	18:23 VA.R. 3097	7/1/02
11 VAC 10-110-10	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-20	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-60	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-80	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-90	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-150	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-110-180	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-20	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-50	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-80	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-90	Repealed	18:23 VA.R. 3098	7/1/02
11 VAC 10-120-100	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-130-10	Amended	18:20 VA.R. 2672	5/22/02
11 VAC 10-130-20	Amended	18:20 VA.R. 2673	5/22/02
11 VAC 10-130-51	Amended	18:20 VA.R. 2674	5/22/02

*** Effective date suspended at publication for further public comment.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-130-52	Added	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-60	Amended	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
11 VAC 10-140-10	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-30	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-40	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-60	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-130	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-140	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-170	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-180	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-140-310	Amended	18:23 VA.R. 3098	7/1/02
11 VAC 10-150-130	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-130	Erratum	18:23 VA.R. 3136	--
11 VAC 10-150-140	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-190	Added	18:23 VA.R. 3099	7/1/02
11 VAC 10-150-200	Added	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-10	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-20	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-90	Repealed	18:23 VA.R. 3099	7/1/02
11 VAC 10-160-120 through 11 VAC 10-160-150	Amended	18:23 VA.R. 3099	7/1/02
11 VAC 10-180-10	Amended	18:19 VA.R. 2453	5/10/02
11 VAC 10-180-20	Amended	18:19 VA.R. 2454	5/10/02
11 VAC 10-180-40 through 11 VAC 10-180-90	Amended	18:19 VA.R. 2455-2462	5/10/02
11 VAC 10-180-60	Erratum	18:20 VA.R. 2681	--
Title 12. Health			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/1/03
12 VAC 5-31	Added	19:3 VA.R. 479-529	1/1/03
12 VAC 5-65	Repealed	18:12 VA.R. 1685	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Added	18:12 VA.R. 1685-1688	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Erratum	18:13 VA.R. 1764	--
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-120-10 through 12 VAC 5-120-90	Added	18:16 VA.R. 2057-2058	5/22/02
12 VAC 5-475-10 through 12 VAC 5-475-90	Added	18:12 VA.R. 1691	3/27/02
12 VAC 5-520-10	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-20	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-30	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-30	Erratum	18:18 VA.R. 2369	--
12 VAC 5-520-40 through 12 VAC 5-520-70	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-80	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-90 through 12 VAC 5-520-120	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-130 through 12 VAC 5-520-210	Added	18:15 VA.R. 1969	5/8/02
12 VAC 5-590-10	Amended	18:19 VA.R. 2462	7/3/02
12 VAC 5-590-370	Amended	18:19 VA.R. 2468	7/3/02
12 VAC 5-590-370	Erratum	18:22 VA.R. 2953	--
12 VAC 5-590-410	Amended	18:19 VA.R. 2474	7/3/02
12 VAC 5-590-420	Amended	18:19 VA.R. 2477	7/3/02
12 VAC 5-590-420	Erratum	18:22 VA.R. 2954	--
12 VAC 5-590-440	Amended	18:19 VA.R. 2490	7/3/02
12 VAC 5-590-500	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-530	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-540	Amended	18:19 VA.R. 2502	7/3/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-590-550	Amended	18:19 VA.R. 2504	7/3/02
12 VAC 5-590 Appendix B	Amended	18:19 VA.R. 2505	7/3/02
12 VAC 5-590 Appendix F	Amended	18:19 VA.R. 2506	7/3/02
12 VAC 5-615-10 through 12 VAC 5-615-470	Added	18:18 VA.R. 2293-2300	7/1/02
12 VAC 30-40-220	Amended	18:18 VA.R. 2304	7/1/02
12 VAC 30-40-280	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-280	Amended	18:23 VA.R. 3099	9/1/02
12 VAC 30-40-290	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-345	Amended	18:18 VA.R. 2308	7/1/02
12 VAC 30-50-190	Amended	18:18 VA.R. 2309	7/1/02
12 VAC 30-50-210	Amended	18:18 VA.R. 2310	7/1/02
12 VAC 30-60-300	Amended	18:18 VA.R. 2312	6/20/02
12 VAC 30-60-303	Added	18:18 VA.R. 2313	6/20/02
12 VAC 30-60-307	Added	18:18 VA.R. 2315	6/20/02
12 VAC 30-60-312	Added	18:18 VA.R. 2315	6/20/02
12 VAC 30-60-316	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-60-318	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-221 emer	Amended	18:22 VA.R. 2936	7/1/02-6/30/03
12 VAC 30-70-281 emer	Amended	18:22 VA.R. 2938	7/1/02-6/30/03
12 VAC 30-70-351 emer	Amended	18:22 VA.R. 2939	7/1/02-6/30/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20	Amended	18:21 VA.R. 2818	8/1/02
12 VAC 30-80-20 emer	Amended	18:22 VA.R. 2939	7/1/02-6/30/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-25	Added	18:21 VA.R. 2820	8/1/02
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-80-40 emer	Amended	18:22 VA.R. 2941	7/1/02-6/30/03
12 VAC 30-90-10	Amended	18:18 VA.R. 2319	7/1/02
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-20	Amended	18:18 VA.R. 2320	7/1/02
12 VAC 30-90-38	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-40	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-41	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-41.1 emer	Added	18:23 VA.R. 3103	7/1/02-6/30/03
12 VAC 30-90-60	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-271	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-272	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-280	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-300	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-301	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-302	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-303	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-304	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-305	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Erratum	18:20 VA.R. 2681	--
12 VAC 30-90-307	Added	18:18 VA.R. 2328	7/1/02
12 VAC 30-110-720	Amended	18:21 VA.R. 2821	8/1/02
12 VAC 30-110-741	Amended	18:21 VA.R. 2823	8/1/02
12 VAC 30-110-831	Added	18:21 VA.R. 2823	8/1/02
12 VAC 30-120-10 emer	Amended	18:12 VA.R. 1698	2/1/02-1/31/03
12 VAC 30-120-40 emer	Amended	18:12 VA.R. 1699	2/1/02-1/31/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-50 emer	Amended	18:12 VA.R. 1701	2/1/02-1/31/03
12 VAC 30-120-55 emer	Added	18:12 VA.R. 1702	2/1/02-1/31/03
12 VAC 30-120-60 emer	Amended	18:12 VA.R. 1704	2/1/02-1/31/03
12 VAC 30-120-210	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02
12 VAC 30-120-249	Erratum	19:3 VA.R. 549	--
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 (emer)	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 (emer)	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-141-90	Erratum	18:18 VA.R. 2369	--
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 30-150-10 through 12 VAC 30-150-100	Added	18:17 VA.R. 2174	6/6/02
12 VAC 30-150	Erratum	18:18 VA.R. 2370	--
12 VAC 35-20	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-102	Repealed	18:18 VA.R. 2330	9/19/02
12 VAC 35-105-10 through 12 VAC 35-105-1410	Added	18:18 VA.R. 2331-2365	9/19/02
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
12 VAC 35-140	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-150	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-160	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-170	Repealed	18:18 VA.R. 2330	9/19/02
12 VAC 35-200-10	Amended	18:16 VA.R. 2059	5/22/02
12 VAC 35-200-20	Amended	18:16 VA.R. 2060	5/22/02
12 VAC 35-200-30	Amended	18:16 VA.R. 2061	5/22/02
Title 13. Housing			
13 VAC 5-51-11	Amended	18:22 VA.R. 2928	8/15/02
13 VAC 5-51-180	Amended	18:22 VA.R. 2929	8/15/02
13 VAC 5-51-181	Amended	18:22 VA.R. 2929	8/15/02
13 VAC 5-51-182	Amended	18:22 VA.R. 2930	8/15/02
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
Title 14. Insurance			
14 VAC 5-70-10 through 14 VAC 5-70-40	Amended	18:22 VA.R. 2931-2932	7/1/02
14 VAC 5-70-80	Amended	18:22 VA.R. 2932	7/1/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-70-130	Amended	18:22 VA.R. 2933	7/1/02
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-80-160 through 14 VAC 5-80-190	Repealed	18:14 VA.R. 1896	3/31/02
14 VAC 5-140-20 through 14 VAC 5-140-90	Amended	18:21 VA.R. 2824	7/1/02
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
14 VAC 5-390-20	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-30	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-40	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-395-20	Amended	18:21 VA.R. 2825	6/3/02
14 VAC 5-395-30 through 14 VAC 5-395-60	Amended	18:21 VA.R. 2825	6/3/02
Title 16. Labor and Employment			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
Title 18. Professional and Occupational Licensing			
18 VAC 41-20-10 through 18 VAC 41-20-280 emer	Added	18:23 VA.R. 3103-3113	7/2/02-7/1/03
18 VAC 45-10-10	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-20	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-30	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-50	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-90	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 60-20-10 emer	Amended	18:24 VA.R. 3301	7/19/02-7/18/03
18 VAC 60-20-90 emer	Amended	18:24 VA.R. 3303	7/19/02-7/18/03
18 VAC 60-20-106 emer	Added	18:24 VA.R. 3303	7/19/02-7/18/03
18 VAC 60-20-200 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03
18 VAC 60-20-210 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 60-20-220 emer	Amended	18:24 VA.R. 3302	7/19/02-7/18/03
18 VAC 85-20-225 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-20-280 emer	Amended	18:22 VA.R. 2943	6/19/02-6/18/03
18 VAC 85-20-285 emer	Added	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-20-290 emer	Amended	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-20-300 emer	Amended	18:22 VA.R. 2944	6/19/02-6/18/03
18 VAC 85-40-55 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-50-10 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-35	Added	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-40 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-56	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-59 emer	Added	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-101 emer	Amended	18:24 VA.R. 3309	7/19/02-7/18/03
18 VAC 85-50-110 emer	Amended	18:24 VA.R. 3310	7/19/02-7/18/03
18 VAC 85-50-115	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-115 emer	Amended	18:24 VA.R. 3310	7/19/02-7/18/03
18 VAC 85-50-170	Repealed	18:21 VA.R. 2826	7/31/02
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-80-65 emer	Added	18:24 VA.R. 3307	7/19/02-7/18/03
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-145 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 85-110-145 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 85-120-85 emer	Added	18:24 VA.R. 3308	7/19/02-7/18/03
18 VAC 90-20-200	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-210	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-271 emer	Added	18:24 VA.R. 3311	7/19/02-7/18/03
18 VAC 90-30-20	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-100	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-105	Added	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-220	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-40-20	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-50	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-55	Added	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-60	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-130	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 105-20-75 emer	Added	18:24 VA.R. 3311	7/19/02-7/18/03
18 VAC 110-20-20	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-75 emer	Added	18:24 VA.R. 3312	7/19/02-7/18/03
18 VAC 110-20-240 emer	Amended	18:24 VA.R. 3314	7/19/02-7/18/03
18 VAC 110-20-255 emer	Added	18:24 VA.R. 3315	7/19/02-7/18/03
18 VAC 110-20-270	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-275 emer	Added	18:24 VA.R. 3315	7/19/02-7/18/03
18 VAC 110-20-280	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-285	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 110-20-320 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-400 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-430	Amended	18:12 VA.R. 1694	3/27/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-430 emer	Repealed	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-530 emer	Amended	18:24 VA.R. 3316	7/19/02-7/18/03
18 VAC 110-20-730 emer	Added	18:24 VA.R. 3317	7/19/02-7/18/03
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-10-10	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-20	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-30	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-40	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-60	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-70	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-80	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-100	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-30 (Forms)	Amended	18:15 VA.R. 1985	--
18 VAC 125-30-10 through 18 VAC 125-30-50	Amended	18:13 VA.R. 1753-1754	4/10/02
18 VAC 125-30-60	Repealed	18:13 VA.R. 1754	4/10/02
18 VAC 125-30-80	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 125-30-90	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 150-20-135 emer	Added	18:24 VA.R. 3320	7/19/02-7/18/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-300-90	Amended	18:21 VA.R. 2832	6/7/02
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02
20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Erratum	18:23 VA.R. 3136	--
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
20 VAC 5-423-10 through 20 VAC 5-423-90	Added	18:14 VA.R. 1899-1902	3/6/02
Title 22. Social Services			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-10-10	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-30	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-40	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-50	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-60	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-70	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 40-41-10	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-20	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-40	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-50	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-55	Added	18:12 VA.R. 1696	4/1/02
22 VAC 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-685-10 emer	Added	18:24 VA.R. 3320	9/1/02-8/31/03
22 VAC 40-685-20 emer	Added	18:24 VA.R. 3321	9/1/02-8/31/03
22 VAC 40-685-30 emer	Added	18:24 VA.R. 3321	9/1/02-8/31/03
22 VAC 40-690 (Forms)	Amended	18:22 VA.R. 2945	--
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-880-10	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-30	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-60	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-80	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-110	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-120	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-130	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-170	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-190	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-200 through 22 VAC 40-880-300	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-270	Erratum	18:17 VA.R. 2183	--
22 VAC 40-880-290	Erratum	18:17 VA.R. 2183	--
22 VAC 40-880-320	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-330	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-340	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-360	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-380	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-385	Added	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-410	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-430	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-440	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-480 through 22 VAC 40-880-520	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-550	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-560	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-650	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-670	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-680	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-700	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-720	Added	18:14 VA.R. 1903	4/24/02
22 VAC 40-910-10 through 22 VAC 40-910-100 emer	Added	18:24 VA.R. 3322-3325	9/1/02-8/31/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 24. Transportation and Motor Vehicles			
24 VAC 15-100	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-110	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-120	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-130	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-140	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-150	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-160	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-170	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-180	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-190	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-200	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 15-210	Repealed	18:22 VA.R. 2933	6/26/02
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-550-10	Amended	18:23 VA.R. 3100	7/2/02

PETITIONS FOR RULEMAKING

STATE WATER CONTROL BOARD

Initial Agency Notice

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Names of Petitioners: American Rivers, Bent Mountain Civic League, Friends of the Rivers of Virginia, Friends of the Roanoke River, and Trout Unlimited.

Nature of Request: Designate as an exceptional surface water Bottom Creek in Montgomery and Roanoke counties from its confluence with Big Laurel Creek downstream to its confluence with Goose Creek to form the South Fork of the Roanoke River.

Agency's Plan for Disposition of Request: The State Water Control Board will decide whether or not to move forward with the rulemaking at either their December 11, 2002, or March 25, 2003, quarterly meeting.

Public comments may be submitted until 4 p.m. on November 25, 2002.

Agency Contact: Jean W. Gregory, Environmental Manager II, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116, toll free 1-800-592-5482 or e-mail jwgregory@deq.state.va.us.

VA.R. Doc. No. R03-52; Filed October 16, 2002, 8:07 a.m.

Initial Agency Notice

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Names of Petitioners: Friends of the New River, Friends of the Rivers of Virginia, and Trout Unlimited.

Nature of Request: Designate as an exceptional state surface water Little Stony Creek in Giles County from the first footbridge above the Cascades picnic area upstream to the 3,300-foot elevation.

Agency's Plan for Disposition of Request: The State Water Control Board will decide whether or not to move forward with the rulemaking at either their December 11, 2002, or March 25, 2003, quarterly meeting.

Public comments may be submitted until 4 p.m. on November 25, 2002.

Agency Contact: Jean W. Gregory, Environmental Manager II, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116, toll free 1-800-592-5482 or e-mail jwgregory@deq.state.va.us.

VA.R. Doc. No. R03-53; Filed October 16, 2002, 8:07 a.m.

Initial Agency Notice

Title of Regulation: **9 VAC 25-260. Water Quality Standards.**

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Name of Petitioner: Isle of Wight Citizen's Association.

Nature of Request: Designate as an exceptional state surface water Ragged Island Creek and its tributaries in Isle of Wight County from its confluence with the James River, including Batten Bay, from a line drawn across the creek mouth at N 36° 56.306'/W 76° 29.136' to N 36° 55.469'/W 76° 29.802', upstream to the Route 17 bridge, and to the following boundary points on each unnamed tributary:

N 36° 56.579'/W 76° 29.454', N 36° 56.971'/W 76° 29.680',

N 36° 57.231'/W 76° 30.070', N 36° 57.341'/W 76° 30.334',

N 36° 57.514'/W 76° 30.705', N 36° 57.159'/W 76° 31.065',

N 36° 56.631'/W 76° 30.676', N 36° 56.512'/W 76° 30.260',

N 36° 56.342'/W 76° 30.141'.

Agency's Plan for Disposition of Request: The State Water Control Board will decide whether or not to move forward with the rulemaking at either their December 11, 2002, or March 25, 2003, quarterly meeting.

Public comments may be submitted until 4 p.m. on November 25, 2002.

Agency Contact: Jean W. Gregory, Environmental Manager II, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116, toll free 1-800-592-5482 or e-mail jwgregory@deq.state.va.us.

VA.R. Doc. No. R03-54; Filed October 16, 2002, 8:07 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

STATE BOARD OF JUVENILE JUSTICE

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 Juvenile Justice intends to consider amending regulations entitled: **6 VAC 35-30. Regulations for State Reimbursement of Local Juvenile Residential Facility Costs.** The purpose of the proposed action is to establish the process for evaluating requests from localities for state reimbursement of local juvenile residential facility construction costs, including criteria to assess need and establish priorities for construction projects, and a methodology for determining appropriate costs.

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

Statutory Authority: §§ 16.1-309.5 and 66-10 of the Code of Virginia.

Public comments may be submitted until December 13, 2002.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 371-0743 or FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R03-50; Filed October 3, 2002, 11:26 a.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 Juvenile Justice intends to consider promulgating regulations entitled: **6 VAC 35-170. Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice.** The purpose of the proposed action is to establish minimum standards for research on human subjects under the care of the Department of Juvenile Justice. The goals of the new regulation are to provide a fair and thorough review of proposals to conduct human research, including review by a specifically established human research review committee, so as to protect the safety, rights and confidentiality of human subjects.

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

Statutory Authority: §§ 66-10 and 66-10.1 of the Code of Virginia.

Public comments may be submitted until November 6, 2002.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., Richmond, VA 23219, telephone (804) 371-0743 or FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

VA.R. Doc. No. R03-27; Filed September 18, 2002, 11:24 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 amending regulations entitled: **12 VAC 5-90. Regulations for Disease Reporting and Control.** The purpose of the proposed action is to amend the regulations by adding a section in response to the General Assembly's amending §§ 32.1-35 and 32.1-36 of the Code of Virginia, requiring laboratories to report their inventories and changes in inventories of dangerous microbes and pathogens to the Department of Health. Changes will also be made to the existing regulations to comply with current disease control policies, facilitating efforts to capture, measure and contain emerging diseases and protecting the health of the citizens of the Commonwealth.

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

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

Public comments may be submitted until November 7, 2002.

Contact: Diane Wollard, Ph.D., MPH, Director, Division of Surveillance and Investigation, Department of Health, P.O. Box 2448, Room 113, Richmond, VA 23218-2448, telephone (804) 786-6261, FAX (804) 371-4050 or e-mail dwoollard@vdh.state.va.us.

VA.R. Doc. No. R03-25; Filed September 17, 2002, 9:52 a.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 Health intends to consider repealing regulations entitled: **12 VAC 5-500. Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps** and promulgating regulations entitled: **12 VAC 5-501. Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps.** The purpose of the proposed action is to comprehensively update the current regulations. Due to the nature and extent of the changes and the desire to reorganize

Notices of Intended Regulatory Action

all the department's environmental regulations along a customer-friendly and familiar structure, the existing migrant labor camp regulations will be repealed and a new set of regulations adopted. Key changes being considered include (i) eliminating the requirement for all migrant labor camps that provide water via their own well to construct the well in accordance with the Virginia Waterworks Regulations; (ii) eliminating provisional permits; and (iii) removing the biweekly inspection requirement. All other changes are for clarity and uniformity.

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

Statutory Authority: § 32.1-211 of the Code of Virginia.

Public comments may be submitted until November 22, 2002.

Contact: Gary L. Hagy, Director, Division of Food and Environmental Services, P.O. Box 2448, Room 115, Richmond, VA 23218-2448, telephone (804) 225-4022, FAX (804) 225-4003 or e-mail ghagy@vdh.state.va.us.

VA.R. Doc. No. R03-37; Filed September 24, 2002, 10:29 a.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 Health intends to consider amending regulations entitled: **12 VAC 5-585. Biosolids Use Regulations.** The purpose of the proposed action is to address certain issues raised by local governments including (i) posting of informational signs at permitted sites prior to and during land application of biosolids; (ii) evidence of financial responsibility (such as liability insurance or other financial resources) in a determined amount, resulting from the land application of biosolids; (iii) notification of local governments prior to the land application of biosolids at specific sites; (iv) development and implementation of spill prevention and response plans by permitted entities; and (v) methods for communicating information on complaints and reported incidents related to or arising from the land application of biosolids.

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

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

Public comments may be submitted until 5 p.m., December 6, 2002.

Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Suite 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5566 or e-mail csawyer@vdh.state.va.us.

VA.R. Doc. No. R03-57; Filed October 16, 2002, 10:51 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 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care: Pharmacy Services.** The purpose of the proposed action is to conform the DMAS definition of unit dose to the definition used by the Board of Pharmacy and to change the reimbursement rate for the service of unit dose dispensing to a per capita monthly fee.

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until December 4, 2002, to Alissa Nashwinter, Division of Program Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R03-51; Filed October 10, 2002, 8:41 a.m.

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. Waiver Services.** The purpose of the proposed action is to expand the existing waiver program to provide for the automatic transfer of children who do not have a diagnosis of mental retardation from the mental retardation waiver program to the individual and family developmental disabilities support (IFDDS) waiver program once they attain their sixth birthday.

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

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

Contact: Sherry Confer, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6995, FAX (804) 786-1680 or e-mail sconfer@dmass.state.va.us.

VA.R. Doc. No. R03-35; Filed September 23, 2002, 4:48 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Accountancy intends to

Notices of Intended Regulatory Action

consider repealing regulations entitled: **18 VAC 5-30. Continuing Professional Education Sponsor Registration Rules and Regulations.** The purpose of the proposed action is to repeal the existing regulations because the board deemed them no longer necessary to fulfill their statutory mandate as well as being repetitious and unduly burdensome on CPE sponsors in the Commonwealth in light of regulations and programs on the national level.

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

Statutory Authority: §§ 2.2-4016, 54.1-4403 and 54.1-4410 of the Code of Virginia.

Public comments may be submitted until November 7, 2002.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail boa@boa.state.va.us.

VA.R. Doc. No. R03-28; Filed September 18, 2002, 11:57 a.m.

BOARD OF MEDICINE

† Withdrawal of Notice of Intended Regulatory Action

At its meeting on October 10, 2002, the Board of Medicine voted to officially withdraw the Notice of Intended Regulatory Action for 18 VAC 85-20 published on April 8, 2002 in 18:15 VA.R., related to reporting information on felony convictions on the physician profile. That proposed action is now included in overall changes to the physician profile adopted pursuant to Chapter 38 of the 2002 Acts of the Assembly.

Contact: Elaine Yeatts, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

VA.R. Doc. No. R02-140; Filed October 15, 2002, 10:01 p.m.

BOARD OF OPTOMETRY

† Withdrawal of Notice of Intended Regulatory Action

At its meeting on September 27, 2002, the Board of Optometry voted to officially withdraw the Notice of Intended Regulatory Action for 18 VAC 105-20 originally published on January 19, 1998, in 14:9 VA.R. and republished on February 16, 1998, in 14:11 VA.R., related to guidance for practice in mercantile establishments.

Contact: Elaine Yeatts, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

VA.R. Doc. No. R98-159; Filed October 15, 2002, 10:01 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to address the numerous questions and recommendations that arose from the periodic review conducted by board members and advisors from all aspects of pharmacy practice. In some cases, there is a need for clarification of a rule; in others there is a need to amend the regulation to allow the practice of pharmacy to be more responsive to patient needs and changing times. The board intends to amend regulations that restrict practice or inhibit modernization and utilization of newer technology, provided the change is within the parameters of law and federal rules and provided it is good policy that protects the health, safety and welfare of the public.

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

Statutory Authority: § 54.1-2400 and Chapters 33 (§§ 54.1-3300 et seq.) and 34 (§§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until November 6, 2002.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9943 or e-mail scottirussell@dhp.state.va.us.

VA.R. Doc. No. R03-26; Filed September 17, 2002, 10:02 a.m.

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE 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 Rehabilitative Services intends to consider amending regulations entitled: **22 VAC 30-30. Provision of Independent Living Services.** The purpose of the proposed action is to update the regulations to be consistent with federal regulations, exempt additional consumer groups from the requirement to pay for services and expand the list of services provided at no cost to clients.

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

Statutory Authority: § 51.5-14 of the Code of Virginia.

Public comments may be submitted until November 21, 2002, to Elizabeth E. Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Drive., P.O. Box K-300, Richmond, VA 23288-0300.

Notices of Intended Regulatory Action

Contact: Theresa Preda, Program Manager, Independent Living, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7078, FAX (804) 662-7122, toll-free 1-800-552-5019 or e-mail predaTR@drs.state.va.us.

VA.R. Doc. No. R03-36; Filed September 23, 2002, 4:04 p.m.

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 amending regulations entitled: **22 VAC 40-80. General Procedures and Information for Licensure.** The purpose of the proposed action is to amend the regulation to clarify and simplify some standards and to incorporate changes that have been made to the Code of Virginia since the last revision of this regulation. Many changes are the result of the recodification of Title 63.1 of the Code of Virginia that became effective October 1, 2002. The Code of Virginia mandates that the Department of Social Services license certain facilities that provide care to children and adults. Programmatic regulations are developed for these facilities. The current regulation contains general licensing requirements that are applicable to all licensed programs but are not included in the programmatic regulations. Previously, this regulation was promulgated jointly by the State Board of Social Services and the Child Day-Care Council for all the department's licensed programs. However, the Child Day-Care Council desires to promulgate a separate regulation that applies only to child day centers (the only program for which they have regulatory responsibility). This regulation will continue to contain references to child day centers, however, because of the board's sole authority to regulate some procedures and activities that are applicable to child day centers. The goal of the amended regulation is to provide clear and concise information and requirements for applicants, licensees, and licensing staff regarding the licensing process.

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

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

Contact: Kathryn Thomas, Program Development Consultant, Department of Social Services, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1793, FAX (804) 692-2370 or e-mail kjt7@dss.state.va.us.

VA.R. Doc. No. R03-41; Filed September 30, 2002, 2:23 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 40-141. Minimum Standards for Licensed Independent Foster Homes.** The purpose of the proposed action is to amend existing standards for licensed independent foster homes to

clarify the intent of the regulation and to incorporate changes made in the Code of Virginia as a result of the recodification of Title 63.1, effective October 1, 2002. Proposed amendments include allowing placement agreements thereby allowing parental retention of custody; allowing children to remain in the independent foster home no longer than six months in certain circumstances; updating medical requirements; clarifying capacity; revising standards regarding physical restraint and time-out/separation; strengthening requirements surrounding care of infants; updating safety requirements; clarifying exceptions; and including language regarding respecting diversity and the responsibilities of the licensee.

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

Statutory Authority: §§ 63.2-217 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

Contact: Cynthia Carneal, Operations Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2421, FAX (804) 692-2370, or e-mail cyc900@dss.state.va.us.

VA.R. Doc. No. R03-42; Filed September 30, 2002, 2:24 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 repealing regulations entitled: **22 VAC 40-190. Regulation for Criminal Record Checks for Child Welfare Agencies** and adopting regulations entitled: **22 VAC 40-191. Background Checks for Child Welfare Agencies.** The purpose of the proposed action is to repeal the regulation, Regulation for Criminal Records Checks for Child Welfare Agencies, in order to promulgate a new regulation, Background Checks for Child Welfare Agencies. The new regulation establishes background checks for child welfare agencies and is needed to reflect changes to the Code of Virginia from 1995 to the present.

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

Statutory Authority: § 63.2-1704 of the Code of Virginia.

Public comments may be submitted until November 20, 2002.

Contact: Wenda Singer, Program Consultant, Department of Social Services, 730 E Broad St., Richmond, VA 23219, telephone (804) 692-2201, FAX (804) 692-2370 or e-mail wxs2@dss.state.va.us.

VA.R. Doc. Nos. R03-43 and R03-44; Filed September 30, 2002, 2:23 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 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-585. Biosolids Use Regulations (amending 12 VAC 5-585-10 and 12 VAC 5-585-270; adding 12 VAC 5-585-40, 12 VAC 5-585-50, and 12 VAC 5-585-660 through 12 VAC 5-585-750).**

Statutory Authority: § 32.1-164.5 and 62.1-44.19:3 of the Code of Virginia.

Public Hearing Date:

November 12, 2002 - 7 p.m. (Spotsylvania)

November 13, 2002 - 7 p.m. (Richmond)

Public comments may be submitted until January 6, 2003.

(See Calendar of Events section for additional information)

Agency Contact: C.M. Sawyer, Division Director, Division of Wastewater Engineering, 1500 E. Main Street, Room 109, Richmond, VA 23219, telephone (804) 786-1755 or FAX (804) 786-5567.

Basis: Chapter 831 of the 2001 Acts of Assembly amended § 62.1-44.19:3 of the Code of Virginia requiring that by January 1, 2003, the State Board of Health adopt regulations requiring the payment of fees for the land application of biosolids within local jurisdictions with adopted ordinances providing for the testing and monitoring of such operations to ensure compliance with applicable laws and regulations. The collected fees will be used to reimburse approved costs of the local monitoring efforts.

Purpose: The regulations provide the means to protect public health from improper and unregulated disposal of sewage sludge. The new proposed amendments will require the payment of a fee for land application of sewage sludge (biosolids) as permitted either through a Virginia Pollution Abatement Permit (VPA) issued by the Department of Environmental Quality (DEQ), or through an operation permit (VDHBUR) issued by the Virginia Department of Health (VDH). The fees will be collected from persons who are permitted to apply biosolids in local jurisdictions that have adopted an ordinance that provides for the testing and monitoring of the land application of biosolids in order to ensure compliance with governing laws and regulations. The fee shall not exceed the amount necessary to reimburse the local jurisdictions for the direct costs of a reasonable amount of testing and monitoring. The fee shall be imposed on each dry ton of biosolids applied to land in local jurisdictions that have adopted an ordinance.

Substance: The amended regulations include requirements and procedures for:

1. Collection of fees from land appliers by the VDH;

2. Retention of proceeds in a special nonreverting fund to be administered by the VDH; and

3. Disbursement of proceeds by VDH to reimburse counties, cities and towns with duly adopted ordinances providing for the testing and monitoring of the land application of sewage sludge, as provided for in § 62.1-44.19:3 of the Code of Virginia.

The persons land-applying sewage sludge shall (i) provide advance notice of the estimated fee to the generator of the sewage sludge unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department of Health as provided for by the Final Regulation.

Issues: An Ad Hoc Advisory Committee met on seven different occasions and developed recommendations that were used to establish the biosolids fee for the proposed amendments as follows:

1. The fee shall be \$2.50 per dry ton of biosolids land applied in counties, cities or towns that have adopted local ordinances, to be adjusted annually in accordance with the federal consumer price index (CPI).

2. Disbursement of the established fees collected by the division shall be made to reimburse those counties, cities and towns with duly adopted local ordinances that submit acceptable documentation of reimbursable expenses as provided for in the amended regulations and as described in a Biosolids Fee Guidance Manual provided to local governments and land appliers by the division.

The majority of the committee members were in favor of a slightly lower average fee. Other committee members were in favor of a significantly higher fee and submitted a minority report recommending a biosolids fee of up to \$4.00 per dry ton.

The draft amendments to the Biosolids Use Regulations were presented to the Board of Health and approved as proposed amendments on April 26, 2002. During the subsequent fiscal impact analysis of the proposed amendments, conducted by the Department of Planning and Budget (DPB) staff, concerns were expressed that the proposed procedures for reimbursing local governments did not establish a maximum level for such expenses, in relation to the land application fee. As a result of the DPB concerns, several revisions were made to the proposed amendments to provide for a reimbursement cap and to address comments received from the Office of the Attorney General.

As a result of the comments received from the DPB staff, specific reimbursement levels for local monitoring expenses were introduced into the proposed amendments as follows:

- If sufficient revenue is received, monthly claims will be released in order of receipt, with reimbursement of at least \$2.50 per dry ton of biosolids land applied in that county

during the period of time specified in the submitted invoice, prior to releasing any current claim payments above \$2.50 per dry ton of biosolids land applied. If sufficient revenue remains following those payments, then delayed claims above \$2.50 per dry ton of biosolids land applied in that county, during the period of time specified in the submitted invoice, may be released for reimbursement of up to \$4.00 per dry ton of biosolids land applied in that county, based on their placement on the claims listing by date of receipt.

The advantage of providing fees to support local monitoring of biosolids land applicers is that the credibility of this controversial state permit program will be enhanced. The availability of resources to support routine surveillance of land application of biosolids was deemed by the public and local government to be a key issue in assuring the safety of those operations. However, other sewage sludge management options are more expensive than is land application of biosolids.

The disadvantage of establishing biosolids fees is that the monthly bills for sewer service will likely increase and that increase will be passed down to the users, those citizens of the Commonwealth served by centralized sewer systems. The owners of sewage treatment works have previously estimated that 20% to 40% of the costs of constructing and managing those facilities are used for sludge management.

By establishing a reasonable biosolids fee the most economical and most beneficial means of sludge management will continue to be available to the owners of sewage treatment works, who are primarily metropolitan governments.

Fiscal Impact: Currently, nearly 200,000 dry tons of biosolids are land applied each year in 20 to 30 counties on approximately 37,000 acres of farmland. The potential cost savings and production increases for the farmers that receive biosolids as a substitute fertilizer has been estimated to range from \$50 to more than \$100 per acre farmed. The VDH implements the regulations through the Office of Environmental Health Services using about two years of staff time annually at a cost of approximately \$150,000. The proposed land application fee should generate up to \$500,000 in revenue each year to reimburse local monitoring expenses. These fees will be paid by the several dozen local governments and a few private corporations that own or operate sewage treatment facilities that manage their sludge residuals by land application. The use of local monitors will alleviate the need to increase the VDH staff in order to provide for routine surveillance of operations permitted through the regulations. The current VDH staffing, with support from DEQ and the Department of Conservation and Resources, is thought to be adequate to respond to complaints and conduct permit compliance activities as provided by the regulations.

Although the land application fee was established at \$2.50 per dry ton of biosolids applied, the amount of reimbursement for local monitoring costs was not fixed at that level. Discussions of existing local monitoring programs and anticipated future costs during the Ad Hoc Advisory Committee meetings suggested that such costs would vary from one locality to another and from one point in time to another. However, it was anticipated that the monitoring expenses would be in

proportion to the level of activity in a local jurisdiction as set by the amount of biosolids applied. Subsequent discussions with the Virginia Department of Planning and Budget established the need for a cap or maximum reimbursement level. Several local governments had requested that the land application fee be established at \$4.00 per dry ton of biosolids applied to provide for adequate reimbursement of local monitoring costs that could exceed the average. Thus, a maximum reimbursement level of \$4.00 per dry ton of biosolids applied in a local jurisdiction was considered to be a reasonable cap.

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 Section 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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. Pursuant to amendments to § 62.1-44.19:3 of the Code of Virginia by the 2001 General Assembly, the Board of Health proposes to establish regulations for collection of a biosolids land application fee and for disbursement of the proceeds to localities for testing and monitoring expenses. The proposed fee is \$2.50 per dry ton of biosolids land applied in localities with ordinances. Additionally, the proposed amendments will revise the members of the biosolids use regulations advisory committee.

Introduction. These regulations apply to land application of biosolids. Wastewater treatment of domestic sewage produces raw sludge or sludge containing a variety of trace chemical constituents and microorganisms.¹ Biosolids are the treated form of the sewage sludge generated during wastewater treatment process. Often, the term "biosolids" is used to distinguish it from untreated raw sewage sludge. Because raw sewage sludge contains pathogens, which are disease-causing organisms such as certain viruses, bacteria, and parasites, and because biosolids are derived from sewage sludge, there are potential health risks associated with application of improperly prepared biosolids. The following table provides a partial list of harmful organisms found in raw sewage sludge and the associated diseases and symptoms.

¹ Trace chemicals (heavy metals) include arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc.

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Table: Organisms Found in Municipal Wastewater

	Organism	Disease/Symptoms
Viruses	Hepatitis A virus	Infectious hepatitis
	Echoviruses	Meningitis, paralysis, encephalitis, fever, flu-like symptoms, diarrhea, etc.
Bacteria	Salmonella sp.	Salmonellosis (food poisoning), Typhoid fever
	Escherichia coli	Gastroenteritis
	Shigella sp.	Bacillary dysentery, severe gastroenteritis
Parasites	Entamoeba histolytica	Amoebic dysentery
	Giardia lamblia	Diarrhea, abdominal cramps, weight loss
	Ascaris sp.	Digestive and nutritional disturbances, abdominal pain, vomiting, restlessness, coughing, chest pain, and fever
	Trichuris trichiura	Abdominal pain, diarrhea, anemia, weight loss
	Taxocara canis	Fever, muscle aches, neurological symptoms
	Necator americanus	Hookworm disease

Source: Land Application of Biosolids for Agricultural Purposes in Virginia, G. K. Evanylo, Department of Crop and Soil Environmental Sciences, Virginia Tech.

Untreated sewage sludge also has strong objectionable odors and attracts disease vectors such as flies, mosquitoes, rodents, and birds that can transmit diseases. Finally, pollutants and organisms found in untreated sewage sludge may contaminate surface water, groundwater, and soils and may increase human exposure to health risks.

Because of the vector attraction properties, odors, and the potential harm to human health and to the environment from raw sewage sludge, the use of biosolids is subject to federal and state regulations. For example, Virginia biosolids use regulations contain standards of practice, technical design standards, standards for application rates based on crop needs, and operational requirements. Also, federal regulations establish numerical limits, for metals, dioxin, and dioxin-like compounds in biosolids, pathogen reduction standards, site and crop harvesting restrictions and monitoring, recordkeeping and reporting requirements for land applied biosolids to protect human health and environment. According to the Environmental Protection Agency (EPA)², the National Academy of Sciences has reviewed current practices, public health concerns and regulator standards, and has concluded that "the use of these materials in the production of crops for human consumption when practiced in accordance with existing federal guidelines and regulations, presents negligible

² <http://www.epa.gov/owm/mtb/biosolids/genqa.htm>, 08/20/2002.

risk to the consumer, to crop production, and to the environment." Similarly, the Virginia Department of Health (the department) believes that land application of biosolids is a beneficial practice without significant impact on public health or the environment as long as the procedures are conducted according to these regulations.

Once the potential risks are reduced to safe levels by appropriate treatment during the production process, biosolids may have beneficial uses. The beneficial uses arise from mineral and organic matter content of biosolids. Nutrients required for plant growth that can be found in biosolids include nitrogen, phosphorus, potassium, calcium, magnesium, sodium, sulfur, boron, copper, iron, manganese, molybdenum, and zinc.³ Plants simply convert these nutrients in the presence of sunlight into food for animal and human consumption. Thus, if properly prepared, biosolids can replace essential fertilizer elements used for plants to produce food and reduce artificial fertilizer costs. The organic matter in biosolids is a source of nutrients as well, but also a source of soil conditioners. Desired soil characteristics such as tilth, ease of tillage, fitness as a seedbed, impedence to seedling emergence and root penetration, high moisture holding capacity, low soil compaction, low soil acidification, etc. can be improved by biosolids.⁴

Because of these values, biosolids are applied to production of many different types of food, feed, horticultural crops, production of sod and the maintenance of turf, to improve forest productivity, to reclaim and re-vegetate areas disturbed by mining, construction, waste disposal activities, fires, land slides, and other natural disasters. Biosolids are also applied to home lawns and gardens, parks, golf courses, and other similar places where public contact is likely.

Estimated economic impact. Pursuant to amendments to § 62.1-44.19:3 of the Code of Virginia by the 2001 General Assembly, the Board of Health proposes to establish regulations for collection of a biosolids land application fee and for disbursement of the proceeds to localities for testing and monitoring expenses. The land appliers of biosolids will provide an advance notice of the estimated fee to the generator, collect the fee from the generator, and remit the fee to the department for disbursement. The department will disburse the remitted fees for reimbursable expenses to localities that adopted ordinances providing for testing and monitoring of land application of biosolids. Reimbursable expenses include charges related to permit application review to identify health risks based on site specific data, charges related to travel, monitoring, inspections, sample collection, delivery and examination of records, charges related to record keeping, complaint and incident response, charges related to biosolids and soil testing, and the charges for the training of local monitors.

The main economic impact of the proposed regulations is the introduction of the biosolids land application fee. The

³ Source: Biosolids Recycling: Beneficial Technology for a Better Environment, U.S. EPA, June 1994.

⁴ Source: Land Application of Biosolids for Agricultural Purposes in Virginia, G. K. Evanylo, Department of Crop and Soil Environmental Sciences, Virginia Tech.

proposed fee is \$2.50 per dry ton of biosolids land applied in localities with ordinances and the fee will be adjusted annually according to the consumer price index. The proposed fee will likely affect both the supply of and the local governments' willingness to allow application of biosolids. The supply may be affected because the fee will be collected from the generator of biosolids. Generators have incentives to produce biosolids because recycling in the form of land application costs less than the alternate methods of disposal such as incineration or land filling. For example, preliminary estimates from two Virginia localities suggest that land application produces savings from \$21.50 to \$35, or in the neighborhood of \$28.25 on average, per wet ton of biosolids when compared to cost of land filling.⁵ Biosolids may be in liquid, dewatered, or dry form. When dewatered biosolids are converted to dry form, the weight loss amounts to approximately 75%.⁶ Thus, one ton of dry biosolids is obtained from about four wet tons. Once the biosolids are produced, a contractor facilitates the disposal and decides whether to landfill, store, or apply to land. In case of land application, the contractor transports biosolids from the generator to permitted application sites. The proposed fee will introduce additional costs to the generator or the contractor. The size of the additional costs to the contractor and the generator depends on the contract between them. At the aggregate, the proposed fee will reduce their cost savings from biosolids application by \$0.63 per wet ton, or about 2.2%, and consequently reduce incentives for biosolids production, which may be significant enough to reduce the supply by some amount. Also, some of the proposed fee may be passed down to households in terms of higher sewer bills if a significant portion of the fee is borne by the central sewage system authority.

On the other hand, the proposed fee may increase local governments' willingness to allow application of biosolids. Probably due to the public's perception about the associated risks, and due to absence of funding for testing and monitoring, currently a limited number of localities including Louisa, Culpeper, and Orange provide a local monitor to observe land application of biosolids. Other counties are now developing ordinances and assigning local monitoring duties to county personnel. There are no local monitoring programs that now include sampling and testing. The proposed fee will finance the monitoring expenses incurred by the localities. They will be able to observe the application procedure at the site before, during, and after, and verify compliance with the site management practices required for the specific location of the field and the buffer zones from wells and homes. Local monitors may also take samples from the site for testing and the proposed fee can be used to provide training for the monitors to perform these duties and respond to complaints. The ability to test and monitor with reimbursable expenses may reduce some of the public concerns and may result in a more lenient approach to land application of biosolids at the local government level. Additionally, there are incentives in place for farmers to use biosolids in land application. This is because the generator or the contractor usually provides

biosolids to farmers free of charge, and the subsequent land application operations produce cost savings from reduced fertilizer and liming needs. With increased monitoring, farmers may also feel that some of the risks are mitigated and more farmers may be willing to land apply biosolids. Partly because more localities may allow land application of biosolids and partly because more farmers may wish to use biosolids, the proposed fee has the potential to increase the use of biosolids in the Commonwealth. Currently, there are 112 permits issued to nine contractors in 42 counties⁷ and at least 20 localities have some type of ordinance addressing biosolids use. The current permits include hundreds of farmers in 42 counties to apply biosolids to about 320,000 acres of farmland. In 2001, 42,000 acres received over 200,000 dry tons of biosolids from Virginia and out of state.

Despite the potential negative effect on the supply, the department believes that the proposed fee will increase the biosolids use in Virginia. Increased application of biosolids would produce some benefits and may increase the risks by some degree. As discussed earlier, the benefits include the value of biosolids as fertilizer, the value as soil amendment, the value of recycling in terms of lower disposal costs and valuable capacity diverted for solid waste, or savings in avoided incineration capacity and risks to environment from incineration. The value of savings from recycling may be uneven among the localities depending on the availability of alternate disposal methods. For example, the department indicates that the City of Richmond has no alternative to recycling due to lack of available landfill capacity and unavailability of the incineration option. In addition, with cost savings from biosolids recycling, localities may devote more resources to nutrient reduction to benefit the Chesapeake Bay watershed. On the other hand, risks to the human health and the environment may increase by some degree if the biosolids are not properly prepared and applied. These risks include health and environmental risks originating from pathogens and pollutants contained in biosolids, vector attraction properties, and strong odor. Application of biosolids may negatively affect individuals close to application site in terms of risks and strong odor and may affect neighboring properties from run off. Super-sensitive individuals and immune deficient individuals may be particularly affected. For example, continuous exposure to strong odor may cause depression and sense of poor health in sensitive individuals, and may aggravate pulmonary illnesses such as asthma.⁸ In 2001, the department investigated about a dozen of complaints related to odors, run off, and feeling ill.

One of the main economic effects of the proposed fee is the transfer of resources from biosolids generators to local governments for testing and monitoring activities. Given the production of approximately 96,750 dry tons of biosolids in the Commonwealth and 118,250 tons of biosolids coming from out of state, about \$242,000 from Virginia generators and \$295,000 from out of state generators will be transferred to local governments in Virginia for testing and monitoring of land application of biosolids. The fee estimate is based on an

⁵ Source: Blue Plains Staff Briefing Report, Revised Version, December 19, 2001.

⁶ Source: Virginia Department of Health.

⁷ Contractors are issued a separate permit for each county.

⁸ Source: Virginia Department of Health.

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average amount of 7,984 dry tons of biosolids applied on 1,534 acres per county over 24 counties in 2000. Of the total fee, approximately 56.6% will be for labor, 18.3% for overhead, 7.8% for mileage, 15% for analytical expenses, and 3.2% for training expenses required for testing and monitoring activities.⁹ Localities and generators may also realize some cost savings from avoided litigation because local governments may have tendency to ban biosolids if they are not provided resources to test and monitor land applications.

The other expected economic effects are related to proposed fee disbursement and processing methods. Localities will submit documentation of reimbursable testing and monitoring expenses to the department. The department will verify that invoiced costs are reasonable and eligible for reimbursement and make payments to localities on a first-come, first-served basis. The department anticipates that one full-time employee will be able to facilitate collection of fees and disbursement, which is expected to increase costs to the department by about \$50,000 per year including salary, benefits, office space, and other associated costs because these costs will not be paid from the biosolids fee fund. Reimbursable expenses to individual localities will be capped at \$4 per dry ton applied in that locality as a cost containment measure. Since the proposed cap for reimbursable expenses is \$1.50, or 37.5% higher than the proposed fee and the claims up to \$4 per dry ton will be deemed eligible, the fund balance may drop below a level where the fund is no longer sufficient to pay all claims in a specific month. Following reimbursement of the claims to localities up to \$2.50 per dry ton applied in that locality, claims exceeding \$2.50 will be placed on a list monthly and reimbursed according to the priority on the list when there are available funds.

The fact that the proposed cap is currently higher than the proposed fee is expected to produce a number of economic effects. Some of the potential economic effects are related to the uncertainty associated with reimbursement of testing and monitoring costs submitted by a locality exceeding \$2.50 per ton applied in that locality. This uncertainty is expected to produce a number of desirable effects as follows:

1. Localities will be provided incentives not to spend more than \$2.50 per dry ton applied on testing and monitoring because there is chance that a locality may not be reimbursed the costs associated with the level of monitoring above \$2.50 per dry ton. This is likely to provide cost containment incentives for the local monitoring efforts and help prevent fast exhaustion of the fund.
2. With the reimbursement cap, cost containment incentive, the department probably will have to devote less staff time to sort out what is a reasonable expense and what is not. Because the localities may not be reimbursed costs exceeding \$2.50 per dry ton, they are less likely to undertake unreasonable expenses and consequently reduce the department's costs associated with overseeing the fund activity.

3. Fewer incidences of unreasonable expenses will likely reduce disputes between localities and the department and may introduce additional savings to the department through fewer conferences, meetings, and other potential litigation. Since there is uncertainty in reimbursement of costs above the proposed fee collected in that locality, localities are less likely to undertake unreasonable expenses and consequently potential costs to the department associated with hearings and litigation may be averted.

4. The number of allocation decisions that have to be made by the department staff when the funds are not sufficient, may be reduced because the fund is less likely to be exhausted monthly in the presence of a cost containment incentive. This may reduce the department's discretion and leverage over localities. Less discretion and leverage may mitigate the department's liability and associated costs.

5. Fewer incidences of unreasonable expenses may introduce additional savings to localities as well. Most monitoring expenses are irreversible. If the department determines that an expense is unreasonable, the locality may not be able to recover what it already spent. Thus, cost containment incentive provided appears to have the potential to mitigate this problem also by reducing the likelihood of unreasonable expenses being undertaken.

6. The cost containment incentive may enhance incentives to improve monitoring efficiency. With the uncertainty of being reimbursed for expenses above \$2.50 per dry ton, localities are likely to strive to find cheaper methods to achieve the same level of monitoring and be innovative. This will likely create a potential to reduce overall monitoring costs as localities develop new cost efficient monitoring methods and promote them among other localities.

Additionally, the proposed method will allow transfer of fees collected from a locality to another locality if there are available funds in a specific month. This may provide an insurance mechanism for events specific to individual localities. For example, if there is presence of heightened public concern in an individual locality, or heightened violations of regulatory standards and procedures, the locality will be provided an additional chance, contingent upon the availability of funds, to finance the unforeseen monitoring expenses. This will also provide these localities that wish to apply more extensive monitoring a chance to do so to the extent possible with available funding. Finally, reimbursements to a locality for monitoring costs under the proposed method is likely to be commensurate with the perceived level of potential health and environmental risks undertaken by the same locality. The proposed method guarantees the reimbursement of up to \$2.50 per dry ton to a locality. The locality may receive less than \$2.50 per dry ton only if it spends less than the collected fee in that locality. Thus, there is a high chance for a locality to receive reimbursements commensurate with the perceived risks.

However, it is not clear if the expenses for future services promised in contracts would be classified as reasonable and eligible. If they are reasonable, advance reimbursement for future testing and monitoring may provide incentives to increase the speed at which the funds are exhausted to the extent the locality takes the chance of not being reimbursed in

⁹ Source: Biosolids Monitoring Program Reimbursable Fee Estimation Model, dated February 15, 2002, Virginia Department of Health.

a specific month. If they will not be accepted as eligible, the localities may find themselves in breach of the contracts they already signed. These situations could be avoided by clarifying the proposed regulations. Also, the proposed requirement that the department take necessary steps to increase the amount of fee to make sure the localities are reimbursed for the delayed reimbursement claims may promote fee increases over time. Removing the proposed commitment to increase fees whenever the funds are exhausted would likely mitigate this problem. Finally, given the fact that the proposed \$4 cap will not be adjusted according to consumer price index, but the proposed fee will be, the inflation-adjusted fee will exceed the cap for reimbursable expenses in about 32 years at the 2.0% inflation rate. Unless the proposed language is not revised, the absolute value of the discrepancy between the fee and the cap will be getting smaller during the next 32 years. Once the fee exceeds the cap, there is likely to be uncertainty on whether the inflation-adjusted fee could legally be collected. Revising the proposed language to state that the \$4.00 cap per dry ton applied in a locality will also be adjusted according to the consumer price index can eliminate this potential problem.

Finally, the proposed amendments include a revised membership for the advisory committee that provides recommendations on issues related to implementation and administration of biosolids regulations in general. According to the department, revised membership will increase the representation of citizens, private agricultural organizations, and soil specialists on the committee. The economic effects of this change will depend on the specific circumstances and the outcomes related to advisory committee recommendations for which no information is available at this time.

Businesses and entities affected. The proposed biosolids fee will primarily affect generators, contractor, farmers using biosolids, and local governments. Currently, there are approximately 80 generators, nine contractors, several thousand farmers, and 42 localities involved with land application of biosolids in Virginia. The owners of neighboring properties where biosolids are land applied and households using centralized sewer systems may also be affected through spillover of negative health and environmental risks from improper application of biosolids and higher sewer bills that may be passed down to households, respectively. A number of service industries, such as restaurants and truck tire retailers, may benefit from the maintenance services necessary to support land application operations.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth. About 42 localities have permitted sites for the land application of the biosolids. Additional localities are expected to have permitted sites for land application of biosolids in the future and would need to pass ordinances providing for testing and monitoring in order to be eligible for reimbursements. A number of localities where there are no alternatives to biosolids recycling through land application may particularly benefit from the proposed fee as they may be able to recycle biosolids generated in their jurisdiction in other localities if the proposed fee provides some assurance to other local governments through testing and monitoring and increases the quantity of biosolids recycled in their jurisdictions. For example, the City of

Richmond and Henrico County are expected to particularly benefit from the proposed regulations because of limited availability of other disposal alternatives. Arlington County and the cities of Alexandria and Roanoke primarily use land application of biosolids. Also, the Hampton Roads Sanitation District in southeast Virginia and the regional facilities serving Rockingham County, and Pulaski County, in the western and southwestern areas of Virginia, utilize land application of biosolids.

Projected impact on employment. The proposed regulations are anticipated to create the need for one full time position at the department to facilitate the fee disbursement procedure. Local governments' demand for labor may directly increase or may cause an increase in labor demand in the private sector to test and monitor application of biosolids. The training needs for local monitors will be addressed by state agencies and professional organizations such as the Virginia Water Environment Association and may further contribute to demand for labor.

Effects on the use and value of private property. The proposed regulations have the potential to affect the value and use of farmland where biosolids are applied and of the adjacent properties to application sites. Properly prepared and applied biosolids may enhance the value of farmland through increases in productivity, through reductions in fertilizer costs, or through enhanced soil properties. However, improperly prepared and applied biosolids has the potential to negatively affect the use and value of application sites as well as the nearby properties through, perceived health risks, environmental risks, odor, and increased disease vectors around the site. The local monitors may mitigate the occurrence of nuisance conditions and consequently, the potential negative effects on the value and use of private property located near land application sites.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Health concurs with the economic impact assessment prepared by the Department of Planning and Budget regarding the proposed fee regulations amending the Biosolids Use Regulations.

Summary:

The proposed amendments establish regulations for collection of a biosolids land application fee and for disbursement of the proceeds to localities for testing and monitoring expenses. The proposed fee is \$2.50 per dry ton of biosolids land applied in localities with ordinances. Additionally, the proposed amendments will revise the membership of the biosolids use regulations advisory committee.

12 VAC 5-585-10. Definitions.

A. Unless otherwise specified, for the purpose of these Biosolids Use Regulations, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Biosolids" means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a

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satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with this chapter.

"Board" means the State Board of Health.

"Certificate" means a permit issued by the State Water Control Board in accordance with 9 VAC 25-30-40 et seq.

"Commissioner" means the State Health Commissioner or designee.

"Critical areas/waters" means areas/waters in proximity to shellfish waters, a public water supply, recreation or other waters where health or water quality concerns are identified by the department or the State Water Control Board.

"Conventional design" means the designs for unit operations (treatment system component) or specific equipment that has been in satisfactory operation for a period of one year or more, for which adequate operational information has been submitted to the division to verify that the unit operation or equipment is designed in substantial compliance with this chapter.

"Department" means the State Department of Health.

"Discharge" means (when used without qualification) discharge of pollutant or any addition of any pollutant or combination of pollutants to state waters or waters of the contiguous zone or ocean other than discharge from a vessel or other floating craft when being used as a means of transportation.

"Division" means the Division of Wastewater Engineering of the Office of ~~Water Programs~~ Environmental Health Services, the administrative unit responsible for implementing this chapter.

"Dry tons" means dry weight established as representative of land applied biosolids and expressed in units of English tons.

"Dry weight" means the measured weight of a sample of sewage sludge or biosolids after all moisture has been removed in accordance with the standard methods of testing and often represented as a percent solids.

"Effluent limitations" means schedules of compliance, prohibitions, permit requirements, established under state or federal law for control of sewage discharges.

"Established fees" means a fee annually established by the division per dry ton of biosolids managed by land appliers. Established fees shall not exceed the amount necessary to reimburse the direct costs for a reasonable amount of testing and for the local monitoring of the land application of biosolids by counties, cities and towns that have adopted local ordinances.

"Exceptional quality biosolids" means biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with this chapter.

"Facilities" means processes, equipment, storage devices and dedicated sites, located or operated separately from a treatment works, utilized for sewage sludge management,

including but not limited to, handling, treatment, transport and storage of biosolids.

"Field office" means the ~~Environmental Area Engineering Field Office of the Office of Water Programs~~ Environmental Area Engineering Field Office through which the division implements its field operations.

"Generator" means the owner of a sewage treatment works that produces sewage sludge and biosolids.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

"Land application" means the distribution of either treated wastewater of acceptable quality, referred to as effluent, or ~~supernatant from biosolids use facilities~~, or stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, or assimilation or ~~pollutant removal~~. Bulk disposal of stabilized sludge in a confined area, such as in landfills, is not land application. Sites approved for land application of biosolids or ~~supernatant~~ in accordance with this chapter are not to be considered to be treatment works.

"Land applier" means someone who land applies biosolids pursuant to a valid permit from the department as set forth in this chapter.

"Local monitor" means a person or persons employed by local government to perform the duties of monitoring the operations of land appliers pursuant to a local ordinance.

"Local ordinance" means an ordinance adopted by counties, cities or towns in accordance with § 62.1-44.19:3 C of the Code of Virginia.

"Manual" and "manual of practice" means the provisions of Part III (12 VAC 5-585-420 et seq.) of this chapter.

"Nutrient management plan" means a plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements as set forth in the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15).

"Operate" means the act of ~~making a decision on one's own volition~~ an individual, not mandated upon such individual by any owner, which may have an impact on either the finished water quality at a waterworks or the final effluent at a sewage treatment works, or the state Water Quality Standards, such as: (i) to place into or take out of service a unit process or unit processes or, (ii) to make or cause adjustments in the operation of a unit process or unit processes at a treatment works, or (iii) to manage sewage sludge or biosolids.

"Owner" means the Commonwealth or any of its political ~~subdivision~~ subdivisions including sanitary districts, sanitation district commissions and authorities, federal agencies, any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association which owns or proposes to own a sewerage system or treatment works as defined in § 62.1-44.3 of the Code of Virginia.

"Permit" means an authorization granted by the commissioner to construct, or operate, facilities and specific sites utilized for

biosolids management, including land application, marketing and distribution of biosolids or a Virginia Pollution Abatement permit issued by the Department of Environmental Quality to a land applier.

"Permittee" means a person, firm, corporation, political subdivision or other entity holding a permit approved by the department for the land application, storage or distribution of biosolids as provided for in this chapter.

"Pollutant" means any substance, radioactive material, or waste heat which causes or contributes to, or may cause or contribute to, pollution.

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters or soil as will, or is likely to, create a nuisance or render such waters or soil (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with despite reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural or for other reasonable uses; provided that. Such alteration is also deemed to be pollution, if there occurs: (a) an alteration of the physical, chemical or biological property of state waters, or a discharge or a deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of, or discharge, or deposit, to state waters by other owners, is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and or (c) contributing to the contravention of standards of water quality duly established by the State Water Control Board are "pollution" for the terms and purposes of this chapter.

"Primary sludge" means sewage sludge removed from primary settling tanks that is readily thickened by gravity thickeners.

"Process" means a system, or an arrangement of equipment or other devices such that a remove from waste material can be subsequently treated to remove pollutants, including, but not limited to, a treatment works or portions thereof.

"Reimbursement application" means forms approved by the division to be used to apply for reimbursement of local monitoring costs for land application of biosolids in accordance with the provisions of this chapter. The application shall consist of a formal written request and any accompanying documentation submitted by a local government in accordance with a local ordinance.

"Settled sewage" is effluent from a basin in which sewage is held or remains in quiescent conditions for 12 hours or more and where the residual sewage sludge is not reintroduced to the effluent following the holding period. Sewage flows not in conformance with these conditions providing settled sewage shall be defined as nonsettled sewage.

"Sewage" means the water-carried and nonwater-carried human excrement, 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 sludge" or "sludge" means any solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by sewage treatment, septage and portable toilet wastes are also included in this definition. Liquid sludge contains less than 15% dry residue by weight. Dewatered sludge contains 15% or more dry residue by weight. The liquid obtained from separation of suspended matter during sludge treatment or storage is referred to as supernatant.

"Shall" means a mandatory requirement.

"Should" means a recommendation.

"Sludge management" means the treatment, handling, transportation, storage, use, distribution or disposal of sewage sludge.

"Soil analysis" is a chemical testing procedure to determine the nutrient content of soils in a given field. Soil analyses generally include testing for soil pH, P (Phosphorus), K (Potassium), Ca (Calcium), Mg (Magnesium), Zn (Zinc), Mn (Manganese), Cu (Copper), Fe (Iron) and B (Boron).

"State waters" means all water, on the surface and under the ground, wholly or partially within, or bordering the state or within its jurisdiction.

"Substantial compliance" means designs that do not exactly conform to the guidelines standards set forth in Part III this chapter as contained in documents submitted pursuant to 12 VAC 5-585-130 but whose construction will not substantially affect health considerations or performance of the sewerage system or treatment works.

"Supernatant" is the liquid obtained from separation of suspended matter during sludge treatment or storage.

"Surface waters" means (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (ii) all interstate waters, including interstate "wetlands"; (iii) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetland and wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (a) which are or could be used by interstate or foreign travelers for recreational or other purposes, (b) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or (c) which are used or could be used for industrial purposes by industries in interstate commerce; (iv) all impoundments of waters otherwise defined as waters of the United States under this definition; (v) tributaries of waters identified in clauses (i) through (iv) of this definition; (vi) the territorial sea; and (vii) "wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in clauses (i) through (vi) of this definition.

"Toxic pollutant" means any agent or material including, but not limited to, those listed under Section 307(a) of the Clean Water Act which after discharge will, on the basis of available information, cause toxicity.

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"Toxicity" means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"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 their 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 ultimate disposal of residues or effluents resulting from such treatment. "Treatment works" does not include biosolids use on privately owned agricultural land.

"Use" means to manage or recycle a processed waste product in a manner so as to derive a measurable benefit as a result of such management.

"Variance" means ~~any mechanism or provision which allows a~~ conditional approval based on a waiver of specific regulations to a specific owner relative to a specific situation under documented conditions for a specified time period.

"Water quality standards" means the narrative statements for general requirements and numeric limits for specific requirements that describe the water quality necessary to meet and maintain reasonable and beneficial uses. Such standards are established by the State Water Control Board under § 62.1-44.15(3a) of the Code of Virginia.

B. Generally used technical terms not defined in subsection A of this section ~~or the department's latest definitions of technical terms as used to implement § 32.1-164 et seq. of the Code of Virginia~~ shall be defined in accordance with "Glossary--Water and Wastewater Control Engineering" published by American Public Health Association (APHA), American Society of Civil Engineers (ASCE), American Water Works Association (AWWA), and ~~Water Pollution Control Environment Federation (WPCF WEF).~~

12 VAC 5-585-40. ~~[Reserved]~~ Fees.

All land appliers operating on permitted sites within the jurisdiction where a local ordinance has been adopted pursuant to § 62.1-44.19:3 of the Code of Virginia shall be subject to payment of fees as specified in this dchapter.

12 VAC 5-585-50. ~~[Reserved]~~ Reimbursement.

Reimbursement of local monitoring costs deemed reasonable by the division will be made in order of receipt of an acceptable invoice. Such invoices will be reimbursed for reasonable costs of at least \$2.50 per dry ton of biosolids land applied in a county during the period of time specified in the submitted invoice. If sufficient revenue from collected fees exists, then invoiced claims exceeding \$2.50 per dry ton of biosolids land applied in that county, during the period of time specified in the submitted invoice, may be released for reimbursement of up to \$4.00 per dry ton of biosolids land applied in that county, based on the order of receipt of the invoice.

12 VAC 5-585-270. Biosolids Use Regulation Advisory Committee.

A. The commissioner shall appoint a ~~regulations advisory committee consisting to advise the commissioner on issues related to implementation and administration of this chapter.~~ The committee shall consist of at least eight appointed members and four ex-officio members as specified ~~below~~ in this section. Advisory committee membership should include representatives of large size and small size communities and industries and their consultants.

B. The appointed committee members ~~may~~ shall be selected from organizations such as:

- ~~1. The Virginia Water Environment Association of Counties (VACO);~~
- ~~2. The Virginia Department of Agriculture and Consumer Services Municipal League (VML) and the Association of Municipal Wastewater Agencies (VAMWA);~~
- ~~3. Virginia Society of professional societies (i.e., engineers and soil scientists);~~
- ~~4. Sewerage Systems and Treatment Works Owners~~
- ~~5. Sludge Management~~ 4. Biosolids consultants and contractors;
- ~~6. 5. State universities university and college faculty faculties; and~~
6. Agricultural industry and the Virginia Farm Bureau.

~~B-~~ C. Consideration shall also be given to appropriate citizens who are not members of these organizations and other interested parties and groups such as citizens conservation organizations.

D. All terms for appointed members shall be four years in duration, and members shall ~~shall~~ should not be appointed for more than two consecutive terms. Four of the eight appointed members shall serve an initial term of two years with subsequent terms of four years. The ~~committee~~ ex-officio members are:

- ~~1. The Director of the Office of Water Programs Environmental Health Services;~~
- ~~2. The Director of the Division of Wastewater Engineering;~~
- ~~3. The Office of Water Resources Management, Water Division, Virginia Department of Environmental Quality~~
3. The Division of Soil and Water Conservation, Virginia Director of the Department of Conservation and Recreation, Nutrient Management Program; and
4. The Department of Environmental Quality and the Department of Agriculture and Consumer Services may designate ex-officio members from their staff. Each committee member may designate an alternate to serve when necessary. The secretary to the committee will be a staff member of the division.

E. The function of the committee will be to meet, discuss issues, and make recommendations directly to the commissioner concerning the ~~biosolids use~~ regulations and

standards contained in this chapter and other similar policies, procedures and programs for regulating biosolids use and associated fees. The committee will meet semi-annually or more frequently at the call of the chairman. The committee's meetings will be advertised and open to the public, and comments and recommendations from the public will be received.

**PART VI.
FEES AND REIMBURSABLE COSTS.**

12 VAC 5-585-660. Established fees.

A. Those land appliers operating in counties, cities or towns that have adopted local ordinances shall remit the established fees to the division as specified in this chapter. The land appliers shall collect the required fees from the owners of the sewage treatment works and facilities that generate the biosolids. Such works and facilities shall be approved sources of biosolids in accordance with this chapter. Land application of sewage sludge shall only include biosolids from approved sources as listed in the land application permit. The established fee shall be imposed on each dry ton of sewage sludge that is land applied in the Commonwealth in accordance with this chapter. No fee shall be imposed on materials classified as "exceptional quality biosolids" or the equivalent thereof, as defined by this chapter.

B. A fee shall be \$2.50 per dry ton of biosolids land applied in counties, cities or towns that have adopted local ordinances, to be adjusted annually in accordance with the federal consumer price index (CPI).

C. Disbursement of the established fees collected by the division shall be made to reimburse or partially reimburse those counties, cities and towns with duly adopted local ordinances that submit documentation of reimbursable expenses acceptable to the department as provided for in this chapter and as described in a Biosolids Fee Guidance Manual provided to local governments and land appliers by the department.

12 VAC 5-585-670. Payment of fees.

A. Except as specified in this chapter, all fees are due on the day specified by the department. Payment of the fee shall be made by land appliers following notification by the division of the fee due. No permit, or modification of an existing permit, will be approved in the jurisdiction where payment of the established fee by the land applier has not been received by the due date, until such time that the fees are paid in full. Existing permits may be revoked or approved sources may be reclassified as unapproved, unless the required fee is paid within 60 days of the notification by the division of the fee due.

B. Fees shall be paid by check, draft or postal money order payable to the Commonwealth of Virginia, Department of Health and must be in U.S. currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee.

C. All incomplete payments will be deemed nonpayments.

12 VAC 5-585-680. Deposit and use of fees.

All fees collected pursuant to this regulation shall be retained in a special nonreverting fund to be administered by the Department of Health established as the Virginia Department of Health Biosolids Fee Fund and used and accounted for as specified in § 62.1-44.15:7 of the Code of Virginia.

12 VAC 5-585-690. Reimbursable costs.

The following describes the kinds of activities for which expenses may, if reasonable, be submitted for reimbursement:

1. Charges for reviewing the permit application to identify potential health protection issues.
2. Charges and expenses, including travel, for site monitoring, inspections, sample collection and delivery and examination of records as detailed in the Biosolids Fee Guidance Manual.
3. Charges for recordkeeping including activities listed in the Biosolids Fee Guidance Manual.
4. Charges for complaint and incident response, including activities listed in the Biosolids Fee Guidance Manual.
5. Charges for biosolids and soil sample testing costs as provided for in the Biosolids Fee Guidance Manual.
6. Charges for the training of local monitors as provided for in the Biosolids Fee Guidance Manual.

12 VAC 5-585-700. Collection of fees.

A. Records. In those jurisdictions that have duly adopted local ordinances, permittees shall maintain complete records of the land application activities and amounts of biosolids that they land apply. Such records shall be maintained by the permittee in a form that is available for inspection by the division for five years after the date of the activity. Records of land application activities shall include the following minimum information:

1. Name of Permittee, VDH permit number and dates of activity.
2. Identification of land application site, including the county where taxes are remitted and permitted site identification name, letters and numbers, as appropriate.
3. The source of biosolids and approximate field area receiving those biosolids.
4. The amount of biosolids applied in dry tons and the method and calculations used to determine the reported value.
5. Dates and type of any interactions with local monitors and names of individuals involved in the interactions.
6. Name of responsible representative of permittee and a statement signed and dated by that representative indicating that the information submitted has been verified by that representative as correctly reported in accordance with this chapter.

B. Reports and notification. The permittee shall submit a monthly report by the 15th day of the month following the

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month that land application occurs. That report shall include the recorded information listed in subsection A of this section and present a calculation of the total fee that is required in accordance with this chapter. The submitted report shall include a summary list of the total amount of biosolids applied and the calculated fee based on the land-applied biosolids for each county in which land application occurred in alphabetical order by county.

The division will review the submitted reports and notify the permittee of the reimbursement amount within 14 days of the date that the report is received. Such notification will explain the reasons for any differences between the reported fee calculation and the reimbursement amount.

12 VAC 5-585-710. Reimbursement of fees.

A. Application. Local government must submit a reimbursement application to request reimbursement from the division. All information is to be clearly typed or printed and all required or supporting documents must be attached. The county administrator or designated local biosolids monitor shall sign and date the application where indicated. The original signed application with one copy of each of the supporting documents is to be forwarded to the division. Applications may not be submitted by facsimile or through electronic means. A reimbursement invoice form as described in this chapter must be completed before a reimbursement application can be submitted. The invoice form must include all expenses for which reimbursement is requested during the designated time period.

B. Application forms and submittal. The application for reimbursement must be submitted within 120 days of the last day of the month in which the reimbursable activity occurred. All applications received after this time frame will be ineligible for reimbursement. The following is a description of the application forms and an explanation of their use. The application forms and detailed instructions can be obtained from the division.

1. Form 1 - Reimbursement Application. An Invoice Form shall be submitted with each application for reimbursement. The invoice form should list all reimbursable charges. To be reimbursed for eligible expenses, an applicant must provide documentation to demonstrate that the expenses were incurred. Invoices are acceptable proof of incurred expenses. Include legible copies of invoices signed by the local biosolids monitor or agent who performed or managed the monitoring activities. All invoices are to include the following:

- a. VDHBUR Permit Number and site identification;
- b. (Number), or site address;
- c. Biosolids contractor's name;
- d. Date and type of activity monitored;
- e. Name of biosolids monitor;
- f. Number of hours to be reimbursed and charge per hour;
- g. List of expenses for which reimbursement is sought; and

h. Type of sampling activity performed and associated laboratory expense vouchers.

The application requires the county administrator to certify that the responsible official has read and understands the requirements for reimbursement and that the application submitted is not fraudulent. The local monitor must attest to the accuracy and completeness of the information provided.

2. Form 2 - Multiple Owners Payment Assignment Form. When there are multiple local governments as claimants, a separate, signed and notarized invoice form for each claimant must be filled out and submitted with the first application.

Submittal of the original completed reimbursement application, including the application worksheets and the appropriate supporting documentation, should be accomplished by mailing these documents to: Virginia Department of Health, Division of Wastewater Engineering, 1500 East Main Street, Room 109, Richmond, VA 23219.

12 VAC 5-585-720. Processing applications.

A. When the division finds essential information is missing, an evaluation will be made to determine whether the claim can be processed without the information and, if so, what impact the missing information will have with respect to the amount approved for reimbursement. If the claim can be processed without the missing information, then the claim may be processed "as is." If it is not possible to process the claim "as is," the division will contact the claimant and attempt to resolve the deficiencies. If contacted, an applicant will have 14 days from the date of the call or letter to submit the information requested and cure any deficiencies. Extensions of the 14-day deadline will not be granted. An application that does not contain all of the required information after the 14-day time frame may be rejected or processed "as is," which can result in complete denial or a partial reimbursement. In rare cases, an application may have so many deficiencies or defects that it cannot be processed and is rejected immediately with a written explanation of the defects and remedies needed.

B. After receipt of an application for reimbursement of biosolids monitoring costs, the division will evaluate it to determine whether:

1. The invoiced costs are eligible for reimbursement;
2. The application has been completed correctly, including all required signatures;
3. All of the necessary forms and documentation have been submitted;
4. There are any costs submitted for reimbursement that are not eligible;

C. Upon completion of the reviews described in this section, the division will render reimbursement decisions, as described in the Biosolids Fee Guidance Manual, based upon the information contained in the file. These reimbursement decisions will be documented and communicated to the applicant through a reimbursement decision letter.

D. Only invoices pertaining to the monitoring activity being claimed in the current application will be accepted. Costs

omitted from previous claims are ineligible for reimbursement in subsequent claims. Likewise, invoices submitted in previous claims will not be eligible documentation for reimbursement of costs in subsequent claims. To reduce the risk of disqualification of costs, costs for different monitoring activities should be invoiced separately. If possible, invoices should be structured so that costs are grouped according to task or activity.

12 VAC 5-585-730. Decisions regarding reimbursements.

Following a reimbursement decision, the division will prepare a reimbursement decision letter. The reimbursement decision letter will include information on the total amount requested in the application, the amount disallowed, the amount approved, and the total amount of any previous payments in cases where full reimbursement has been delayed. If the division determines that a claim should not be paid in full, the reimbursement payment decision will briefly describe the reason for the amount awarded or denied. The check for payment of reimbursement will be mailed separately and follows the decision package by one to two weeks.

12 VAC 5-585-740. Reconsideration process.

A. The claimant will be given the opportunity to submit a written response indicating why costs denied on the reimbursement decision should be paid. A reconsideration procedure package for filing the objection will be mailed with the reimbursement decision letter.

B. If the claimant disagrees with the decision in the reimbursement payment package, a Notice of Intent (NOI) to object and a Reconsideration Claim Form must be submitted to the division within the filing deadlines specified in the reconsideration procedure package.

If filing deadlines are not met, the decision in the reimbursement payment package is final. This written objection is to be in the format specified in the reconsideration procedure package and explain the reasons for disagreement with the decisions in the reimbursement payment letter, and supply any additional supporting documentation. Upon receipt of this information and at the claimant's request, the division will schedule a reconsideration meeting to reevaluate the denied costs.

C. Claimants will be given an opportunity to contest the reimbursement decisions. The claimant's notification of the process to contest the reimbursement decision will be included in the reimbursement payment letter. The reimbursement letter will inform the claimant that:

1. If requested in the NOI the claimant may have a conference with a technical reviewer prior to the reconsideration meeting;
2. The claimant may appear in person or be represented by counsel or other qualified representative for the presentation of factual data, argument, or other proof in connection with the claim;
3. The meeting discussions will be recorded;
4. The claimant may contest the decision in writing (i.e., without a meeting);

5. The claimant may request copies (at claimant's expense) of the reimbursement file;

6. The claimant is required to notify the division in writing of their intention to contest the reimbursement decision within filing deadlines;

7. The claimant must specify in the written Notice of Intent whether the claimant seeks to contest the decision through a meeting or in writing only; and

8. Within the filing deadline, the claimant must submit a written summary of the issues that will be contested using the Reconsideration Claim Form.

D. The reconsideration procedures provide the division the opportunity to correct certain errors. The following types of errors can be corrected:

1. Failure of the reviewer to verify an Invoice Form that was received prior to completing the verification package for the reimbursement.
2. Errors the reviewer makes in verifying an Invoice Form.
3. Failure of the claimant to submit all invoices.

E. Notwithstanding the above, some types of errors cannot be corrected. It is the responsibility of the claimant or consultant, or both, to ensure that all application forms (Invoice Forms, and sampling and testing verification) are completely and accurately filled out. Failure to exercise proper care in preparing an application may result in a denial of costs, which cannot be corrected through the reconsideration process, including:

1. Items omitted from the Invoice Form will not be eligible for reimbursement.
2. Unverified sampling and testing results will not be eligible for reimbursement.
3. No additions or revisions to the Invoice Forms will be accepted from the claimant after the reviewer forwards the verification package to the division.
4. Using one invoice in multiple claims. Invoices submitted in an application cannot be used as documentation for reimbursement of costs in subsequent claims.
5. The following are types of errors that cannot be corrected:
 - a. Failure to claim performed work on the invoice.
 - b. Failure to claim sampling and testing costs as authorized.
 - c. Failure to claim all costs in a submitted invoice.
 - d. Failure to submit to the reviewer all supporting documentation to demonstrate the necessity of work performed that exceeds expected activities. Such documentation must be submitted before the reviewer forwards the verification package to the division.

12 VAC 5-585-750. Delayed payment of properly invoiced claims.

A. The Biosolids Fee Fund balance may fluctuate and may drop, due to increased claim filings and reduced revenue, to a

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level where it is no longer possible to pay all claims. When the fund balance approaches this level, VDH will take the necessary steps to increase the amount of the fee collected pursuant to § 62.1-44.19:3 of the State Water Control Law. During these cycles, VDH may find it necessary to implement delayed payment claim processing procedures or make partial payments based on moneys available in the Biosolids Fee Fund. An award to a county cannot exceed a total of \$4.00 per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice.

B. When delayed payment claim processing procedures are implemented, claims will be processed as usual, and once completed they will be placed on a release request listing. When decision packages are mailed out, claimants will be notified that their claim will be paid as money becomes available. Claims will be organized on the Release Request Listing in order by the week the claim was completed.

C. For claims completed within the same week, they will be listed in order by the received date. Each month, the division will determine the amount of revenue received that can be made available for claim payments, and claims will be released, with reimbursement of at least \$2.50 per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice, based on their placement on the list. Claimants will receive a letter notifying them that the claim has been released, followed within seven to 10 days by a check.

D. Once higher revenue is received, claims will be released that have been delayed in earlier months, with reimbursement of at least \$2.50 per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice, prior to releasing any current claim payments. If sufficient revenue exists, then delayed claims exceeding \$2.50 per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice may be released for reimbursement of up to \$4.00 per dry ton of biosolids land applied in that county, based on their placement on the list. Due to possible fluctuations in claim amounts and revenues received, it may not be possible for the division to predict exactly how long delayed payment processing will continue.

NOTICE: The forms used in administering 12 VAC 5-585, Biosolids Use Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health, 1500 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Application for a Biosolids Use Construction or Operation Permit, 1997.

Biosolids Use/Treatment Works Construction Permit, 1997.

Biosolids Use/Treatment Works Operation Permit, 1997.

Form 1 Biosolids Land Application Local Monitoring Expenses - Reimbursement Invoice, 2002.

Form 2 Biosolids Land Application Fee – Reimbursement Multiple Owners Payment Assignment, 2002.

Form 3 Biosolids Land Application Fee – Reimbursement Notice of Intent to Seek Reconsideration, 2002.

Form 4 Biosolids Land Application Fee – Reimbursement Reconsideration Claim Form, 2002.

DOCUMENTS INCORPORATED BY REFERENCE

Glossary Water and Wastewater Control Engineering, 1969, American Public Health Association (APHA), American Society of Civil Engineers (ASCE), American Water Works Association (AWWA), and Water Environment Federation (WEF).

United States Environmental Protection Agency Guidelines Establishing Test Procedures for Analysis of Pollutants, 1989, National Technical Information Service, United States Department of Commerce.

Sampling Procedures and Protocols Used for the National Sewage Sludge Survey, EPA Office of Water Regulations and Standards, March 1988, National Technical Information Service, United States Department of Commerce.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992, American Public Health Association.

Environmental Regulations and Technology - Control of Pathogens and Vector Attraction in Biosolids, EPA-625/R-92/013, December 1992, United States Environmental Protection Agency.

VA.R. Doc. No. R02-112; Filed October 16, 2002, 10:52 a.m.



TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **20 VAC 5-400. Telecommunications (repealing 20 VAC 5-400-180).**

Title of Regulation: **20 VAC 5-417. Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers (adding 20 VAC 5-417-10 through 20 VAC 5-417-80).**

Title of Regulation: **20 VAC 5-429. Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters (adding 20 VAC 5-429-10 through 20 VAC 5-429-60).**

Statutory Authority: §§ 12.1-13 and 56-265.4:4 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if requested. Public comments may be submitted until November 27, 2002.

Agency Contact: Sheree King, Telecommunication Competition Specialists, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9707, FAX (804) 371-9069, toll-free 1-800-552-7945 or e-mail sking@scc.state.va.us.

Summary:

The proposed action repeals 20 VAC 5-400-180 of the Rules Governing the Offering of Competitive Local Exchange Telephone Service and establishes two new chapters, 20 VAC 5-417, Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers and Localities as Competitive Local Exchange Carriers, and 20 VAC 5-429, Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters.

The proposed chapter governing the certification and regulation of competitive local exchange carriers and localities as competitive local exchange carriers, 20 VAC 5-417, contains certain provisions found in 20 VAC 5-400-180 that have been revised to incorporate orders subsequently issued by the State Corporation Commission, changes in commission practice and procedures, and to bring the text into conformance with the requirements of the Virginia Register Form, Style and Procedure Manual. In addition, 20 VAC 5-417 incorporates changes in the Code of Virginia enacted by the General Assembly in the 2002 Session. Chapter 489 (House Bill 1021) of the 2002 Acts of Assembly provides that localities that operated an electric distribution system as of March 1, 2002, may obtain

certification from the commission as competitive local exchange carriers.

The proposed chapter governing compensation, numbering, interconnection, and other local inter-carrier matters, 20 VAC 5-429, is for the most part text directly from specific rules found in 20 VAC 5-400-180. The chapter does reflect the provisions of Chapter 489 (House Bill 1021) of the 2002 Acts of Assembly as described above. Additionally, 20 VAC 5-429 incorporates changes to bring the provisions into conformance with the requirements of the Virginia Register Form, Style and Procedure Manual and various housekeeping and ministerial changes.

AT RICHMOND, OCTOBER 15, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC-2002-00115

Ex Parte: In the matter of rules governing competitive local exchange carriers, localities as competitive local exchange carriers, and local inter-carrier matters

ORDER FOR NOTICE AND COMMENT AND/OR REQUESTS FOR HEARING ON PROPOSED RULES

On December 13, 1995, the State Corporation Commission ("Commission") adopted Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Exchange Rules") in Case No. PUC-1995-00018.¹ The Local Exchange Rules were promulgated under the Commission's authority pursuant to §§ 12.1-13 and 56-265.4:4 B of the Code of Virginia ("Code") and are currently codified in Chapter 400 of the Virginia Administrative Code ("VAC"), 20 VAC 5-400-180.

Since the Local Exchange Rules were adopted, the process for the certification and regulation of competitive local exchange carriers ("CLECs") has been evolving. The Commission has issued numerous certificates and orders pertaining to the provision and regulation of local exchange telecommunications services. In addition, recent legislation permits the Commission to grant certificates to provide local exchange telecommunications services to certain localities. The Commission, therefore, believes that it is timely to consider updating the Local Exchange Rules.²

First, current 20 VAC 5-400-180 would be repealed, and a new VAC chapter, 20 VAC 5-417-10, et seq., would be adopted. This chapter would be titled Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers ("Proposed Local Exchange Rules"). The Proposed

¹ Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of investigating local exchange telephone competition, including adopting rules pursuant to Virginia Code § 56-265.4:4 C 3, Case No. PUC-1995-00018, 1995 S.C.C. Ann. Rept. 249.

² The Virginia Code Commission (the "Code Commission") adopted the Virginia Register Form, Style and Procedure Manual containing certain stylistic, editorial, or organizational requirements for regulations contained in the VAC. The rules proposed in this matter are in conformance with the requirements of the Code Commission.

Proposed Regulations

Local Exchange Rules are based upon the existing Local Exchange Rules and are updated to reflect matters arising since the Local Exchange Rules' adoption. The Commission also is proposing to incorporate within the Proposed Local Exchange Rules new requirements for localities seeking certification to provide local exchange telecommunications services pursuant to § 56-265.4:4 B of the Code. These new provisions address Chapters 479 and 489 of the 2002 Acts of Assembly ("Chapters 479 and 489"), which authorize certain localities to provide telecommunications services, including local exchange telecommunications services, by obtaining such a certificate. The Proposed Local Exchange Rules are contained in Attachment 1 to this Order.

Second, certain provisions of the Local Exchange Rules would be incorporated into a second new chapter, 20 VAC 5-429-10, *et seq.*, titled Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters ("Proposed Inter-Carrier Rules"). These provisions govern interconnection, terminating traffic compensation, number portability and number assignment, and universal service. Generally, only stylistic, editorial, or organizational changes are being proposed to these provisions. Issues contained within these provisions, which were previously addressed in proceedings before the Commission, will not be reopened for consideration at this time. However, the Commission is proposing to incorporate several new definitions or provisions to ensure consistency with existing Commission policy, the Proposed Local Exchange Rules, and the enactment of Chapters 479 and 489 as described above. The Proposed Inter-Carrier Rules are contained in Attachment 2 to this Order.

NOW UPON CONSIDERATION of the proposed rules found in Attachments 1 and 2 hereto, the Commission is of the opinion and finds that public notice of the attached proposed rules should be given and that interested persons should be afforded an opportunity to file written comments, propose modifications or supplements, or request a hearing on the proposed rules.

Accordingly, IT IS ORDERED THAT:

(1) This matter shall be docketed and assigned Case No. PUC-2002-00115.

(2) A copy of this Order and Attachments 1 and 2 shall forthwith be made available for public review between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, at the State Corporation Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. A copy of this Order and Attachments 1 and 2 will be provided free of charge upon written request to Joel H. Peck, Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218. This Order and Attachments 1 and 2 shall also be made available for public access on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(3) The Commission's Division of Information Resources shall forward this Order and Attachments 1 and 2 to the Registrar of Regulations for publication in the Virginia Register of Regulations.

(4) On or before October 31, 2002, the Commission's Division of Information Resources shall publish the following notice once as classified advertising in newspapers of general circulation throughout the Commonwealth:

NOTICE TO THE PUBLIC OF PROPOSED RULES
GOVERNING COMPETITIVE LOCAL EXCHANGE
CARRIERS
CASE NO. PUC-2002-00115

On December 13, 1995, the State Corporation Commission ("Commission") adopted Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Exchange Rules") in Case No. PUC-1995-00018. Since these were adopted, the process for the certification and regulation of competitive local exchange carriers ("CLECs") has been evolving. The Commission has issued numerous certificates and orders pertaining to the provision and regulation of local exchange telecommunications services. In addition, recent legislation permits the Commission to grant certificates to provide local exchange telecommunications services to certain localities. The Commission, therefore, believes that it is timely to consider updating the Local Exchange Rules.

First, current 20 VAC 5-400-180 would be repealed, and a new VAC chapter, 20 VAC 5-417-10, *et seq.*, would be adopted. This new chapter would be titled Rules Governing the Certification and Regulation of Competitive Local Exchange Carriers ("Proposed Local Exchange Rules"). The Proposed Local Exchange Rules are based upon the existing Local Exchange Rules and are updated to reflect matters arising since the Local Exchange Rules' adoption. The Commission also is proposing to incorporate within the Proposed Local Exchange Rules new requirements for localities seeking certification to provide local exchange telecommunications services pursuant to § 56-265.4:4 B of the Code. These new provisions address Chapters 479 and 489 of the 2002 Acts of Assembly ("Chapters 479 and 489"), which authorize certain localities to provide telecommunications services, including local exchange telecommunications services, by obtaining such a certificate.

Second, certain provisions of the Local Exchange Rules governing interconnection, terminating traffic compensation, number portability and number assignment, and universal service would be incorporated into a second new chapter, 20 VAC 5-429-10, *et seq.*, titled Rules Governing Compensation, Numbering, Interconnection, and Other Local Inter-Carrier Matters ("Proposed Inter-Carrier Rules"). Generally, only stylistic, editorial, or organizational changes are being proposed to these provisions. Issues contained within these provisions, which were previously addressed in proceedings before the Commission, will not be reopened for consideration at this time. However, the Commission is proposing to incorporate several new definitions or provisions to ensure consistency with existing Commission policy, the Proposed Local Exchange Rules, and the

enactment of Chapters 479 and 489 as described above.

A copy of the Commission's Order, together with Attachments 1 and 2 which contain the proposed rules, may be reviewed between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, at the State Corporation Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. A copy of the Order and Attachments 1 and 2 will be provided free of charge upon written request to Joel H. Peck, Clerk of the Commission, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218. Interested persons may also obtain a copy of the Order and Attachments 1 and 2 from the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

On or before November 27, 2002, any interested person who wishes to comment on, propose modifications or supplements to, or request a hearing on the proposed rules may file an original and fifteen (15) copies of written comments or requests with the Clerk of the Commission at the address set forth above.

The comments and requests for hearing shall set forth the individual's interest in the proceeding and shall refer to Case No. PUC-2002-00115. Any request for hearing shall state in detail the reasons why the issues cannot be adequately addressed in written comments. Should no sufficient request for hearing be filed, the Commission may proceed upon the papers filed herein and without scheduling a hearing at which testimony would be received.

THE STATE CORPORATION COMMISSION

(5) The Commission's Division of Information Resources shall promptly file with the Clerk of the Commission at the address set forth in Ordering Paragraph (2) above, proof of the publication of the notice as required by Ordering Paragraph (4) above.

(6) On or before November 27, 2002, interested persons wishing to comment on or to propose modifications or supplements to the proposed rules may file an original and fifteen (15) copies of such written comments, modifications, or supplements with the Clerk of the Commission at the address set forth in Ordering Paragraph (2) above. The comments shall set forth the individual's interest in the proceeding and shall refer to Case No. PUC-2002-00115.

(7) On or before November 27, 2002, interested persons wishing to request a hearing on the proposed rules shall file an original and fifteen (15) copies of a written request with the Clerk of the Commission at the address set forth in Ordering Paragraph (2) above. Any request for hearing shall set forth the individual's interest in the proceeding and shall refer to Case No. PUC-2002-00115. Any request for hearing shall state in detail the reasons why the issues cannot be adequately addressed in written comments. Should no sufficient request for hearing be filed, the Commission may proceed upon the papers filed herein.

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

AN ATTESTED COPY HEREOF shall be served by the Clerk of the Commission to: C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; the members of the Municipal Electric Power Association of Virginia as set out in Appendix C; and the Commission's Office of General Counsel and Division of Communications.

20 VAC 5-400-180. Rules governing the offering of competitive local exchange telephone service. (Repealed.)

~~A. Definitions. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:~~

~~"Incumbent local exchange telephone company" or "incumbent" means a public service company providing local exchange telephone service in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity.~~

~~"Interconnection" means the point of interface between local exchange carriers' networks. Interconnection can be achieved at different points of the network.~~

~~"Interim number portability" means the service provided in lieu of true number portability. Interim solutions available from the incumbent local exchange telephone company, which include remote call forwarding and direct inward dialing, enable customers to change providers without the appearance of changing telephone numbers, but rely on the incumbent's network to process some or all calls.~~

~~"Local exchange carriers" means all certificated providers of local exchange telephone service, whether incumbents or new entrants.~~

~~"Mutual exchange of traffic" means the reciprocal arrangement by which local exchange carriers terminate the local calls of other local exchange carriers' customers on their networks.~~

~~"New entrant" means an entity certificated to provide local exchange telephone service in Virginia after January 1, 1996, under § 56-265.4:4 C of the Code of Virginia. An incumbent local exchange telephone company shall be considered a new entrant in any territory for which it obtains a certificate to provide local exchange service on or after January 1, 1996, in accordance with these rules and which is outside the territory it is certificated to serve as of December 31, 1995.~~

~~"Terminating compensation" means the payment or other exchange mechanism used by local exchange carriers for terminating the local exchange traffic of other local exchange carriers.~~

~~"True number portability" means the technical capability of a competing local exchange carrier to allow customers to retain their telephone number when they change providers (without~~

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a change in location) without reliance on calls being routed through the end office where the original NXX is assigned.

"Unbundling" means the process by which a local exchange telephone carrier's network is disaggregated into functional components.

B. Certification requirements.

1. An original and 15 copies of an application for a certificate of public convenience and necessity shall be filed with the Clerk of the State Corporation Commission.

2. Notice of the application shall be given to all local exchange carriers in the applicant's proposed service territory. Each applicant shall publish notice in newspapers having general circulation in the proposed service territory in a form to be prescribed by the commission.

3. The application shall identify the applicant including (i) its name, address, and telephone number; (ii) the name, address, and telephone number of its corporate parent or parents, if any; (iii) a list of its officers and directors or, if the applicant is not a corporation, a list of its principals; (iv) the names, addresses, and telephone numbers of its legal counsel; and (v) any other identifying information the commission determines to be necessary.

4. Each incorporated applicant shall demonstrate that it is authorized to do business in the Commonwealth of Virginia as a public service company.

5. Applicants shall be required to show their financial, managerial, and technical ability to render local exchange telephone service.

a. As a minimum requirement, a showing of financial ability shall include the applicant's most recent audited financial statements, most recent stockholders annual report and most recent SEC Form 10-K if the company is publicly traded.

b. To demonstrate managerial experience, each applicant shall attach a brief description of its history of providing telecommunications or other relevant services, if any; shall list the geographic areas in which it has and is currently providing service; and shall list the experience of each principal officer.

c. The applicant shall demonstrate its technical ability by attaching a description of its experience in providing telecommunications or other relevant services, if any, or the applicant may provide other documentation which supports its technical abilities.

6. Each application for a certificate to provide local exchange service shall include the applicant's initial tariffs, which shall include rules, regulations, terms, and conditions. Applicants that desire to have any of their services deregulated or detariffed shall file such a proposal in accordance with subsection D of this section.

7. The applicant shall file maps or other acceptable documents with the application for certification in sufficient detail to designate the actual geographic area or areas to be served. Such maps should also identify each proposed initial local calling area of the applicant.

8. Each application shall include the applicant's proposed form of regulation for its services if such form of regulation differs from that set forth in subsection D of this section.

C. Conditions for certification.

1. In the public interest evaluation of the applicant's request for a certificate to provide local exchange service, the commission will, at a minimum, require a new entrant, either directly or through arrangements with others, to provide the following:

a. Access to 911 and E911 services;

b. White page directory listings;

c. Access to telephone relay services;

d. Access to directory assistance;

e. Access to operator services;

f. Equal access to interLATA long distance carriers;

g. Free blocking of 900 and 700 type services so long as the same requirement applies to incumbent local exchange companies; and

h. Interconnection on a nondiscriminatory basis with other local exchange telephone service companies.

2. To the extent economically and technically feasible, the new entrant should be willing and able to provide service to all customers in the same service classification in its designated geographic service area in accordance with its tariff offerings.

3. The new entrant shall have procedures to prevent deceptive and unfair marketing practices.

4. The new entrant shall comply with applicable commission service and billing standards or rules.

5. The new entrant shall, at a minimum, comply with the applicable intraLATA access requirements of incumbent local exchange telephone companies as determined in Case No. PUC850035, Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Investigation of competition for intraLATA, interexchange telephone service (20 VAC 5-400-120).

D. Regulation of new entrants providing local exchange telephone service.

1. Unless otherwise allowed by the commission, tariffs are required for all local exchange service offerings except those that are comparable to "competitive" offerings of the incumbent telephone company that do not require tariffs. The commission may convene a hearing to determine the applicable requirements and classification of any new entrant's local exchange service offerings.

2. The new entrant may petition the commission to consider deregulation or detariffing treatment for any of its specific service offerings.

3. Unless otherwise allowed by the commission, prices for local exchange services provided by the new entrant shall not exceed the highest of the comparable tariffed services

provided by the incumbent local exchange telephone company or companies in the same local serving areas. Tariff changes within this price ceiling plan shall be implemented as follows:

a. Price decreases shall become effective on one-day notice to the commission.

b. Price increases below ceiling rates shall become effective after 30 days notice is provided to the commission, and notice to customers is provided through billing inserts or publication for two consecutive weeks as display advertising in newspapers having general circulation in the areas served by the new entrant.

c. Price ceilings shall be the highest tariffed rates as of January 1, 1996, for comparable services of any incumbent local exchange telephone company or companies serving within the certificated local service area of the new entrant. Price ceilings shall be increased as the highest tariffed rate of an incumbent is raised through applicable regulatory procedures. Unless otherwise determined by the commission, price decreases for an incumbent's service, whether initiated by the carrier or adopted by the commission, shall not require a corresponding decrease in the price ceilings applicable to the new entrant.

d. The commission may permit pricing structures or rates of a new entrant's local exchange service(s) that do not conform with the established price ceilings, unless there is a showing that the public interest will be harmed.

e. These pricing requirements shall not apply to a new entrant's services that: (i) are comparable to services classified as competitive for the incumbent, or (ii) have been provided regulatory treatment different than that specified by these rules.

4. Services offered by the new entrant that are not comparable to services offered by the incumbent and for which the commission has not provided regulatory treatment different than that specified by these rules shall be filed with 30-days notice to the commission. Price decreases for these services shall become effective on one-day notice to the commission. Price increases shall become effective after 30-days notice to the commission and notice to customers in the manner prescribed by subdivision 3-b of this subsection.

5. A new entrant may, pursuant to § 56-481.2 of the Code of Virginia, submit an alternative regulatory plan to that described in this section for the commission's consideration in the applicant's certification proceedings or at a later date.

6. No form of earnings regulation shall be required for the regulation of new entrants. However, new entrants shall be required to file financial and other reports as identified in subsection E of this section to enable the commission to evaluate the effectiveness of local exchange telephone competition.

7. No new entrant providing local exchange telephone service shall abandon or discontinue local exchange service except with the approval of the commission, and upon such terms and conditions as the commission may prescribe.

8. Should the commission determine that the form of regulation of new entrants does not effectively, or is no longer necessary to, regulate the prices of their services, it may, pursuant to § 56-481.2 of the Code of Virginia, modify the form of regulation.

E. Financial and reporting requirements for new entrants.

1. All providers of local exchange telephone service certificated under this regulation shall be required to file the following reports with the commission's Division of Economics and Finance:

a. Annual report on the number of access lines by local exchange area and classified by residential and business lines.

b. Annual price list for all detariffed competitive local exchange telephone services provided by the applicant.

c. Quarterly statement of units and revenues for all competitive telephone services provided by the applicant.

d. Audited financial statement, stockholders annual report, SEC Form 10-K and FCC Form M for the parent company and the new entrant, if available.

2. Reports and information required by the Division of Public Service Taxation in performing its functions under §§ 58.1-2600 through 58.1-2690 of the Code of Virginia shall be filed with the commission's Division of Public Service Taxation.

3. A new entrant shall be required to remit the telecommunications relay surcharge amount to the commission pursuant to the October 5, 1990, order issued in Case No. PUC900029, Commonwealth of Virginia at the relation of the State Corporation Commission Ex Parte: In the matter of implementing dual-party relay service pursuant to Article 5, Chapter 15, Title 56 of the Code of Virginia (20 VAC 5-400-170). The remittance, along with any other required information, shall be made to the commission's Division of Public Service Taxation.

4. Any expansion or reduction of the geographic service area of a new entrant that does not involve an expansion of the territory covered by an existing certificate shall require the filing of amended maps or other acceptable documentation with the commission's Division of Communications.

5. Upon request of the commission staff, any new entrant shall file such other information with respect to any of its services or practices as may be required of public service companies under Virginia law.

6. A new entrant, determined by the commission to have a monopoly over any of its services, whether or not those services are telephone services, shall file annual data to demonstrate that its revenues from local exchange telephone services cover the long run incremental costs of such local exchange telephone services in the aggregate.

F. Interconnection.

1. Interconnection arrangements between local exchange carriers shall make available network features, functions,

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~~interface points, and other service elements on an unbundled basis. The commission shall, on petition by any party to the proposed interconnection or on its own motion, determine the reasonableness of any interconnection request.~~

~~2. Interconnection arrangements should apply equally and on a nondiscriminatory basis to all local exchange carriers.~~

~~3. Interconnection arrangements shall be made available pursuant to a bona fide written request. No refusal or unreasonable delay by any provider to another carrier will be tolerated.~~

~~4. Local exchange carriers shall provide nondiscriminatory use of pole attachments, conduit space, and rights-of-way.~~

~~5. Negotiation of interconnection agreements should be completed within 90 days of a bona fide request. Interconnection agreements shall be filed with the commission within 10 days of their execution. Upon complaint of any affected party or on its own motion, the commission may initiate a proceeding to determine if any such agreement is reasonable and nondiscriminatory.~~

~~6. No sooner than 45 days from the initial interconnection request, any party to the request may petition the commission for a hearing in lieu of negotiations or as a result of unsuccessful negotiations. Upon such petition, the commission shall establish a proceeding to determine tariffed prices and service arrangements for interconnection.~~

~~7. Unbundled functional elements of a local exchange carrier's network that are made available through interconnection agreements shall also be made available on an individual tariffed basis within 60 days of filing unless otherwise ordered by the commission.~~

~~G. Terminating traffic compensation-~~

~~1. Any compensation arrangement for the mutual exchange of local traffic should reflect the reciprocal relationship between local exchange carriers and the development of local exchange competition.~~

~~2. The commission may establish at any time, upon application or its own motion, appropriate compensation levels for mutual exchange of local traffic.~~

~~3. Local exchange carriers may only deliver local traffic for termination on another carrier's local network at the compensation level established in conformance with this regulation.~~

~~4. Any compensation arrangements for the mutual exchange of local traffic shall provide for equitable treatment or rates between the local exchange carriers.~~

~~H. Number portability and number assignment.~~

~~1. Consumers shall have the ability to retain the same telephone number if they remain in the same geographic area where the NXX is normally provided, regardless of their chosen local exchange carrier.~~

~~2. True number portability shall be made available when technically and economically feasible.~~

~~3. Interim number portability arrangements shall be utilized until true number portability is available.~~

~~4. To the extent feasible, the incumbent local telephone company shall provide new entrants with reservations for a reasonably sufficient block of numbers for their use.~~

~~I. Universal service. The goals of universal service and affordability of basic local exchange telephone service need to be maintained in a competitive local exchange environment for the citizens of Virginia. The following requirements shall apply:~~

~~1. The commission may, if necessary, establish a Universal Service Fund and applicable payment mechanism. Any such fund shall require the participation and support of all local exchange carriers.~~

~~2. The establishment of a Universal Service Fund shall first require the evaluation of the definition of basic local exchange telephone service and the calculation of the subsidy required to support the ubiquity of such service.~~

~~3. The incumbent local exchange companies shall be designated as the carriers of last resort in their current local serving areas until such time as the commission determines otherwise.~~

~~J. Commission authority. The commission may, in its discretion, waive or grant exceptions to any of these rules and may also attach conditions or limitations to any certificate issued under these rules or § 56-265.4:4 C of the Code of Virginia.~~

~~CHAPTER 417. RULES GOVERNING THE CERTIFICATION AND REGULATION OF COMPETITIVE LOCAL EXCHANGE CARRIERS.~~

~~20 VAC 5-417-10. Definitions.~~

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

~~"Attestation" means a written statement regarding compliance with a requirement or condition contained in this chapter, signed by an officer, director, or comparable official of the applicant or new entrant.~~

~~"Casual user service" means a local exchange telecommunications service of a competitive local exchange carrier or municipal local exchange carrier that does not require a customer to actively subscribe or contract with the competitive local exchange carrier or municipal local exchange carrier to use the service. For example, these services may require alternate billing arrangements such as a calling card to use the service.~~

~~"Competitive local exchange carrier" ("CLEC") means an entity certificated to provide local exchange telecommunications services in Virginia after January 1, 1996, pursuant to § 56-265.4:4 B of the Code of Virginia. An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a~~

certificate to provide local exchange telecommunications services on or after January 1, 1996.

"Customer" means any person, firm, partnership, corporation, or lawful entity that purchases local exchange telecommunications services.

"Incumbent local exchange carrier" or "incumbent" ("ILEC") means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

"Interconnection" means the point of interface between local exchange carriers' networks. Interconnection can be achieved at different points of the network.

"Local exchange carrier" means a certificated provider of local exchange telecommunications services, whether an incumbent or new entrant.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.

"Municipal local exchange carrier" ("MLEC") means a locality that is certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 B of the Code of Virginia.

"New entrant" means a CLEC or an MLEC.

20 VAC 5-417-20. Application requirements for certification.

A. An original and 15 copies of an application for a certificate of public convenience and necessity shall be filed with the Clerk of the Commission.

1. The applicant shall deliver a copy of the application to the Division of Communications and a copy to the Division of Economics and Finance at the same time it is filed with the Clerk of the Commission.

2. A copy of all confidential information filed under seal with the Clerk of the Commission in connection with the application shall be provided by the applicant, at the time of filing, to the Division of Communications, the Division of Economics and Finance, and the Office of General Counsel pursuant to 5 VAC 5-20-170.

3. Any amendment or supplement to the application shall be filed in compliance with this section.

B. Notice of the application shall be given to all certificated local exchange carriers and other interested parties in Virginia in a form to be prescribed by the commission pursuant to an order.

C. The application shall identify the applicant including: (i) its name, address, telephone number, fax number, and website address, if any; (ii) the name, address, telephone number, fax number, type of entity (e.g., corporation, limited liability company), and website address of its parent or parents, if any; (iii) a list of its officers and directors or, if the applicant is not a

corporation, a list of its principals or comparable officials; (iv) a toll-free telephone number for customer complaints and inquiries, if available; and (v) the name, address, telephone number, fax number, and e-mail address of the primary in-house regulatory contact.

D. An incorporated CLEC applicant shall demonstrate that it is organized under the laws of Virginia as a public service company by providing the following: (i) a copy of its articles of incorporation and all amendments thereto, certified by the Clerk of the Commission, and (ii) a certificate of good standing. The certificate or certificates shall be dated no more than 60 days prior to the filing date of the application.

E. An unincorporated CLEC applicant shall demonstrate that it is authorized to do business in the Commonwealth of Virginia by providing the following:

1. In the case of an unincorporated entity formed under the laws of Virginia: (i) a copy of its articles of organization, certificate of limited partnership, or other organizational document or documents, and all amendments thereto, certified by the Clerk of the Commission or by the clerk of the court where filed; and (ii) if the entity is of record in the office of the Clerk of the Commission, a certificate of the clerk confirming that the entity is current in the payment of all annual registration or similar fees and late payment penalties, if any, assessed against it. The certificate or certificates shall be dated no more than 60 days prior to the filing date of the application.

2. In the case of an unincorporated entity formed under the laws of a jurisdiction other than Virginia: (i) a copy of the certificate or statement of registration to do business in Virginia issued to it by the commission, certified by the Clerk of the Commission; (ii) a copy of its articles or organization, certificate of limited partnership, or other organizational document or documents, and all amendments thereto, certified by the secretary of state or other official having custody of business entity records in the jurisdiction of its formation; and (iii) a certificate of the Clerk of the Commission confirming that the entity is current in the payment of all annual registration or similar fees and late payment penalties, if any, assessed against it. The certificate or certificates shall be dated no more than 60 days prior to the filing date of the application.

F. An applicant shall be required to show its financial, managerial, and technical ability to render local exchange telecommunications services.

1. To demonstrate financial ability, each CLEC applicant shall, at a minimum, provide the following:

a. The applicant's or its parent's per books balance sheet and income statement for the two most recent annual periods. Audited financial statements shall be provided, if available, including notes to the financial statements and auditor's letter. Published financial information that includes Securities and Exchange Commission forms 10K and 10Q shall be provided, if available.

b. A continuous performance or surety bond in a minimum amount of \$50,000, in a form to be prescribed by the commission staff. The bond shall be provided to

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the Division of Economics and Finance within 45 days of an application being deemed complete.

2. To demonstrate financial ability, each MLEC applicant shall, at a minimum, provide the following information:

a. The two most recent annual financial statements for the entity responsible for financing. Financial statements shall include a balance sheet, income statement, cash flow statement, notes to the financial statements, and auditor's letter.

b. Proof of a minimum bond (or other senior debt) rating of "BB" or an equivalent rating by a major rating agency, or a guarantee by a guarantor possessing a credit rating of "BB" or higher from a major rating agency. In lieu of such minimum bond rating or guarantee, the applicant shall submit other evidence that will demonstrate financial responsibility. This evidence may include, but not necessarily be limited to, letters of credit, irrevocable lines of credit, and surety or performance bonds.

3. To demonstrate managerial and technical ability, each CLEC applicant shall, at a minimum, provide the following information:

a. A description of its or its parent's history and experience of providing telecommunications or other relevant services, if any;

b. Any documentation that supports its technical abilities; and

c. The managerial and technical experience of each principal officer or member and appropriate senior management and technical personnel.

4. To demonstrate managerial and technical ability, each MLEC applicant shall, at a minimum, provide the following information:

a. A description of the locality's history of providing electric distribution services and other utility services, if any;

b. A description of its experience in providing telecommunications or other relevant services, if any;

c. A list of the geographic areas in which it has provided and is currently providing utility, telecommunications, or other relevant services; and

d. The managerial and technical experience of senior management and technical personnel.

5. The applicant shall provide a list of the states where the applicant, parent, or any affiliate holds authority to provide local exchange telecommunications services, interexchange telecommunications services, or both, and where service is actually being provided, including the date service was commenced for each.

6. The applicant shall also provide a list of any state where authorization was previously held or service was provided and subsequently discontinued and the applicable dates.

7. The applicant shall provide a list of the states where applicant, parent, or any affiliate has had certification or

authorization denied, suspended, terminated, or revoked. The list shall include the reason for such denial, suspension, or revocation and copies of any orders issued by a state commission or regulatory authority addressing such action.

G. Each application shall include an illustrative tariff or tariffs, which shall include, at a minimum, the applicant's proposed terms and conditions of service. Applicants that desire to have any of their services deregulated or detariffed shall file such a proposal in accordance with 20 VAC 5-417-50.

H. Each application shall include the applicant's proposed form of regulation for its services if such form of regulation differs from that set forth in 20 VAC 5-417-50.

I. A CLEC application shall be for statewide authority unless otherwise requested by the CLEC. If less than statewide authority is being requested, the CLEC shall identify the geographic area or areas (e.g., list of exchanges) for which the CLEC is requesting authority to provide service.

J. An MLEC application shall identify the geographic area or areas for which the MLEC is requesting authority to provide service. The applicant should consult § 15.2-2160 A of the Code of Virginia for determining the limits of its proposed service area.

K. An MLEC applicant shall provide an attestation that it will comply with the requirements in 20 VAC 5-417-40, MLEC requirements.

L. The applicant shall provide an attestation that it will comply with the requirements in 20 VAC 5-417-30, conditions for new entrants.

M. An MLEC applicant shall provide an attestation to the status of its electric distribution facilities in place as of March 1, 2002.

N. The MLEC applicant shall provide a map of its electric distribution facilities. The map should be in sufficient detail to identify the city, town, and county boundaries.

O. Upon request of the commission staff, an applicant shall provide such information with respect to any of its services or practices as may be relevant to the review of the application.

20 VAC 5-417-30. Conditions for new entrants.

A. A new entrant shall, either directly or through arrangements with others, provide the following:

1. Access to 911 and E911 services;

2. White page directory listings;

3. Access to telephone relay services;

4. Access to directory assistance;

5. Access to operator services;

6. Equal access to interLATA long distance carriers;

7. Free blocking of 900- and 700-type services so long as the same requirement applies to incumbent local exchange companies; and

8. *Interconnection on a nondiscriminatory basis with other local exchange carriers.*

B. *An MLEC shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits, or other permanent distribution facilities owned, leased, or operated by the MLEC unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.*

C. *To the extent economically and technically feasible, the new entrant shall provide service to all customers in the same service classification in its designated geographic service areas in accordance with its tariff offerings.*

D. *The new entrant shall have procedures to prevent deceptive and unfair marketing practices.*

E. *The new entrant shall be subject to applicable commission rules and regulations, including but not limited to, service quality and billing standards or rules, the rules governing disconnection of local exchange telephone service (i.e., 20 VAC 5-413), and rules governing the discontinuance of local exchange telecommunications services (i.e., 20 VAC 5-423).*

F. *The new entrant shall comply with the applicable intraLATA toll dialing parity requirements of local exchange carriers as determined in Case No. PUC-1997-00009, Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte: Implementation of IntraLATA Toll Dialing Parity pursuant to the provisions of 47 USC § 251 (b) (3).*

G. *A new entrant shall, prior to collecting any customer deposits, establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association, savings bank, or credit union, which is unaffiliated with the applicant. The Division of Economics and Finance shall be notified of this arrangement at its inception and any subsequent change to the arrangement. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the staff or commission determines it is no longer necessary.*

20 VAC 5-417-40. MLEC requirements.

A. *An MLEC shall file data annually with the Division of Communications to demonstrate that, in the aggregate, revenues associated with intrastate telecommunications services cover the incremental and required imputed or allocated costs of providing such telecommunications services except in circumstances where permitted by § 56-265.4:4 B 3 of the Code of Virginia.*

B. *An MLEC shall maintain cost studies for each service offered demonstrating that the associated charges: (i) do not include any subsidies, unless approved by the commission; and (ii) take into account, by imputation or allocation, equivalent charges for all taxes, pole rentals, rights-of-way, licenses, and similar costs incurred by for-profit providers. The applicable study or studies shall be filed with the commission and the Division of Communications within 30 days of a complaint alleging that an individual local exchange service*

offering or offerings of an MLEC fails to comply with these requirements.

C. *An MLEC shall maintain account records for the revenues, expenses, property, and source of investment dollars pertaining to its telecommunications services that are separate from the account records of its affiliated county, city, or town.*

D. *An MLEC shall provide to the Division of Economics and Finance the annual published financial statements showing the results of operations of its provision of telecommunications services.*

E. *No MLEC shall acquire by eminent domain the facilities or other property of any telecommunications service provider in order to offer cable, telephone, data transmission, or other information, or online programming services.*

20 VAC 5-417-50. Regulation of new entrants providing local exchange telecommunications services.

A. *Unless otherwise allowed by the commission, tariffs are required for all local exchange telecommunications service offerings except those that are comparable to "competitive" offerings of any ILEC that does not require tariffs.*

B. *A new entrant that has received certification to provide local exchange telecommunications services shall submit its proposed initial tariffs to the Division of Communications. A new entrant shall not offer any local exchange telecommunications services until its tariffs have been accepted for filing by the Division of Communications.*

C. *A new entrant may petition the commission to consider deregulation or detariffing treatment for any of its specific service offerings.*

D. *Unless otherwise allowed by the commission, prices for local exchange telecommunications services provided by a new entrant shall not exceed the highest of the comparable tariffed services provided by the incumbent local exchange carrier or carriers in the same local serving areas. Price ceilings shall be the highest tariffed rates as of January 1, 1996, for comparable services of any ILEC serving the local service area of the new entrant. Price ceilings for a new entrant shall be increased if the highest tariffed rate of an incumbent is raised through applicable regulatory procedures. Unless otherwise determined by the commission, price decreases for an incumbent's service, whether initiated by the carrier or adopted by the commission, shall not require a corresponding decrease in the price ceilings applicable to the new entrant. Tariff changes below this price ceiling plan shall be implemented as follows:*

1. *Price decreases shall become effective on a minimum of one day's notice to the Division of Communications.*

2. *Price increases below ceiling rates shall become effective after 30 days' prior written notice is provided to the Division of Communications and affected customers.*

a. *Written notice to affected customers shall be provided through bill inserts, bill messages, or direct mail.*

b. *Notice for price increases for a casual user or nonsubscriber service shall be provided through*

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publication once as display advertising in newspapers having general circulation in the areas served by the new entrant. Display advertising shall only be used for notice for casual user or nonsubscriber services unless otherwise authorized by the commission.

c. A copy of the customer notice, the date or dates of such notification, and proof of publication, if applicable, shall be included with the notice to the Division of Communications.

d. A proposed rate increase below ceiling rates, if there are no current customers, shall not require customer notice. The notice to the Division of Communications shall include an attestation by the new entrant that it has no customers.

E. A new entrant may petition the commission for approval of pricing structures or rates that do not conform with the price ceilings. The new entrant shall provide appropriate documentation and rationale to support any request. The petition shall include a public interest analysis.

F. The price ceiling requirements shall not apply to a new entrant's services: (i) that are comparable to services classified as competitive for the incumbent; or (ii) that have been provided regulatory treatment different than that specified by this chapter.

G. Tariff filings and revisions shall be submitted to the Director of the Division of Communications and shall include an original and two copies.

H. Tariffs for new services offered by a new entrant that are not comparable to services classified as competitive for the incumbent or for which the commission has not provided regulatory treatment different than that specified by this chapter shall be filed with 30 days' prior notice to the commission. Price decreases for these services shall become effective on a minimum of one day's notice to the commission. Price increases shall become effective after 30 days' prior notice to the Division of Communications and affected customers in the manner prescribed by subdivision D 2 of this section.

I. A new entrant may, pursuant to § 56-481.2 of the Code of Virginia, submit an alternative regulatory plan for the commission's consideration in the applicant's certification proceeding or at a later date if it desires regulation different from that specified in this section.

J. A new entrant providing local exchange telecommunications services shall not abandon or discontinue such services except as prescribed in 20 VAC 5-423, Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers.

K. An MLEC may petition the commission for authority to include a subsidy in any of its local exchange services. The commission may approve such a subsidy if it is deemed to be in the public interest. Any commission approved subsidy may not result in a price for the service lower than the price for the same service charged by the ILEC provider in the area.

L. A new entrant requesting authority to expand its geographic service territory not covered by its existing certificate shall file a petition with the commission.

20 VAC 5-417-60. Reporting requirements for new entrants.

A. A new entrant shall provide the name, address, telephone number, fax number, and e-mail address of the person designated to receive all official mailings or notices from the Divisions of Economics and Finance, Communications, and Public Service Taxation. Updates to this information shall be provided to each division within 30 days of any change.

B. A new entrant shall comply with the following financial reporting requirements:

1. At a minimum annually, or as deemed necessary by the staff or the commission, a new entrant shall be required to provide information to the Division of Economics and Finance that includes the number of access lines served, number of customers, and Virginia intrastate revenue.

2. A new entrant shall, on an annual basis or upon request of the staff or the commission, specify to the Division of Economics and Finance the geographic areas served within Virginia. Such information shall include the identification of specific exchanges where service is provided or offered and the wire centers associated with all collocation arrangements.

C. A new entrant shall comply with the following tax reporting requirements:

1. A new entrant shall file all reports and provide all information required for the administration of tax statutes by the Division of Public Service Taxation. Information filed with the Division of Public Service Taxation shall include financial statements and other statements showing Virginia revenues. If available, audited financial statements shall be filed. A new entrant shall maintain records of all its real property and tangible personal property located in Virginia. Such records shall include the property's original cost and location by city, county, or town and district.

2. A new entrant shall remit the telecommunications relay surcharge prescribed by the commission pursuant to § 56-484.6 of the Code of Virginia and 20 VAC 5-415. The new entrant shall file all reports and make all payments as directed by the Division of Public Service Taxation.

D. If a new entrant establishes exchange boundaries that are not in conformance with the exchange boundaries of the incumbent local exchange carriers, maps depicting the new entrant's exchange boundaries shall be filed with the Division of Communications.

E. A new entrant that has a monopoly over any of its services, whether or not those services are telephone services, if ordered by the commission, shall file annually with the Division of Communications data to demonstrate that its revenues from local exchange telecommunications services cover the long run incremental costs of such services in the aggregate.

F. A new entrant shall, upon request of the commission staff, file additional information with respect to any of its services or practices.

20 VAC 5-417-70. Name changes and use of assumed and fictitious names by a new entrant.

A. A new entrant shall comply with all provisions of Virginia law that regulate the change of name of a business entity. Within 30 days of the acceptance by the Clerk of the Commission of all documents required for the change of name of a business entity not related to the merger or reorganization of a new entrant, the new entrant shall file with the Clerk of the Commission an application to amend and reissue its certificate of public convenience and necessity to provide local exchange telecommunications services in its new name. The application shall conform to the commission's Rules of Practice and Procedure, 5 VAC 5-20.

B. A new entrant shall, before using an assumed or fictitious name in Virginia, comply with §§ 59.1-69 and 59.1-70 of Chapter 5 (§ 59.1-69 et seq. of the Code of Virginia) of Title 59.1, *Transacting Business Under Assumed Name*. In addition, a new entrant shall:

1. File with the Division of Communications a copy of all certificates and related correspondence required by §§ 59.1-69 and 59.1-70 of the Code of Virginia. A new entrant shall identify all its fictitious and assumed names in its tariffs.

2. File with the Division of Public Service Taxation a copy of all certificates and related correspondence required by §§ 59.1-69 and 59.1-70 of the Code of Virginia.

20 VAC 5-417-80. Commission authority.

The commission may, in its discretion, waive or grant exceptions to any provision of this chapter and may also attach conditions or limitations to any certificate issued pursuant to this chapter and § 56-265.4:4 B of the Code of Virginia.

DOCUMENTS INCORPORATED BY REFERENCE

Form 10Q, *General Instructions, United States Securities and Exchange Commission*.

Form 10K, *Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934*.

Case No. PUC970009, *Implementation of IntraLATA Toll Dialing Parity Pursuant to 47 USC § 251(b)(3)*.

CHAPTER 429.

RULES GOVERNING COMPENSATION, NUMBERING,
INTERCONNECTION, AND OTHER LOCAL INTER-
CARRIER MATTERS.

20 VAC 5-429-10. Definitions.

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

"Competitive local exchange carrier" ("CLEC") means an entity certificated to provide local exchange telecommunications services in Virginia after January 1, 1996,

pursuant to § 56-265.4:4 B of the Code of Virginia. An incumbent local exchange carrier shall be considered a CLEC in any territory that is outside the territory it was certificated to serve as of December 31, 1995, for which it obtains a certificate to provide local exchange telecommunications services on or after January 1, 1996.

"Incumbent local exchange carrier" or "incumbent" ("ILEC") means a public service company providing local exchange telecommunications services in Virginia on December 31, 1995, pursuant to a certificate of public convenience and necessity, or the successors to any such company.

"Interconnection" means the point of interface between local exchange carriers' networks. Interconnection can be achieved at different points of the network.

"Interim number portability" means the service provided in lieu of true number portability. Interim solutions available from the ILEC, which include remote call forwarding and direct inward dialing, enable customers to change providers without the appearance of changing telephone numbers, but rely on the incumbent's network to process some or all calls.

"Local exchange carrier" ("LEC") means a certificated provider of local exchange telecommunications services, whether an incumbent or new entrant.

"Local exchange telecommunications services" means local exchange telephone service as defined by § 56-1 of the Code of Virginia.

"Locality" means a city, town, or county that operates an electric distribution system in Virginia.

"Municipal local exchange carrier" ("MLEC") means a locality that is certificated to provide local exchange telecommunications services pursuant to § 56-265.4:4 B of the Code of Virginia.

"Mutual exchange of traffic" means the reciprocal arrangement by which local exchange carriers terminate the local calls of other local exchange carriers' customers on their networks.

"New entrant" means a CLEC or an MLEC.

"Terminating compensation" means the payment or other exchange mechanism used by a local exchange carrier for terminating the local exchange traffic of another local exchange carrier.

"True number portability" means the technical capability of a CLEC to allow customers to retain their telephone number when they change providers (without a change in location) without reliance on calls being routed through the end office where the original NXX is assigned.

"Unbundling" means the process by which a local exchange telephone carrier's network is disaggregated into functional components.

20 VAC 5-429-20. Interconnection.

A. Interconnection arrangements between local exchange carriers shall make available network features, functions, interface points, and other service elements on an unbundled basis. The commission shall, on petition by any party to the

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proposed interconnection or on its own motion, determine the reasonableness of any interconnection request.

B. Interconnection arrangements should apply equally and on a nondiscriminatory basis to all local exchange carriers.

C. Interconnection arrangements shall be made available pursuant to a bona fide written request. No refusal or unreasonable delay by any provider to another carrier will be tolerated.

D. Local exchange carriers shall provide nondiscriminatory use of pole attachments, conduit space, and rights-of-way.

E. Negotiation of interconnection agreements should be completed within 90 days of a bona fide request. Interconnection agreements shall be filed with the commission within 10 days of their execution. Upon complaint of any affected party or on its own motion, the commission may initiate a proceeding to determine if any such agreement is reasonable and nondiscriminatory.

F. No sooner than 45 days from the initial interconnection request, any party to the request may petition the commission for a hearing in lieu of negotiations or as a result of unsuccessful negotiations. Upon such petition, the commission shall establish a proceeding to determine tariffed prices and service arrangements for interconnection.

G. Unbundled functional elements of a local exchange carrier's network that are made available through interconnection agreements shall also be made available on an individual tariffed basis within 60 days of filing unless otherwise ordered by the commission.

20 VAC 5-429-30. Terminating traffic compensation.

A. Any compensation arrangement for the mutual exchange of local traffic should reflect the reciprocal relationship between local exchange carriers and the development of local exchange competition.

B. The commission may establish at any time, upon application or its own motion, appropriate compensation levels for mutual exchange of local traffic.

C. Local exchange carriers may deliver local traffic for termination on another carrier's local network only at the compensation level established in conformance with this section.

D. Any compensation arrangements for the mutual exchange of local traffic shall provide for equitable treatment or rates between the local exchange carriers.

20 VAC 5-429-40. Number portability and number assignment.

A. Consumers shall have the ability to retain the same telephone number if they remain in the same geographic area where the NXX is normally provided, regardless of their chosen local exchange carrier.

B. True number portability shall be made available when technically and economically feasible.

C. Interim number portability arrangements shall be utilized until true number portability is available.

D. To the extent feasible, the ILEC shall provide new entrants with reservations for a reasonably sufficient block of numbers for their use.

E. LECs shall not, under any circumstances, charge for the porting of a customer's telephone number when the customer changes local exchange carriers.

20 VAC 5-429-50. Universal service.

The goals of universal service and affordability of basic local exchange telephone service must be maintained in a competitive local exchange environment for the citizens of Virginia. The following requirements shall apply:

1. The commission may, if necessary, establish a Universal Service Fund and applicable payment mechanism. Any such fund shall require the participation and support of all local exchange carriers.

2. The establishment of a Universal Service Fund shall first require the evaluation of the definition of basic local exchange telephone service and the calculation of the subsidy required to support the ubiquity of such service.

3. The ILECs shall be designated as the carriers of last resort in their current local serving areas until such time as the commission determines otherwise.

20 VAC 5-429-60. Commission authority.

The commission may, in its discretion, waive or grant exceptions to any of the provisions of this chapter.

VA.R. Doc. No. R03-56; Filed October 15, 2002, 3:20 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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulations (9 VAC 25-180 and 9 VAC 25-750) filed by the State Water Control Board are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 9 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007 B, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007 F, and (iv) conducts at least one public hearing on the proposed general permit.

Title of Regulation: 9 VAC 25-180. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities (amending 9 VAC 25-180-10, 9 VAC 25-180-20, 9 VAC 25-180-40, 9 VAC 25-180-50, [9 VAC 25-180-60,] and 9 VAC 25-180-70; adding 9 VAC 25-180-55).

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

Effective Date: December 4, 2002.

Summary:

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

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: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail brtuxford@deq.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:17 VA.R. 2106-2119 May 6, 2002, 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.

9 VAC 25-180-10. [No change from proposed.]

9 VAC 25-180-20. [No change from proposed.]

9 VAC 25-180-40. Effective date of the permit.

This general permit ~~will become~~ *became* effective on June 30, 1999. [~~This~~ *The*] general permit will expire [~~five years from the effective date on June 30, 2004~~]. [~~This~~ *The*] general permit was modified [~~on~~ *effective December 4, 2002,*] to address amendments to the VPDES Permit Regulation (9 VAC 25-31). [~~The effective date of the modification is~~]

9 VAC 25-180-50. [No change from proposed.]

9 VAC 25-180-55. [No change from proposed.]

[**9 VAC 25-180-60. Registration statement; notice of termination.**

A. Deadlines for submitting registration statement.

1. Except as provided in subdivision 3 ~~or~~ 4 of this subsection, operators must submit a *complete* registration statement in accordance with the requirements of this section at least two days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

2. For storm water discharges from construction projects where the operator changes after a registration statement has been submitted, the new operator must submit a registration statement at least two days before assuming operational control over site specifications or commencing work onsite.

3. ~~To avoid a lapse in permit coverage, operators of ongoing construction projects as of June 30, 1999, which were authorized to discharge under the previous construction storm water general permit issued in 1994 must:~~

a. ~~Submit a registration statement by June 30, 1999; and~~

b. ~~Update their storm water pollution prevention plan to comply with the requirements of this general permit within 30 days after the date of coverage under this permit.~~

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~~4. Operators of ongoing construction projects as of June 30, 1999, which did not receive authorization to discharge from these projects under the 1994 construction storm water general permit but which propose to be covered by this general permit must:~~

- ~~a. Submit a registration statement; and~~
- ~~b. Prepare and comply with a storm water pollution prevention plan in accordance with the requirements of this general permit within 30 days after the date of coverage under this general permit.~~

3. Operators of ongoing small construction activity projects as of December 4, 2002, who propose to be covered by this general permit must:

- a. Submit a complete registration statement by January 3, 2003; and
- b. Prepare and comply with a storm water pollution prevention plan in accordance with the requirements of this general permit within 30 days after the date of coverage under this general permit.

B. Registration statement. The operator shall submit a registration statement which shall contain the following information:

1. Name, mailing address and telephone number of the construction activity operator.
2. Name and location of the construction activity and all off-site support activities to be covered under the permit. If a street address is unavailable, provide latitude and longitude.
3. Status of the activity: federal, state, public, or private.
4. Statement indicating if storm water runoff is discharged to a municipal separate storm sewer system (MS4).
5. Name of the water body receiving the discharge from the construction activity or MS4.
6. Project start date.
7. Estimated area to be disturbed by construction activity (acres).
8. Total land area of development, if area to be disturbed by the construction activity is part of a larger common plan of development or sale (acres).
9. *A topographic map or other map that clearly shows the location of the construction activity, the area to be disturbed, and the receiving stream or streams for the storm water discharges.*
- ~~9.~~ 10. Statement indicating if a storm water pollution prevention plan has been prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Activities.

~~40.~~ 11. Statement indicating if an erosion and sediment control plan for the construction activity is required by the Virginia Erosion and Sediment Control Regulation, (4 VAC 50-30-40 et seq.). If a plan is required, indicate if one has been approved by an appropriate state or local plan approving authority.

14. 12. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

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

C. Notice of termination. When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the operator of the construction site has changed, the operator of the facility shall submit a notice of termination within 30 days after final stabilization has been achieved or when he is no longer the operator. The operator shall submit a notice of termination which shall contain the following information:

1. Name, mailing address and telephone number of the construction activity operator.
2. Name and location of the construction activity. If a street address is unavailable, provide latitude and longitude.
3. The VPDES storm water general permit number.
4. A statement indicating which of these circumstances applies:
 - a. The operator of the site has changed; or
 - b. The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.
5. The following certification: "I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with this general permit, and that discharging pollutants in storm water to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit."

The notice of termination shall be signed in accordance with 9 VAC 25-31-110.]

9 VAC 25-180-70. General permit.

Any operator whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements in it and be subject to all requirements of the VPDES Permit Regulation, (9 VAC 25-31-40 et seq.).

General Permit No.: [VAR4 VAR10]

Effective Date: [June 30, 1999]
Expiration Date: [June 30, 2004]
[Modification Date: December 4, 2002]

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to that, operators of construction activities (those sites or common plans of development or sale that will result in the disturbance of ~~five~~ *of one or more acres of total land area*) with storm water discharges from these construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I Discharge Authorization and Special Conditions, Part II Storm Water Pollution Prevention Plan and Part III--Conditions Applicable To All VPDES Permits as set forth herein.

PART I DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from construction activities.

2. This permit also authorizes storm water discharges from off-site support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan for the construction activity.

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

B. Limitation on coverage.

1. Postconstruction discharges. This permit does not authorize storm water discharges that originate from the site

after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. ~~Industrial~~ Postconstruction *industrial* storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges mixed with nonstorm water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition of nonstorm water discharges) and are in compliance with Part II D 5 (Nonstorm water discharges).

3. Discharges covered by another permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III X.

C. Commingled discharges. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of nonstorm water discharges.

1. Except as provided in Parts I A 2, I C and I D 2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II D 5 (Nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources, including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharges from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) or 40 CFR Part 302 (1998) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge. [*Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4.*] In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such

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releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (1998), 40 CFR Part 117 (1998) and 40 CFR Part 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

F. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. Notice of termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a notice of termination that is signed in accordance with Part III K.

2. The terms and conditions of this permit shall remain in effect until a completed notice of termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the notice of termination to the department.

PART II STORM WATER POLLUTION PREVENTION PLAN

A storm water pollution prevention plan shall be developed for the construction activity covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other *state, tribal or local* plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the [*facility site*] under § 311 of the federal Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the *storm water pollution prevention* plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, [~~it shall have been the referenced plan must be~~] approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations (4 VAC 50-30-40 ~~et seq.~~) [*prior to the commencement of construction*]. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. *If a plan incorporated by reference does not contain all of the required elements of the storm water pollution prevention plan of Part II D, the permittee must develop the missing elements and include them in the required storm water pollution prevention plan.*

A. Deadlines for plan preparation and compliance.

1. For [*small*] construction activities that have begun on or before [~~June 30, 1999~~ *December 4, 2002*], the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the date of coverage under this permit.

2. For [*industrial activity*] construction activities that have begun after June 30, 1999, [*and small construction activities that have begun after December 4, 2002,*] the plan shall be prepared prior to submittal of the registration statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

3. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and plan review.

1. The plan shall be signed in accordance with Part III K, and be retained with a copy of this permit on-site at the facility which generates the storm water discharge in accordance with Part III B of this permit.

2. The permittee shall make plans available upon request to the department; a state or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge which discharges through a municipal separate storm sewer system to the operator of the municipal system from the date of project initiation to the date of final stabilization. Permittees with day-to-day operation control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the department for review at the time of an on-site inspection.

3. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within seven days of such notification the permittee shall make the required changes and shall submit to the department a written certification that the requested changes have been made. The director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

C. Keeping plans current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources

identified under Part III D 1 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges from construction activities. The plan shall be amended in accordance with Part III E to identify any new contractor that will implement a measure of the plan.

D. Contents of plan. The storm water pollution prevention plan shall include the following items:

1. Site description. Each plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity.
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities and infrastructure installation).
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas covered by the plan.
- d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site.
- e. A description of existing vegetation at the site.
- f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.
- g. The name of the receiving waters and the ultimate receiving waters, and areal extent of wetland acreage at the site.

h. A site map indicating:

- (1) Drainage patterns and approximate slopes or contours anticipated after major grading activities;
- (2) Areas of soil disturbance and areas of the site which will not be disturbed;
- (3) The location of major structural and nonstructural controls identified in the plan;
- (4) The location of areas where stabilization practices are expected to occur including the types of vegetative cover;
- (5) Surface waters (including wetlands);
- (6) Locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;
- (7) Existing and planned paved areas and buildings;
- (8) Locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed;
- (9) Locations of off-site material, waste, borrow or equipment storage areas covered by the plan; and

(10) Locations of other potential pollution sources as described in Part II D 1 f.

i. The location and description on any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.

Two site maps may be developed, one indicating preconstruction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented to control pollutants in storm water discharges at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization.) The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1) Short- and long-term goals and criteria.

(a) The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in the street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(f) Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this

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permit are considered a part of the project and shall be addressed in the plan.

(2) Stabilization practices. The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained and included in the plan.

Except as provided in Part III D 2 a (2) (a) and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the seventh day after construction activity temporary or permanently cease is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(3) Structural practices. The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to § 404 of the CWA.

(a) For common drainage locations that serve an area with three or more acres at one time, a temporary (or permanent) sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The

3,618 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than three acres, smaller sediment basins or sediment traps or both should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all downslope boundaries, and for those side slope boundaries deemed appropriate as dictated by individual site conditions, of the construction area unless a sediment basin providing storage for 3,618 cubic feet of storage per acre drained is provided. The department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the storm water pollution prevention plan. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to § 404 of the Clean Water Act. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges from construction activities have been eliminated from the site. Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate VPDES permit.

(1) Such practices may include, but are not limited to: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the state, except as authorized by a Clean Water Act § 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable state or local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and for spill prevention and response.

(5) The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.

d. Approved state or local plans.

(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials.

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local officials for which the permittee receives written notice.

3. Maintenance. The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II D 4 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. Facility personnel who are familiar with the construction activity, the BMPs and the storm water pollution prevention plan shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every 14 calendar days and within 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., the site is covered with snow or ice, or frozen ground exists) such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part II D 1 of this permit and pollution prevention measures identified in the plan in accordance with Part II D 2 of this permit shall be revised as appropriate [~~but in no case later than~~ *within*] seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is

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impracticable, they shall be implemented as soon as practicable.

c. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II D 4 b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part III B of this permit. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III K of this permit.

5. Nonstorm water discharges. Except for flows from fire fighting activities, sources of nonstorm water listed in Part I D 2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water components of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractors or subcontractors that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part II E 2 of this permit in accordance with Part III K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part II E 1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges from the construction activity identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part III K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

PART III CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the

U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

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3. The permittee shall report all instances of noncompliance not reported under Part III I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the federal Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities

~~employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) if, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;~~

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits and other information requested by the board shall be signed by a person described in Part III K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or

those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory

and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Part III U 2 and 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

V. Upset.

Final Regulations

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new

owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

NOTICE: The forms used in administering 9 VAC 25-180, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Department of Environmental Quality, Water Division, Permit Application Fee (rev. 6/30/99).

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges from Construction Activities (~~with instructions~~), Permit Number [~~VAR4~~ VAR10], SWGP99-004-REG (rev. ~~6/99~~ 12/02).

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Notice of Termination for Storm Water Discharges from Construction Activities (~~with instructions~~), Permit Number ([~~VAR4~~ VAR10]), SWGP99-004-NOT (rev. ~~6/99~~ 12/02).

DOCUMENTS INCORPORATED BY REFERENCE

~~SIC Manual, OMB, 1987.~~

**VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT REGISTRATION STATEMENT
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES [VAR10]**

(Please Type or Print All Information)

1. Construction Activity Operator
 Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____ Phone: _____

2. Location of Construction Activity
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 If street address unavailable: Latitude _____ Longitude _____

3. Location of All Offsite Support Activities to be Covered Under The Permit
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 If street address unavailable: Latitude _____ Longitude _____

4. Status: Federal State Public Private (Check one only)

5. Is Storm Water Runoff Discharged to a Municipal Separate Storm Sewer System (MS4)? Yes No
 If yes, name of the MS4 operator: _____

6. Receiving Water Body of Direct Discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or Unnamed Tributary to Clear Creek): _____

7. Project Start Date _____

8. Total Land Area of Site (acres) _____ **9. Estimated Area to be Disturbed (acres)** _____

10. Map: Attach a topographic map or other map which clearly shows the location of the construction activity, the area to be disturbed, and the receiving stream(s) for the storm water discharge(s).

11. Has a Storm Water Pollution Prevention Plan Been Prepared in Accordance with the Requirements of the VPDES General Permit for Storm Water Discharges From Construction Activities? Yes No
 If no, explain: _____

12. Has an Erosion and Sediment Control Plan for the Construction Activity Been Approved by an Appropriate State or Local Plan Approving Authority? Yes No If not, is this activity exempt from the plan requirements of the Virginia Erosion and Sediment Control Regulation? Yes No
 Give the name of approving authority or cite the basis for plan exemption: _____

13. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name: _____ Title: _____
 Signature: _____ Date: _____

For Department of Environmental Quality Use Only DEQ-WATER FORM 3WGP99-004-REG (12/02)

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____ Special Standards _____

INSTRUCTIONS for DEQ-WATER FORM SWGP99-004-REG VPDES GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

General

A Registration Statement must be submitted when an operator makes application to the Department of Environmental Quality for coverage under the General VPDES Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information

For the purposes of this general permit, "Operator" means any person associated with a construction project that meets either of the following two criteria: (i) The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions). The entities who are considered operators will commonly consist of the owner or developer of a project (the party with control of project specifications) and the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the permit). Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit a registration statement. Give the legal name of the operator, do not use a colloquial name. Enter the complete address and phone number of the operator. The permit will be issued to this person.

Section 2 Activity Location Information

Enter the activity's official name and complete street address, including city, state and ZIP code. If the site lacks a street address, enter the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Offsite Support Activities

The general permit may be used to authorize storm water discharges from activities that are located away from the construction site (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that they meet the following criteria: 1) The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity; 2) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and 3) Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

Provide the information required for each offsite support activity seeking coverage. Support activities located off site are not required to be covered under this general permit. Discharges of storm water from offsite support activities may be authorized under another VPDES permit. Where storm water discharges from offsite support activities are not authorized under this general permit, the land area of the offsite support activity need not be included in determining the total land disturbance acreage of the activity seeking general permit coverage.

Section 4 Legal Status

Indicate the appropriate legal status of the operator of the site.

Section 5 Discharge Information

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g. municipality name, county name). An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.

Section 6 Receiving Water Body

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the receiving water of the discharge from the MS4. If the site discharges storm water directly to receiving water(s), enter the name of the receiving water(s) (e.g. Clear Creek, unnamed tributary to Clear Creek).

Section 7 Project Start Date

Enter the project start date.

Section 8 Area of the Site

Enter the total area of the site. This means the total acreage of the larger common plan of development or sale. Include the acreage of any offsite support activities to be covered under the permit.

Section 9 Estimated Acres to be Disturbed

Enter an estimate of the total number of acres of the site on which soil will be disturbed.

Section 10 Map

Attach a topographic map or other map which clearly shows the location of the construction activity, the area to be disturbed, and the receiving stream(s) for the storm water discharge(s).

Section 11 Pollution Prevention Plan

Indicate whether a storm water pollution prevention plan for the site has been prepared in compliance with the requirements of the VPDES General Permit for Storm Water Discharges From Construction Sites (9 VAC 25-180-10 et seq.). If not, provide a brief explanation.

Section 12 Erosion and Sediment Control Plan

Indicate whether an erosion and sediment control (ESC) plan for the site has been approved by an entity that is authorized to approve ESC plans. Certain construction activities are exempt from the requirement to develop an ESC plan. Check with your local ESC authority if you have questions about the need for a plan. Provide the name of the plan approving authority or cite the regulatory basis for your exemption from the plan requirements.

Section 13 Certification

The operator identified in Section 1 of this Registration Statement is responsible for certifying and submitting this Registration Statement.

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures).

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Registration Statement if, in its discretion, a facility or operation poses a potential impact on water quality.

**VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT NOTICE OF TERMINATION
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES [VAR10]**

(Please Type or Print All Information)

1. Construction Activity Operator

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____ Phone: _____

2. Location of Construction Activity

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
If street address unavailable: Latitude _____ Longitude _____

3. VPDES Storm Water General Permit Number: _____

4. Check the appropriate box indicating the reason for terminating coverage under the general permit.

- I am no longer the operator of the site.
- The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.

5. Certification:

"I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit."

Print Name: _____ Title: _____
Signature: _____ Date: _____

For Department of Environmental Quality Use Only

DEQ-WATER FORM SWGP99-004-NOT (12/02)

Accepted/Not Accepted by: _____ Date: _____

**INSTRUCTIONS for DEQ-WATER FORM SWGP99-004-NOT
VPDES GENERAL PERMIT NOTICE OF TERMINATION FOR
STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

General

A VPDES General Permit Notice of Termination must be submitted when an operator no longer wishes to be covered under a VPDES General Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information

Give the legal name of the person, firm, public organization, or any other entity that was issued the general permit for the site described in this Notice of Termination. Do not use a colloquial name. Enter the complete address and phone number of the operator.

Section 2 Activity Location Information

Enter the activity's official name and complete street address, including city, state and ZIP code. If the activity or site lacks a street address, indicate the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Permit Information

Enter the existing VPDES Storm Water General Permit number assigned to the activity or site identified in Section 1.

Section 4 Reason for Termination

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

Section 5 Certification

State statutes provide for severe penalties for submitting false information on this Notice of Termination.

State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; *[Note: If the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures];*

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the registration statement if, in its discretion, a facility or operation poses a potential impact on water quality.

Title of Regulation: 9 VAC 25-750. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems.

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

Effective Date: December 9, 2002.

Summary:

The EPA Phase 2 storm water regulations, published in the Federal Register on December 8, 1999, and incorporated into the VPDES Permit Regulation (9 VAC 25-31), effective September 27, 2000, require small municipal separate storm sewer systems (small MS4s) in urbanized areas to apply for VPDES permit coverage by March 10, 2003. Small MS4s include systems owned or operated by municipalities, federal facilities (such as military bases), state facilities (such as VDOT, prisons, large hospitals, etc.), and universities.

This general permit regulation establishes standard language for control of storm water discharges from small MS4s through the development, implementation and enforcement of a Storm Water Management Program (SWMP) to reduce the impacts of the storm water discharges on the receiving streams to the maximum extent practicable. The permittee must address each of the following minimum control measures in the SWMP: (i) public education and outreach on storm water impacts, (ii) public involvement/ participation, (iii) illicit discharge detection and elimination, (iv) construction site storm water runoff control, (v) post-construction storm water management in new development and redevelopment, and (vi) pollution prevention/good housekeeping for municipal operations. The permittee must evaluate program compliance, the appropriateness of the identified BMPs, progress towards achieving the identified measurable goals, and must submit annual reports to DEQ by the first, second and fourth anniversaries of the date of coverage under the permit.

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: Burton Tuxford, Storm Water Coordinator, Department of Environmental Quality, 629 E. Main Street, Richmond, VA 23219, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail brtuxford@deq.state.va.us.

9 VAC 25-750-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law and 9 VAC 25-31 (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the

pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except: discharges pursuant to a VPDES permit (other than the VPDES permit for discharges from the municipal separate storm sewer), discharges resulting from fire-fighting activities, and discharges identified by and in compliance with 9 VAC 25-750-30 C 2.

"Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

"Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

"Large municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix F (2001)); [✕]

2. Located in the counties listed in 40 CFR Part 122 Appendix H (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; [✕]

3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:

- a. Physical interconnections between the municipal separate storm sewers;

- b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this definition;

- c. The quantity and nature of pollutants discharged to surface waters;

- d. The nature of the receiving waters; and

- e. Other relevant factors; or

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4. The board may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivision 1, 2, or 3 of this definition.

"Major municipal separate storm sewer outfall (or major outfall)" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), with an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of two acres or more).

"Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the latest Decennial Census by the Bureau of Census (40 CFR Part 122 Appendix G (2001)); [✕]

2. Located in the counties listed in 40 CFR Part 122 Appendix I (2001), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; [✕]

3. Owned or operated by a municipality other than those described in subdivision 1 or 2 of this definition and that are designated by the board as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under subdivision 1 or 2 of this definition. In making this determination the board may consider the following factors:

a. Physical interconnections between the municipal separate storm sewers;

b. The location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subdivision 1 of this subsection;

c. The quantity and nature of pollutants discharged to surface waters;

d. The nature of the receiving waters; or

e. Other relevant factors; or

4. The board may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in subdivisions 1, 2, or 3 of this definition.

"Municipal separate storm sewer" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act (CWA) that discharges to surface waters;

2. Designed or used for collecting or conveying storm water;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW).

"Municipal separate storm sewer system or MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1.

"Municipality" means a city, town, county, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of CWA.

"Outfall" means, when used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and are used to convey surface waters.

"Owner" means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the State Water Control Law.

"Small municipal separate storm sewer system" or "Small MS4" means all separate storm sewers that are: (i) owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or

similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters; and (ii) not defined as "large" or "medium" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

9 VAC 25-750-20. Purpose; delegation of authority; effective date of the permit.

A. This general permit regulation governs storm water discharges from regulated small municipal separate storm sewer systems (regulated small MS4s) to surface waters of the Commonwealth of Virginia.

1. Unless the MS4 qualifies for a waiver under subdivision 3 of this subsection, owners are regulated if they operate a small MS4, including but not limited to systems operated by federal, state, tribal, and local governments, including the Virginia Department of Transportation; and:

a. The small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated; or

b. The small MS4 is designated by the board, including where the designation is pursuant to 40 CFR Part 123.35 (b)(3) or (b)(4) (2001), or is based upon a petition under 9 VAC 25-31-120 E.

2. An MS4 may be the subject of a petition to the board to require a VPDES permit for their discharge of storm water. If the board determines that an MS4 needs a permit and the owner applies for coverage under this general permit, the owner is required to comply with the requirements of 9 VAC 25-750-50.

3. The board may waive the requirements otherwise applicable to a small MS4 if it meets the criteria of subdivision 4 or 5 of this subsection. If a waiver is received under this subsection, the owner may subsequently be required to seek coverage under a VPDES permit in accordance with 9 VAC 25-31-121 C 1 if circumstances change. (See also 40 CFR Part 123.35 (b) (2001)).

4. The board may waive permit coverage if the MS4 serves a population of less than 1,000 within the urbanized area and meets the following criteria:

a. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the VPDES storm water program; and

b. If pollutants are discharged that have been identified as a cause of impairment of any water body to which the MS4 discharges, storm water controls are not needed

based on wasteload allocations that are part of a [~~DEQ-established~~ board-established] and EPA-approved "total maximum daily load" (TMDL) that addresses the pollutants of concern.

5. The board may waive permit coverage if the MS4 serves a population under 10,000 and meets the following criteria:

a. The board has evaluated all surface waters, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;

b. For all such waters, the board has determined that storm water controls are not needed based on wasteload allocations that are part of a [~~DEQ-established~~ board-established] and EPA-approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed and approved, an equivalent analysis that determines sources and allocations for the pollutants of concern;

c. For the purpose of this subdivision, the pollutants of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4; and

d. The board has determined that future discharges from the MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

B. The director, or an authorized representative, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on December 9, 2002, and will expire five years from the effective date.

9 VAC 25-750-30. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge storm water from the regulated small MS4 to surface waters of the Commonwealth of Virginia provided that the owner files and receives acceptance by the director of the registration statement of 9 VAC 25-750-40, files the permit fee required by 9 VAC 25-20, [~~complies with the requirements of 9 VAC 25-750-50,~~] and provided that the owner shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B.

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

C. Nonstorm water discharges or flows into the MS4 are authorized by this permit and do not need to be addressed in the Storm Water Management Program required under 9 VAC 25-750-50, Part II B 3, if:

1. The nonstorm water discharges or flows are covered by a separate individual or general VPDES permit for nonstorm water discharges; or

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2. [~~The following categories of~~] Nonstorm water discharges or flows [~~must be addressed only if they are in the following categories have not been~~] identified by the permittee or by the board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.

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

9 VAC 25-750-40. Registration statement.

A. Deadline for submitting a registration statement.

1. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 a that are applying for coverage under this VPDES general permit shall submit a complete registration statement to the department by March 10, 2003, unless the MS4 serves a jurisdiction with a population under 10,000 and the board has established a schedule for phasing-in permit coverage with a final deadline of March 8, 2007.

2. Owners of regulated small MS4s designated under 9 VAC 25-750-20 A 1 b that are applying for coverage under this VPDES general permit shall submit a complete registration statement to the department within 180 days of notice of designation, unless the board grants a later date.

B. Registration statement. The registration statement shall include the following information:

1. The name and location (county or city name) of the regulated small MS4 for which the registration statement is submitted;
2. The name, address, and telephone number of the owner of the regulated small MS4;
3. The name or names of the receiving waters;
4. The best management practices (BMPs) that the owner or another entity proposes to implement for each of the storm water minimum control measures at 9 VAC 25-750-50, Part II B;
5. The measurable goals for each of the BMPs including, as appropriate, the [~~months and~~] years in which the required actions will be undertaken, including interim milestones and the frequency of the action; [~~and~~]
6. The person or persons responsible for implementing or coordinating the storm water management program [- and]
7. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly

gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

D. An owner may file his own registration statement, or the owner and other municipalities or governmental entities may jointly submit a registration statement. If responsibilities for meeting the minimum measures will be shared with other municipalities or governmental entities, the registration statement must describe which minimum measures the owner will implement and identify the entities that will implement the other minimum measures within the area served by the MS4.

E. Where to submit. The registration statement shall be submitted to the DEQ regional office that serves the area where the small MS4 is located.

9 VAC 25-750-50. General permit.

Any owner whose registration statement is accepted by the director will receive the following permit and shall comply with the requirements therein and be subject to all applicable requirements of the VPDES Permit Regulation (9 VAC 25-31).

General Permit No.: [~~VAR06~~ VAR040]

Effective Date: December 9, 2002

Expiration Date: December 9, 2007

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, this permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in [State Water Control] Board regulation or policies that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Management Program and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

PART I DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this permit. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to

discharge storm water from the small municipal separate storm sewer system identified in the registration statement.

B. Special conditions.

1. *Total Maximum Daily Load (TMDL) allocations.* If a TMDL is approved for any waterbody into which the small MS4 discharges, the board will review the TMDL to determine whether the TMDL includes requirements for control of storm water discharges. If discharges from the MS4 are not meeting the TMDL allocations, the board will notify the permittee of that finding and may require that the Storm Water Management Program required in Part II be modified to implement the TMDL within a timeframe consistent with the TMDL. Any such new requirement will constitute a case decision by the board.

2. *Releases of hazardous substances or oil in excess of reportable quantities.* The discharge of hazardous substances or oil in the storm water discharges from the small MS4 shall be prevented or minimized [to the maximum extent practicable] in accordance with the applicable Storm Water Management Program required in Part II. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) or 40 CFR Part 302 (2001) occurs during a 24-hour period, the permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge. In addition, the Storm Water Management Program required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the program must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (2001), 40 CFR Part 117 (2001) and 40 CFR Part 302 (2001) or § 62.1-44.34:19 of the Code of Virginia.

PART II

STORM WATER MANAGEMENT PROGRAM

A. *The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the State Water Control Law.* The storm water management program must include the minimum control measures described in subsection B of this part. For purposes of this part, narrative effluent limitations requiring implementation of best management practices (BMPs) are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the maximum extent practicable) and to protect water quality. Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this part constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The storm water management program must be developed and implemented within five years of the date of coverage under this permit.

B. Minimum control measures.

1. *Public education and outreach on storm water impacts.* Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. *Public involvement/participation.* At a minimum, comply with [applicable] state, tribal, and local public notice requirements when implementing [~~a—public involvement/participation~~ the storm water management] program.

3. Illicit discharge detection and elimination.

a. *Develop, implement and enforce a program to detect and eliminate illicit discharges, as defined at 9 VAC 25-750-10, into the small MS4.*

b. (1) *Develop, if not already completed, a storm sewer system map, showing the location of all major outfalls and the names and location of all surface waters that receive discharges from those outfalls;*

(2) *To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance or other regulatory mechanism, nonstorm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;*

(3) *Develop and implement a plan to detect and address nonstorm water discharges, including illegal dumping, to the system; and*

(4) *Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.*

c. *The following categories of nonstorm water discharges or flows (i.e., illicit discharges) must be addressed only if they are identified by the permittee or by the board as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.*

4. Construction site storm water runoff control.

a. *Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the board waives requirements for storm water*

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discharges associated with small construction activity in accordance with the definition in 9 VAC 25-31-10, the permittee is not required to develop, implement, or enforce a program to reduce pollutant discharges from such sites.

b. The program must include the development and implementation of, at a minimum:

(1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;

(2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; or procedures to ensure that construction site operators have secured [or will secure] a VPDES construction permit;

(4) Procedures for site plan review that incorporate consideration of potential water quality impacts;

(5) Procedures for receipt and consideration of information submitted by the public, and

(6) Procedures for site inspection and enforcement of control measures.

[c. Track regulated land disturbing activities and submit the following information for the reporting period with the annual report required in Part II E 2:

(1) Total number of regulated land disturbing activities; and

(2) Total disturbed acreage.]

5. Postconstruction storm water management in new development and redevelopment.

a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

b. (1) Develop and implement strategies that include a combination of structural or nonstructural, or both, best management practices (BMPs) appropriate for the community;

(2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal or local law; and

(3) Ensure adequate long-term operation and maintenance by the owner of BMPs.

[(4) If the MS4 discharges to the Chesapeake Bay watershed, track all permanent BMPs installed in the MS4 (structural and nonstructural) and submit the following information with the annual report required in Part II E 2:

(a) Type of BMP installed;

(b) Geographic location (Hydrologic Unit Code);

(c) Waterbody the BMP is discharging into;

(d) Number of acres treated;

(e) Whether or not the BMP is inspected or maintained; and

(f) How often the BMP is maintained (quarterly, annually, etc.).]

6. Pollution prevention/good housekeeping for municipal operations. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, state, tribe, or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

C. Qualifying state, tribal or local program. If an existing qualifying local program requires the implementation of one or more of the minimum control measures of Part II B, the permittee may follow that qualifying program's requirements rather than the requirements of Part II B. A qualifying local program is a local, state or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of Part II B.

The permittee's storm water management program must identify and fully describe any qualifying local program that will be used to satisfy one or more of the minimum control measures of Part II B.

If the qualifying local program the permittee is using requires the approval of a third party, the program must be fully approved by the third party, or the permittee must be working towards getting full approval. Documentation of the qualifying local program's approval status, or the progress towards achieving full approval, must be included in the annual report required by Part II E 2.

D. Sharing responsibility. The permittee may rely on another entity to satisfy the VPDES permit obligations to implement a minimum control measure if: (i) the other entity, in fact, implements the control measure; (ii) the particular control measure, or component thereof, is at least as stringent as the corresponding VPDES permit requirement; and (iii) the other entity agrees to implement the control measure on behalf of the permittee. The agreement between the parties must be documented in writing and retained by the permittee with the Storm Water Management Program for the duration of this permit.

In the annual reports that must be submitted under Part II E 2, the permittee must specify that another entity is being relied on to satisfy some of the permit obligations.

If the permittee is relying on another governmental entity regulated under 9 VAC 25-31-120 to satisfy all of the permit obligations, including the obligation to file periodic reports required by Part II E 2, the permittee must note that fact in the registration statement, but is not required to file the periodic reports.

The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof).

E. Evaluation and assessment.

1. Evaluation. The permittee must evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals.

2. Annual reports. The permittee must submit an annual report to the director by the first, second and fourth anniversaries of the date of coverage under this permit. The reports must include:

a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;

b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

c. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;

d. A change in any identified best management practices or measurable goals for any of the minimum control measures;

e. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable), and

f. The approval status of any qualifying local programs (if appropriate), or the progress towards achieving full approval of these programs.

F. Program modifications. The department may require modifications to the Storm Water Management Program as needed to address adverse impacts on receiving water quality caused, or contributed to, by discharges from the MS4. Modifications requested by the department shall be made in writing and set forth the time schedule to develop and implement the modification. The permittee may propose alternative program modifications and time schedules to meet the objective of the requested modification. [The department retains the authority to require any modifications it determines are necessary.]

PART III

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

NOTE: Monitoring is not required for this permit. If you choose to monitor your storm water discharges or BMP's in support of your Storm Water Management Program, [~~or as required by a TMDL,~~] you must comply with the requirements of subsections A, B, and C, as appropriate.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 (2001) or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individuals who performed the sampling or measurements;

c. The dates and times analyses were performed;

d. The individuals who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.

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2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (2001) or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:
 - a. Any unanticipated bypass; and
 - b. Any upset that causes a discharge to surface waters.
2. A written report shall be submitted within five days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:

(1) The chief executive officer of the agency, or

(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

Final Regulations

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be

subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable

engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the causes of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and

whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Final Regulations

NOTICE: The forms used in administering 9 VAC 25-750, General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems,, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (VAR [06 040]), SWGP-MS4-001-RS (eff. 12/02).

**VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS [VAR040]**

(Please Type or Print All Information)

1. Regulated Small MS4

Name: _____

Location (County or City): _____

2. Regulated Small MS4 Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

3. Name(s) of the receiving water(s) into which the small MS4 discharges: _____

4. Attach a description of the Best Management Practices (BMP's) that the owner or another entity proposes to implement for each of the following storm water minimum control measures:

- (1) public education and outreach on storm water impacts,
- (2) public involvement/participation,
- (3) illicit discharge detection and elimination,
- (4) construction site storm water runoff control,
- (5) post-construction storm water management in new development and redevelopment, and
- (6) pollution prevention/good housekeeping for municipal operations.

5. For each of the BMP's described in (4), list the measurable goals for each BMP including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action.

6. Attach a list of the person or persons responsible for implementing or coordinating the small MS4 storm water management program.

7. Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Print Name: _____ Title: _____

Signature: _____ Date: _____

For Department of Environmental Quality Use Only

DEQ-WATER FORM *SWGP-MS4-001-RS* (12/02)

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Stream Class _____ Section _____ Special Standards _____

INSTRUCTIONS for DEQ WATER FORM SWGP-MS4-001-RS

VPDES GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS [VAR040]

WHO MUST FILE THE REGISTRATION STATEMENT

This registration statement must be completed and submitted by any regulated small MS4 requesting coverage under the above general permit for storm water discharges.

1. Owners are regulated if they operate a small MS4, including but not limited to systems operated by federal, state, and local governments, including the Virginia Department of Transportation; and:
 - a. The small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Census Bureau. If the small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated; or
 - b. The small MS4 is designated by the Board.
2. An MS4 may be the subject of a petition to the Board to require a VPDES permit for their discharge of storm water. If the Board determines that an MS4 needs a permit, the owner may use this registration statement to apply for coverage under the above general permit.

WHERE TO FILE THE REGISTRATION STATEMENT

The completed registration statement and application fee of \$600.00 should be sent to the Department of Environmental Quality Regional Office that serves the area where the small MS4 is located.

COMPLETENESS

Complete all items except where indicated in order for your registration statement to be accepted. Attach separate sheets of paper for Items 4 (Description of BMP's), Item 5 (Measurable Goals), and Item 6 (Responsible Persons).

DEFINITIONS

BMP's means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Owner means the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of Section 62.1-44.5 of the Law.

Small MS4 means all separate storm sewers that are: (1) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under subsection 208 of the CWA that discharges to surface waters; and (2) Not defined as "large" or "medium" municipal separate storm sewer systems, or designated under 9 VAC 25-31-120 A. 1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or

prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

LINE BY LINE INSTRUCTIONS

Item 1. REGULATED SMALL MS4

Provide the name of the regulated small MS4. Provide the location (county name or city name) where the small MS4 is located.

Item 2. REGULATED SMALL MS4 OWNER

Provide the name of the owner of the regulated small MS4. Provide the small MS4 owner's address. Provide the small MS4 owner's city, state, zip code and phone number.

Item 3. RECEIVING WATER(S)

Provide the names(s) of the receiving water(s) into which the small MS4 discharges.

Item 4. DESCRIPTION OF BMP's

Attach a description of the Best Management Practices (BMP's) that the owner or another entity proposes to implement for each of the six storm water minimum control measures.

Item 5. MEASURABLE GOALS

For each of the BMP's described in Item 4, list the measurable goals for each BMP including, as appropriate, the years in which the required actions will be undertaken, including interim milestones and the frequency of the action.

Item 6. RESPONSIBLE PERSON(S)

Attach a list of the person or persons that will be responsible for implementing each of the small MS4 storm water management program minimum control measures.

Item 7. CERTIFICATION

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

- (1) For a corporation; by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - (b) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

TITLE 14. INSURANCE

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 that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-170. Rules Governing Minimum Standards for Medicare Supplement Policies (amending 14 VAC 5-170-20, 14 VAC 5-170-30, 14 VAC 5-170-60, 14 VAC 5-170-70, 14 VAC 5-170-105, [~~14 VAC 5-170-120, 14 VAC 5-170-130,~~] 14 VAC 5-170-150, and 14 VAC 5-170-180)

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

Effective Date: October 24, 2002.

Summary:

The amendments incorporate changes required by federal law pursuant to the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA). Changes reflect the 2002-deductible and co-payment amounts under Medicare. The proposed changes in 14 VAC 5-170-120 and 14 VAC 5-170-130 clarifying loss ratio requirements were not adopted as final.

Agency Contact: Ann Colley, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9813, FAX (804) 371-9944, toll-free 1-800-552-7945 or e-mail acolley@scc.state.va.us.

AT RICHMOND, OCTOBER 15, 2002

COMMONWEALTH OF VIRGINIA

CASE NO. INS-2002-00173

At the relation of the

STATE CORPORATION COMMISSION

Ex Parte: In the matter of Adopting Revisions to the Rules Governing Minimum Standards for Medicare Supplement Policies

ORDER ADOPTING REVISIONS TO RULES

By Order to Take Notice entered herein August 2, 2002, all interested persons were ordered to take notice that subsequent to September 10, 2002, the Commission would consider the entry of an order adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Minimum Standards for Medicare Supplement Policies, set forth in Chapter 170 of Title 14 of the Virginia Administrative Code, unless on or before September 10, 2002, any person objecting to the adoption of the proposed revisions filed a

request for a hearing on the proposed revisions with the Clerk of the Commission.

The proposed revisions incorporate changes required by federal law pursuant to the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, clarify loss ratio requirements in 14 VAC 5-170-120 and 14 VAC 5-170-130, and reflect the 2002 deductible and co-payment amounts under Medicare.

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before September 10, 2002.

Golden Rule Insurance Company ("Golden Rule") and Physicians Mutual Insurance Company ("Physicians Mutual") filed comments with the Clerk's Office on September 10, 2002. Trigon Insurance Company ("Trigon") filed its comments with the Clerk's Office on September 11, 2002. Both Golden Rule and Trigon expressed concerns about the proposed revisions to 14 VAC 5-170-120 and 14 VAC 5-170-130, which would require insurers to meet their originally anticipated loss ratios. Physicians Mutual's comments suggested the deletion of certain language in 14 VAC 5-170-70 B 7 c and a second change that proposed to clarify certain language in that subdivision.

The Bureau of Insurance (the "Bureau") reviewed the filed comments and filed its response thereto with the Clerk's Office on October 8, 2002. The Bureau recommended that the proposed revisions with regard to loss ratio requirements in 14 VAC 5-170-120 and 14 VAC 5-170-130 not be adopted, but that otherwise, the proposed revisions be adopted. The Bureau noted in its response that, while the changes proposed by Physicians Mutual were credible, they had no significant impact on the actual meaning of the subdivision's text.

THE COMMISSION, having considered the proposed revisions, the filed comments, and the Bureau's response to and recommendations regarding the filed comments, is of the opinion that the attached revisions to the rules, which reflect the recommendations of the Bureau, should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 170 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Minimum Standards for Medicare Supplement Policies," which amend the rules at 14 VAC 5-170-20, 14 VAC 5-170-30, 14 VAC 5-170-60, 14 VAC 5-170-70, 14 VAC 5-170-105, 14 VAC 5-170-120, 14 VAC 5-170-130, 14 VAC 5-170-150, and 14 VAC 5-170-180, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective October 24, 2002.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a copy of the attached revised rules, to all insurers, health services plans, and health maintenance organizations licensed by the Commission to write Medicare supplement insurance in the Commonwealth of Virginia.

Final Regulations

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revised rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(4) On or before October 16, 2002, the Commission's Division of Information Resources shall make available this Order and the attached revised rules on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

14 VAC 5-170-20. Applicability and scope.

A. Except as otherwise specifically provided in 14 VAC 5-170-60, 14 VAC 5-170-110, 14 VAC 5-170-120, 14 VAC 5-170-150 and 14 VAC 5-170-200, this chapter shall apply to:

1. All Medicare supplement policies delivered or issued for delivery in this Commonwealth on or after ~~September 1, 2004~~ *October 24, 2002*; and
2. All certificates issued under group Medicare supplement policies for which certificates have been delivered or issued for delivery in this Commonwealth.

B. This chapter shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

14 VAC 5-170-30. Definitions.

For purposes of this chapter (14 VAC 5-170-40 ~~et seq.~~):

~~["*Anticipated loss ratio*" means the ratio of the present value of the future benefits to the present value of the future premiums of a policy form over the entire period for which rates are computed to provide coverage.]~~

"*Applicant*" means:

1. In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and
2. In the case of a group Medicare supplement policy, the proposed certificateholder.

"*Attained age rating*" means a premium structure under which premiums are based on the covered individual's age at the time of application of the policy or certificate, and for which premiums increase based on the covered individual's increase in age during the life of the policy or certificate.

"*Bankruptcy*" means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in this Commonwealth.

"*Certificate*" means any certificate delivered or issued for delivery in this Commonwealth under a group Medicare supplement policy.

"*Certificate form*" means the form on which the certificate is delivered or issued for delivery by the issuer.

"*Community rating*" means a premium structure under which premium rates are the same for all covered individuals of all ages in a given area.

"*Continuous period of creditable coverage*" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual did not have a break in coverage greater than 63 days.

"*Creditable coverage*" means, with respect to an individual, coverage of the individual provided under any of the following:

1. A group health plan;
2. Health insurance coverage;
3. Part A or Part B of Title XVIII of the Social Security Act of 1935 (Medicare) (42 USC § 1395 et seq.);
4. Title XIX of the Social Security Act of 1935 (Medicaid) (42 USC § 1396 et seq.), other than coverage consisting solely of benefits under § 1928;
5. Chapter 55 of Title 10 of the United States Code (CHAMPUS) (10 USC §§ 1071--1107);
6. A medical care program of the Indian Health Service or of a tribal organization;
7. A state health benefits risk pool;
8. A health plan offered under the Federal Employees Health Benefits Act of 1959 (5 USC §§ 8901--8914);
9. A public health plan as defined in federal regulation; and
10. A health benefit plan under § 5(e) of the Peace Corps Act of 1961 (22 USC § 2504(e)).

"*Creditable coverage*" shall not include one or more, or any combination of, the following:

1. Coverage only for accident or disability income insurance, or any combination thereof;
2. Coverage issued as a supplement to liability insurance;
3. Liability insurance, including general liability insurance and automobile liability insurance;
4. Workers' compensation or similar insurance;
5. Automobile medical expense insurance;
6. Credit-only insurance;
7. Coverage for on-site medical clinics; and
8. Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

"*Creditable coverage*" shall not include the following benefits if they are provided under a separate policy, certificate or

contract of insurance or are otherwise not an integral part of the plan:

1. Limited scope dental or vision benefits;
2. Benefits for long-term care, nursing home care, home health care, community-based care or any combination thereof; and
3. Such other similar, limited benefits as are specified in federal regulations.

"*Creditable coverage*" shall not include the following benefits if offered as independent, noncoordinated benefits:

1. Coverage only for a specified disease or illness; and
2. Hospital indemnity or other fixed indemnity insurance.

"*Creditable coverage*" shall not include the following if it is offered as a separate policy, certificate or contract of insurance:

1. Medicare supplement health insurance as defined under § 1882(g)(1) of the Social Security Act of 1935 (42 USC § 1395ss);
2. Coverage supplemental to the coverage provided under Chapter 55 of Title 10 of the United States Code (10 USC §§ 1071--1107); and
3. Similar supplemental coverage provided to coverage under a group health plan.

"*Employee welfare benefit plan*" means a plan, fund or program of employee benefits as defined in the Employee Retirement Income Security Act of 1974 (29 USC § 1002).

"*Insolvency*" means when an issuer, duly licensed to transact an insurance business in this Commonwealth in accordance with the provisions of Chapter 10, 41, 42 or 43, respectively, of Title 38.2 of the Code of Virginia, is determined to be insolvent and placed under a final order of liquidation by a court of competent jurisdiction.

"*Issue age rating*" means a premium structure based upon the covered individual's age at the time of purchase of the policy or certificate. Under an issue age rating structure, premiums do not increase due to the covered individual's increase in age during the life of the policy or certificate.

"*Issuer*" includes insurance companies, fraternal benefit societies, corporations licensed pursuant to Chapter 42 of Title 38.2 of the Code of Virginia to offer health services plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this Commonwealth Medicare supplement policies or certificates.

"*Medicare*" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965 (Public Law 89-97, 79 Stat. 286 (July 30, 1965)), as then constituted or later amended.

"*Medicare+Choice plan*" means a plan of coverage for health benefits under Medicare Part C as defined in § 1859 (42 USC § 1395w-28(b)(1) of the Social Security Act, and includes:

1. Coordinated care plans which provide health care services, including but not limited to health maintenance

organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

2. Medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

3. Medicare+Choice private fee-for-service plans.

"*Medicare supplement policy*" means a group or individual policy of accident and sickness insurance or a subscriber contract of health service plans or health maintenance organizations, other than a policy issued pursuant to a contract under § 1876 of the federal Social Security Act of 1935 (42 USC § 1395 et seq.) or an issued policy under a demonstration project specified in 42 USC § 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

"*Policy form*" means the form on which the policy is delivered or issued for delivery by the issuer.

"*Secretary*" means the Secretary of the United States Department of Health and Human Services.

14 VAC 5-170-60. Minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992.

A. No policy or certificate may be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

B. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this chapter.

1. A Medicare supplement policy or certificate shall not exclude or limit benefits for a loss incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

2. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

3. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

4. A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

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- a. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or
 - b. Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.
5. a. Except as authorized by the State Corporation Commission, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.
- b. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subdivision 5 d of this subsection, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:
- (1) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and
 - (2) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in subsection C of this section.
- c. If membership in a group is terminated, the issuer shall:
- (1) Offer the certificateholder the conversion opportunities described in subdivision 5 b of this subsection; or
 - (2) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.
- d. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.
6. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits.
- C. Minimum benefit standards.
1. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;
 2. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;
 3. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;
 4. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;
 5. Coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;
 6. Coverage for the coinsurance amount, *or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount* of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible \$100;
 7. Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.
- 14 VAC 5-170-70. Benefit standards for policies or certificates issued or delivered on or after July 30, 1992.**
- A. The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this Commonwealth on or after July 30, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit standards.
- B. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this chapter.
1. A Medicare supplement policy or certificate shall not exclude or limit benefits for a loss incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.
 2. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
 3. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any

changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes provided that loss ratios are being met.

4. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

5. Each Medicare supplement policy shall be guaranteed renewable.

a. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

b. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

c. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under subdivision 5 e of this subsection, the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

(1) Provides for continuation of the benefits contained in the group policy; or

(2) Provides for benefits that otherwise meet the requirements of this subsection.

d. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(1) Offer the certificateholder the conversion opportunity described in subdivision 5 c of this subsection; or

(2) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

e. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

7. a. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to

exceed 24 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act of 1935 (42 USC § 1396 et seq.), but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within 90 days after the date the individual becomes entitled to such assistance.

b. If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, the policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within 90 days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.

c. Each Medicare supplement policy or certificate shall provide that benefits and premiums under the policy shall be suspended (for ~~the~~ any period that may be provided by federal regulation) at the request of the policyholder if the policyholder or certificateholder is entitled to benefits under § 226 (b) of the Social Security Act (42 USC § 426) and is covered under a group health plan (as defined in § 1862(b)(1)(A)(v) of the Social Security Act (42 USC § 1395y)). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder or certificateholder provides notice of loss of coverage within 90 days after the date of ~~such the loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.~~

d. Reinstatement of ~~such~~ coverages as described in subdivisions 7 b and c of this subsection:

(1) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

(2) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and

(3) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

C. Standards for basic (core) benefits common to all benefit plans. Every issuer shall make available a policy or certificate including only the following basic core package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

1. Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

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2. Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;
 3. Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;
 4. Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;
 5. Coverage for the coinsurance amount, or in the case of hospital outpatient department services [*paid*] under a prospective payment system, the copayment amount [τ] of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.
- D. Standards for additional benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by 14 VAC 5-170-80.
1. Medicare Part A deductible. Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.
 2. Skilled nursing facility care. Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.
 3. Medicare Part B deductible. Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.
 4. Eighty percent of the Medicare Part B excess charges. Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.
 5. One hundred percent of the Medicare Part B excess charges. Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.
 6. Basic outpatient prescription drug benefit. Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 7. Extended outpatient prescription drug benefit. Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 8. Medically necessary emergency care in a foreign country. Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.
 9. Preventive medical care benefit. Coverage for the following preventive health services:
 - a. An annual clinical preventive medical history and physical examination that may include tests and services from subdivision 9 b of this subsection and patient education to address preventive health care measures.
 - b. Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:
 - (1) Digital rectal examination;
 - (2) Dipstick urinalysis for hematuria, bacteriuria, and proteinuria;
 - (3) Pure tone (air only) hearing screening test, administered or ordered by a physician;
 - (4) Serum cholesterol screening (every five years);
 - (5) Thyroid function test;
 - (6) Diabetes screening.
 - c. Tetanus and Diphtheria booster (every 10 years).
 - d. Any other tests or preventive measures determined appropriate by the attending physician. Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.
 10. At-home recovery benefit. Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.
 - a. For purposes of this benefit, the following definitions shall apply:

"Activities of daily living" include, but are not limited to, bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

"Care provider" means a duly qualified or licensed home health aide or homemaker, personal care aide or

nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

"Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

"At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit.

b. Coverage requirements and limitations:

(1) At-home recovery services provided must be primarily services which assist in activities of daily living.

(2) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare; and

(3) Coverage is limited to:

(a) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(b) The actual charges for each visit up to a maximum reimbursement of \$40 per visit;

(c) One thousand six hundred dollars per calendar year;

(d) Seven visits in any one week;

(e) Care furnished on a visiting basis in the insured's home;

(f) Services provided by a care provider as defined in this section;

(g) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(h) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

c. Coverage is excluded for:

(1) Home care visits paid for by Medicare or other government programs; and

(2) Care provided by family members, unpaid volunteers or providers who are not care providers.

11. New or innovative benefits. An issuer may, with the prior approval of the State Corporation Commission, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

14 VAC 5-170-105. Guaranteed issue for eligible persons.

A. Guaranteed issue provisions follow:

1. Eligible persons are those individuals described in subsection B of this section who, ~~subject to subdivision B-2 b of this section, apply~~ seek to enroll under the policy ~~not later than 63 days after the date of the termination of enrollment described during the period specified in subsection B C of this section,~~ and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

2. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection ~~C~~ E of this section that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. An eligible person is an individual described in any of the following subdivisions:

1. The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, and the plan terminates, or the plan ceases to provide substantially all such supplemental health benefits to the individual;

2. ~~a.~~ The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All Inclusive Care for the Elderly (PACE) provider under § 1894 of the Social Security Act (42 USC § 1395eee), and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice plan:

~~(4) a.~~ The certification of the organization or plan has been terminated ~~or the organization or plan has notified the individual of an impending termination of such certification; or~~

~~(2) b.~~ The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, ~~or has notified the individual of an impending termination or discontinuance of such plan; or~~

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~~(3)~~ c. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in § 1851(g)(3)(B) of the federal Social Security Act (42 USC § 1395w-21) (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under § 1856 of the Social Security Act (42 USC § 1395w-26)), or the plan is terminated for all individuals within a residence area; or

~~(4)~~ d. The individual demonstrates, in accordance with guidelines established by the Secretary, that:

~~a-~~ (1) The organization offering the plan substantially violated a material provision of the organization's contract under § 1859 of the Social Security Act (42 USC §§ 1395w-21 et seq.) in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

~~b-~~ (2) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

~~(5)~~ e. The individual meets such other exceptional conditions as the Secretary may provide.

~~b. (1) An individual described in subdivision 2 a of this subsection may elect to apply subsection A of this section by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.~~

~~(2) In the case of an individual making the election in subdivision 2 b (1) of this subsection, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection A of this section shall only become effective upon termination of coverage under the Medicare+Choice plan involved.~~

3. a. The individual is enrolled with:

(1) An eligible organization under a contract under § 1876 of the Social Security Act (Medicare risk or cost);

(2) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(3) An organization under an agreement under § 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

(4) An organization under a Medicare Select policy; and

b. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subdivision B 2 of this section.

4. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

a. (1) Of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

(2) Of other involuntary termination of coverage or enrollment under the policy;

b. The issuer of the policy substantially violated a material provision of the policy; or

c. The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual.

5. a. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under § 1876 of the Social Security Act (Medicare risk or cost), any similar organization operating under demonstration project authority, any PACE program provider under § 1894 of the Social Security Act (42 USC § 1395eee), ~~an organization under an agreement under § 1833(a)(1)(A) of the Social Security Act (42 USC § 1395) (health care prepayment plan)~~; or a Medicare Select policy; and

b. The subsequent enrollment under subdivision 5 a of this subsection is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under § 1851(e) of the federal Social Security Act) (42 USC § 1395w-21); or

6. The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare+Choice plan under Part C of Medicare, or with a PACE program provider under § 1894 of the Social Security Act (42 USC § 1395eee) and disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

C. *Guaranteed issue time periods.*

1. *In the case of an individual described in subdivision B 1 of this section, the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends 63 days after the date of the applicable notice.*

2. *In the case of an individual described in subdivisions B 2, 3, 5 or 6 of this section whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated.*

3. In the case of an individual described in subdivision B 4 a of this section, the guaranteed issue period begins on the earlier of (i) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any, or (ii) the date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated.

4. In the case of an individual described in subdivisions B 2, B 4 b, B 4 c, B 5 or B 6 of this section who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of disenrollment and ends on the date that is 63 days after the effective date of the disenrollment.

5. In the case of an individual described in subsection B of this section but not described in [~~the~~] subdivisions C 1 through 4 of this subsection [,] the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date of disenrollment.

D. Extended medigap access for interrupted trial periods.

1. In the case of an individual described in subdivision B 5 of this section (or deemed to be so described pursuant to this subdivision) whose enrollment with an organization or provider described in subdivision B 5 a of this section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in subdivision B 5 of this section.

2. In the case of an individual described in subdivision B 6 of this section (or deemed to be so described pursuant to this subdivision) whose enrollment with a plan or in a program described in subdivision B 6 of this section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subdivision B 6 of this section.

3. For purposes of subdivisions B 5 and 6 of this section, no enrollment of an individual with an organization or provider described in subdivision B 5 a of this section, or with a plan or in a program described in subdivision B 6 of this section, may be deemed to be an initial enrollment under this subdivision after the two-year period beginning on the date on which the individual first enrolled with such an organization provider, plan or program.

G. E. The Medicare supplement policy to which eligible persons are entitled under:

1. Subdivisions B 1, 2, 3, and 4 of this section is a Medicare supplement policy which has a benefit package classified as Plan A, B, C or F offered by any issuer.

2. Subdivision B 5 of this section is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in subdivision 1 of this subsection.

3. Subdivision B 6 of this section shall include any Medicare supplement policy offered by any issuer.

F. Notification provisions are:

1. At the time of an event described in subsection B of this section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection A of this section. Such notice shall be communicated in writing contemporaneously with the notification of termination.

2. At the time of an event described in subsection B of this section because of which an individual ceases enrollment under a contract or agreement, policy or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection A of this section. Such notice shall be communicated in writing within 10 working days of the issuer receiving notification of disenrollment.

14 VAC 5-170-120. Loss ratio standards and refund or credit of premium; annual filing; public hearing.

A. 1. Loss ratio standards. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

a. At least 75% of the aggregate amount of premiums earned in the case of group policies; or

b. At least 65% of the aggregate amount of premiums earned in the case of individual policies, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices.

2. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section [~~and meet the originally filed anticipated loss ratio~~] when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the [appropriate requirements of this section and the originally filed anticipated] loss ratio [standards].

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3. For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet:

a. The originally filed anticipated loss ratio when combined with the actual experience since inception;

b. The [~~greater of the originally filed anticipated loss ratio or the~~] appropriate loss ratio requirement from subdivisions 1 a and [4] b of this subsection when combined with actual experience beginning with July 1, 1991, to date; and

c. The [~~greater of the originally filed anticipated loss ratio or the~~] appropriate loss ratio requirement from subdivisions 1 a and [4] b of this subsection over the entire future period for which the rates are computed to provide coverage.

B. 1. Refund or credit calculation. An issuer shall collect and file with the State Corporation Commission by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

2. If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), ~~then~~ a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

3. For the purposes of this section, for policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

4. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Annual filing of premium rates. An issuer of Medicare supplement policies and certificates issued before or after July 30, 1992, in this Commonwealth shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the State Corporation Commission in accordance with the filing requirements and procedures prescribed by the State Corporation Commission. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the [appropriate ~~requirements of this section and the originally filed anticipated~~] loss ratio [standards] can be expected to be met over the entire period

for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

The supporting documentation shall also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment, the following items are true with respect to the filing:

1. The assumptions present the actuary's best judgment as to the reasonable value for each assumption and are consistent with the issuer's business plan at the time of the filing;

2. The anticipated [lifetime] loss ratio, [future loss ratios,] and except for policies issued prior to July 30, 1992, [~~the~~] third-year loss ratios [all], exceed the [applicable ~~requirements of this section and the originally filed anticipated loss~~] ratio;

3. Except for policies issued prior to July 30, 1992, the filed rates maintain the proper relationship between policies which had different rating methodologies;

4. The filing was prepared based on the current standards of practices as promulgated by the Actuarial Standards Board, including the data quality standard of practice, as described at www.actuary.org;

5. The filing is in compliance with the applicable laws and regulations in this Commonwealth; and

6. The premiums are reasonable in relation to the benefits provided.

As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this Commonwealth shall file with the State Corporation Commission, in accordance with the applicable filing procedures of this Commonwealth:

1. a. Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents as necessary to justify the adjustment shall accompany the filing.

b. An issuer shall make such premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

c. If an issuer fails to make premium adjustments acceptable to the State Corporation Commission, the State Corporation Commission may order premium adjustments, refunds or premium credits deemed

necessary to achieve the loss ratio required by this section.

2. Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

D. Public hearings. The State Corporation Commission may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after July 30, 1992, if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the State Corporation Commission.

14 VAC 5-170-130. Filing and approval of policies and certificates and premium rates.

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this Commonwealth unless the policy form or certificate form has been filed with and approved by the State Corporation Commission in accordance with filing requirements and procedures prescribed by the State Corporation Commission.

B. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule, and supporting documentation have been filed with and approved by the State Corporation Commission in accordance with the filing requirements and procedures prescribed by the State Corporation Commission.

The filing shall also include a certification by a qualified actuary that to the best of the actuary's knowledge and judgment, the following items are true with respect to the filing:

1. The assumptions present the actuary's best judgment as to the reasonable value for each assumption and are consistent with the issuer's business plan at the time of the filing;
2. The anticipated [lifetime] loss ratio, [future loss ratios], and except for policies issued prior to July 30, 1992, [~~the~~] third-year loss ratio [all] exceed the [applicable ~~appropriate loss ratio requirement from subdivisions A 1 a and b of 14 VAC 5-170-120 and the originally filed anticipated loss~~] ratio;
3. The filing was prepared based on the current standards or practices as promulgated by the Actuarial Standards Board including the data quality standard of practice as described at www.actuary.org;
4. The filing is in compliance with applicable laws and regulations in this Commonwealth; and
5. The premiums are reasonable in relation to the benefits provided.

C. 1. Except as provided in subdivision 2 of this subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

2. An issuer may offer, with the approval of the State Corporation Commission, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

- a. The inclusion of new or innovative benefits;
- b. The addition of either direct response or agent marketing methods;
- c. The addition of either guaranteed issue or underwritten coverage;
- d. The offering of coverage to individuals eligible for Medicare by reason of disability.

3. For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare Select policy or a group Medicare Select policy.

D. 1. Except as provided in subdivision 1 a of this subsection, an issuer shall continue to make available for purchase any policy form or certificate form issued after July 30, 1992, that has been approved by the State Corporation Commission. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the State Corporation Commission in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate.

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to subdivision 1 a of this subsection shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the State Corporation Commission of the discontinuance. The period of discontinuance may be reduced if the State Corporation Commission determines that a shorter period is appropriate.

2. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection.

3. A change in the rating structure or methodology shall be considered a discontinuance under subdivision 1 of this subsection unless the issuer complies with the following requirements:

- a. The issuer provides an actuarial memorandum, in a form and manner prescribed by the State Corporation Commission, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

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b. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The State Corporation Commission may approve a change to the differential which is in the public interest.

E. 1. Except as provided in subdivision 2 of this subsection, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in 14 VAC 5-170-120.

2. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

14 VAC 5-170-150. Required disclosure provisions.

A. General rules.

1. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of such provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned, shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age. Medicare supplement policies or certificates which are attained age rated shall include a clear and prominent statement, in at least 14 point type, disclosing that premiums will increase due to changes in age and the frequency under which such changes will occur.

2. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

3. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

4. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

5. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have all premiums made for the policy refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6. Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to a person or persons eligible for Medicare shall provide to those applicants a Guide to Health Insurance for People with Medicare in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than 12 point type. Delivery of the guide shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this chapter. Except in the case of direct response issuers, delivery of the guide shall be made to the applicant at the time of application and acknowledgement of receipt of the guide shall be obtained by the issuer. Direct response issuers shall deliver the guide to the applicant upon request but not later than at the time the policy is delivered.

For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice requirements.

1. As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the State Corporation Commission. The notice shall:

a. Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate; and

b. Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

2. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

3. Such notices shall not contain or be accompanied by any solicitation.

C. Outline of coverage requirements for Medicare Supplement Policies.

1. Issuers shall provide an outline of coverage to all applicants at the time the application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant; and

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

3. The outline of coverage provided to applicants pursuant to this section consists of four parts: a cover page, premium

information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than 12 point type. All plans A - J shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed in the following table.

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[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page:
Benefit Plan(s) _____ [insert letter(s) of plan(s) being offered]

Medicare supplement insurance can be sold in only ten standard plans plus two high deductible plans.* This chart shows the benefits included in each plan. Every company must make available Plan "A." Some plans may not be available in your state.

Basic Benefits: Included in all Plans.

Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (generally 20% of Medicare-approved expenses) or in the case of hospital outpatient department services under a prospective payment system, applicable copayments.

Blood: First three pints of blood each year.

A	B	C	D	E	F	F*	G	H	I	J	J*
Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit	Basic Benefit
		Skilled Nursing Coinsurance									
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
		Part B Deductible			Part B Deductible					Part B Deductible	Part B Deductible
					Part B Excess (100%)	Part B Excess (80%)			Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)
		Foreign Travel Emergency									
			At-Home Recovery				At-Home Recovery		At-Home Recovery	At-Home Recovery	At-Home Recovery

* Plans F and J also have an option called a high deductible Plan F and a high deductible Plan J. These high deductible plans pay the same or offer the same benefits as Plans F and J after one has paid a calendar year \$450 \$1,620 deductible. Benefits from high deductible Plans F and J will not begin until out-of-pocket expenses are \$450 \$1,620. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but does not include, in Plan J, the plan's separate prescription drug deductible or, in Plans F and J, the plan's separate foreign travel emergency deductible.

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							Basic Drug Benefit (\$1,250 Limit)	Basic Drug Benefit (\$1,250 Limit)	Extended Drug Benefit (\$3,000 Limit)
				Preventive Care					Preventive Care

PREMIUM INFORMATION

Boldface Type

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this Commonwealth. [If the premium is based on attained age of the insured, include the following information:

1. When premiums will change;
2. The current premium for all ages;
3. A statement that premiums for other Medicare Supplement policies that are issue age or community rated do not increase due to changes in your age; and
4. A statement that while the cost of this policy at the covered individual's present age may be lower than the cost of a Medicare supplement policy that is based on issue age or community rated, it is important to compare the potential cost of these policies over the life of the policy.]

DISCLOSURES

Boldface Type

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

Boldface Type

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY

Boldface Type

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT

Boldface Type

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE

Boldface Type

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult "Medicare & You" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT

Boldface Type

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to 14 VAC 5-170-80.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the State Corporation Commission.]

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PLAN A

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days	All but \$792 \$812	\$0	\$792 \$812 (Part A Deductible)
61st thru 90th day	All but \$498 \$203 a day	\$498 \$203 a day	\$0
91st day and after: While using 60 lifetime reserve days	All but \$396 \$406 a day	\$396 \$406 a day	\$0
Once lifetime reserve days are used: Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$99 \$101.50 a day	\$0	Up to \$99 \$101.50 a day
101st day and after	\$0	\$0	All Costs
BLOOD First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN A

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

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PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE-APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

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PLAN B

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION*			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$792 \$812	\$792 \$812 (Part A Deductible)	\$0
61st thru 90th day	All but \$498 \$203 a day	\$498 \$203 a day	\$0
91st day and after:			
While using 60 lifetime reserve days	All but \$396 \$406 a day	\$396 \$406 a day	\$0
Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE*			
You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$99 \$101.50 a day	\$0	Up to \$99 \$101.50 a day
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN B

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs

BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	 \$0 20%	 \$0 \$100 (Part B Deductible) \$0

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PLAN C

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used: Additional 365 days Beyond the Additional 365 days	All but \$792 \$812 All but \$498 \$203 a day All but \$396 \$406 a day \$0 \$0	\$792 \$812 (Part A Deductible) \$498 \$203 a day \$396 \$406 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$99 \$101.50 a day \$0	\$0 Up to \$99 \$101.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN C

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$100 (Part B Deductible) Generally 20% \$0	\$0 \$0 All Costs
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$100 (Part B Deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$100 (Part B Deductible) 20%	\$0 \$0 \$0

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN D

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used:	All but \$792 \$812 All but \$498 \$203 a day All but \$396 \$406 a day	\$792 \$812 (Part A Deductible) \$498 \$203 a day \$396 \$406 a day	\$0 \$0 \$0

Additional 365 days	0	100% of Medicare Eligible Expenses	\$0
Beyond the Additional 365 days	0	\$0	All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$99 \$101.50 a day	Up to \$99 \$101.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE			
Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

PLAN D

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	All Costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES			
BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE			
MEDICARE-APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

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AT-HOME RECOVERY SERVICES - NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
Benefit for each visit	\$0	Actual charges to \$40 a visit	Balance
Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	\$0	Up to the number of Medicare-approved visits not to exceed 7 each week	
Calendar year maximum	\$0	\$1,600	

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL – NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

Rev. 9/04 10/02

PLAN E

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$792 \$812	\$792 \$812 (Part A Deductible)	\$0
61st thru 90th day	All but \$198 \$203 a day	\$198 \$203 a day	\$0
91st day and after:			
While using 60 lifetime reserve days	All but \$396 \$406 a day	\$396 \$406 a day	\$0
Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare eligible expenses	\$0
Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$99 \$101.50 a day	Up to \$99 \$101.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0

HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance
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PLAN E

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B Deductible) \$0 All Costs
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B Deductible) \$0

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PLAN E

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
PREVENTIVE MEDICAL CARE BENEFIT* - NOT COVERED BY MEDICARE Some annual physical and preventive tests and services such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diphtheria booster and education, administered			

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or ordered by your doctor when not covered by Medicare			
First \$120 each calendar year	\$0	\$120	\$0
Additional charges	\$0	\$0	All Costs

* Medicare benefits are subject to change. Please consult the latest Guide to [*Health*] Insurance for People with Medicare.

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year ~~\$1580~~ \$1620 deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are ~~\$1580~~ \$1620. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1580 \$1620 DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$1580 \$1620 DEDUCTIBLE,** YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used: Additional 365 days Beyond the Additional 365 days	All but \$792 \$812 All but \$198 \$203 a day All but \$396 \$406 a day \$0 \$0	\$792 \$812 (Part A Deductible) \$198 \$203 a day \$396 \$406 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$99 \$101.50 a day \$0	\$0 Up to \$99 \$101.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year ~~\$1580~~ \$1620 deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are ~~\$1580~~ \$1620. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY [\$1580 \$1620] DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO [\$1580 \$1620] DEDUCTIBLE,** YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL			

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TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$100 (Part B Deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$100 (Part B Deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 \$1620 DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$1500 \$1620 DEDUCTIBLE,** YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$100 (Part B Deductible) 20%	\$0 \$0 \$0

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN G

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used: Additional 365 days Beyond the Additional 365 days	All but \$792 \$812 All but \$198 \$203 a day All but \$396 \$406 a day \$0 \$0	\$792 \$812 (Part A Deductible) \$198 \$203 a day \$396 \$406 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days	All approved amounts	\$0	\$0

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21st thru 100th day 101st day and after	All but \$99 \$101.50 a day \$0	Up to \$99 \$101.50 a day \$0	\$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 80%	\$100 (Part B Deductible) \$0 20%
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B Deductible) \$0
AT HOME RECOVERY SERVICES - NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan Benefit for each visit Number of visits covered (must be received within 8 weeks of last Medicare approved visit) Calendar year maximum	\$0 \$0 \$0	Actual Charges to \$40 a visit Up to the number of Medicare approved visits not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE			
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Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
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PLAN H

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used: Additional 365 days Beyond the Additional 365 days	All but \$792 \$812 All but \$198 \$203 a day All but \$396 \$406 a day \$0 \$0	\$792 \$812 (Part A Deductible) \$198 \$203 a day \$396 \$406 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$99 \$101.50 a day \$0	\$0 Up to \$99 \$101.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN H

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$0 Generally 20% \$0	\$100 (Part B Deductible) \$0 All Costs
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0

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CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0
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PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
Durable medical equipment			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

OTHER BENEFITS - NOT COVERED BY MEDICARE

FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE			
First \$250 each calendar year	\$0	\$0	\$250
Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All Costs

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PLAN I

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$792 \$812	\$792 \$812 (Part A Deductible)	\$0
61st thru 90th day	All but \$498 \$203 a day	\$498 \$203 a day	\$0
91st day and after:			
While using 60 lifetime reserve days	All but \$396 \$406 a day	\$396 \$406 a day	\$0
Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the Additional 365 days	\$0	\$0	All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$99 \$101.50 a day	Up to \$99 \$101.50 a day	\$0
101st day and after	\$0	\$0	All Costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive	All but very limited coinsurance for	\$0	Balance

these services	outpatient drugs and inpatient respite care	
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PLAN I

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$0 Generally 20% 100%	\$100 (Part B Deductible) \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$0 20%	\$0 \$100 (Part B Deductible) \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$100 (Part B Deductible) \$0
AT HOME RECOVERY SERVICES - NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan Benefit for each visit Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) Calendar year maximum	\$0 \$0 \$0	Actual charges to \$40 a visit Up to the number of Medicare Approved visits not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges*	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum
BASIC OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year	\$0	\$0	\$250

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Next \$2,500 each calendar year	\$0	50% - \$1,250 calendar year maximum benefit	50%
Over \$2,500 each calendar year	\$0	\$0	All Costs

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PLAN J or HIGH DEDUCTIBLE PLAN J

MEDICARE (PART A) - HOSPITAL SERVICES - PER BENEFIT PERIOD

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

**This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year ~~\$1580~~ \$1620 deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are ~~\$1580~~ \$1620. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY [\$1580 \$1620] DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO [\$1580 \$1620] DEDUCTIBLE,** YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: While using 60 lifetime reserve days Once lifetime reserve days are used: Additional 365 days Beyond the Additional 365 days	All but \$792 \$812 All but \$198 \$203 a day All but \$396 \$406 a day \$0 \$0	\$792 \$812 (Part A Deductible) \$198 \$203 a day \$396 \$406 a day 100% of Medicare Eligible Expenses \$0	\$0 \$0 \$0 \$0 All Costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$99 \$101.50 a day \$0	\$0 Up to \$99 \$101.50 a day \$0	\$0 \$0 All Costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE Available as long as your doctor certifies you are terminally ill and you elect to receive these services	All but very limited coinsurance for outpatient drugs and inpatient respite care	\$0	Balance

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PLAN J or HIGH DEDUCTIBLE PLAN J

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

**This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year (~~\$1580~~ \$1620) deductible. Benefits from high deductible Plan J will not begin until out-of-pocket expenses are ~~\$1580~~ \$1620. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1580 \$1620 DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$1580 \$1620 DEDUCTIBLE,** YOU PAY
MEDICAL EXPENSES - IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts Part B Excess Charges (Above Medicare Approved Amounts)	\$0 Generally 80% \$0	\$100 (Part B Deductible) Generally 20% 100%	\$0 \$0 \$0
BLOOD First 3 pints Next \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All Costs \$100 (Part B Deductible) 20%	\$0 \$0 \$0
CLINICAL LABORATORY SERVICES BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	AFTER YOU PAY [\$1580 \$1620] DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO [\$1580 \$1620] DEDUCTIBLE,** YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment First \$100 of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$100 (Part B Deductible) 20%	\$0 \$0 \$0
AT-HOME RECOVERY SERVICES - NOT COVERED BY MEDICARE Home care certified by your doctor, for personal care during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan Benefit for each visit Number of visits covered (must be received within 8 weeks of last Medicare Approved visit) Calendar year maximum	\$0 \$0 \$0	Actual charges to \$40 a visit Up to the number of Medicare Approved visits not to exceed 7 each week \$1,600	Balance

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1580 \$1620 DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$1580 \$1620 DEDUCTIBLE,** YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year Remainder of Charges	\$0 \$0	\$0 80% to a lifetime maximum benefit of \$50,000	\$250 20% and amounts over the \$50,000 lifetime maximum

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EXTENDED OUTPATIENT PRESCRIPTION DRUGS - NOT COVERED BY MEDICARE First \$250 each calendar year Next \$6,000 each calendar year Over \$6,000 each calendar year	\$0 \$0 \$0	\$0 50% - \$3,000 calendar year maximum benefit \$0	\$250 50% All costs
PREVENTIVE MEDICAL CARE BENEFIT - NOT COVERED BY MEDICARE*** Some annual physical and preventive tests and services such as: digital rectal exam, hearing screening, dipstick urinalysis, diabetes screening, thyroid function test, tetanus and diphtheria booster and education, administered or ordered by your doctor when not covered by Medicare First \$120 each calendar year Additional charges	\$0 \$0	\$120 \$0	\$0 All costs

***Medicare benefits are subject to change. Please consult the latest "Guide to Health Insurance for People with Medicare."

D. Notice regarding policies or certificates which are not Medicare supplement policies.

1. Any accident and sickness insurance policy or certificate issued for delivery in this Commonwealth to persons eligible for Medicare, other than a Medicare supplement policy, a policy issued pursuant to a contract under § 1876 of the federal Social Security Act (42 USC § 1395 et seq.), a disability income policy, or other policy identified in 14 VAC 5-170-20 B, shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than 12 point type and shall contain the following language:

"THIS [POLICY OR CERTIFICATE] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subdivision 1 of this subsection shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

E. Notice requirements for attained age rated Medicare supplement policies or certificates. Issuers of Medicare supplement policies or certificates which use attained age rating shall provide a notice to all prospective applicants at the time the application is presented, and except for direct response policies or certificates, shall obtain an acknowledgement of receipt of the notice from the applicant. The notice shall be in no less than 12 point type and shall contain the information included in Appendix D. The notice shall be provided as part of, or together with, the application for the policy or certificate.

14 VAC 5-170-180. Standards for marketing.

A. An issuer, directly or through its producers, shall:

1. Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.
2. Establish marketing procedures to assure excessive insurance is not sold or issued.
3. Display prominently by type, stamp or other appropriate means, on the first page of the policy the following:
 "Notice to buyer: This policy may not cover all of your medical expenses."
4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.
5. If the Medicare supplement policy or certificate uses attained age rating, all marketing materials or rate quotations other than the outline of coverage shall display prominently the following notice in close proximity to anywhere the insurer or agent displays a premium:
 "Notice: This (policy's/certificate's) premium increases based on your attained age. Please read the Notice For Attained Age Rated Medicare Supplement Policies carefully. *It is available upon request or at the time the application is presented.*"
6. Establish auditable procedures for verifying compliance with subsection A of this section.

B. In addition to the practices prohibited in Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 of the Code of Virginia, the following acts and practices are prohibited:

1. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or

convert an insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms "Medicare supplement," "Medigap," "Medicare Wrap-Around," and words of similar import shall not be used unless the policy is issued in compliance with this chapter.

VA.R. Doc. No. R02-324; Filed October 15, 2002, 4:29 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-20).**

Title of Regulation: **18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18 VAC 110-30-15).**

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Effective Date: December 4, 2002.

Summary:

The amendments increase certain fees for the regulants of the board, including pharmacists and pharmacies, as necessary to provide sufficient funding for the licensing, inspection and disciplinary functions of the board. The board reduced the proposed fee increases by 10%; therefore, an annual renewal fee for a pharmacist or for a physician selling drugs is increased from \$50 to \$90 (rather than \$100) and for a pharmacy from \$200 to \$270 (rather than \$300). Other fees are increased correspondingly.

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: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

18 VAC 110-20-20. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial pharmacist licensure.

1. The application fee for a pharmacist license shall be ~~\$50~~ [~~\$200~~ \$180].

2. The fees for taking all required examinations shall be paid directly to the examination service as specified by the board.

3. The application fee for a person whose license has been revoked or suspended indefinitely shall be ~~\$300~~ \$500.

C. Renewal of pharmacist license.

1. The annual fee for renewal of a *an active* pharmacist license shall be ~~\$50~~ [~~\$100~~ \$90].

2. The annual fee for renewal of an inactive pharmacist license shall be ~~\$35~~ [~~\$50~~ \$45].

3. If a pharmacist fails to renew his license within the Commonwealth by the renewal date, he must pay the back renewal fee and a ~~\$25~~ [~~\$35~~ \$30] late fee within 60 days of expiration.

4. Failure to renew a pharmacist license within 60 days following expiration shall cause the license to lapse and shall require the submission of a reinstatement application, payment of all unpaid renewal fees, and a delinquent fee of ~~\$50~~ \$70.

D. Other licenses ~~or~~, permits *or facility registrations*.

1. The following fees shall be required upon submission of a new facility application, change of ownership of an existing facility, or annual renewal:

- a. Pharmacy permit \$200 [~~\$300~~ \$270]
- b. Permitted physician to dispense drugs \$200 [~~\$300~~ \$270]
- c. Nonrestricted manufacturing permit \$200 [~~\$300~~ \$270]
- d. Restricted manufacturing permit \$150 [~~\$200~~ \$180]
- e. Wholesale distributor license \$200 [~~\$300~~ \$270]
- f. Warehouse permit \$200 [~~\$300~~ \$270]
- g. Medical equipment supplier permit \$150 [~~\$200~~ \$180]
- h. Licensed humane society permit \$40 \$20
- i. *Nonresident pharmacy* [~~\$300~~ \$270]
- j. *Nonresident wholesale distributor* [~~\$300~~ \$270]

2. The following fees shall be required for facility changes:

- a. Application for a change of the pharmacist-in-charge \$25 \$50
- b. Application for a change of location or a remodeling which requires an inspection \$100 \$150

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3. The following fees shall be required for late renewals or reinstatement.

a. If a ~~licensee~~ ~~facility~~ fails to renew a required license or permit or registration prior to the expiration date, a ~~\$25~~ late fee shall be assessed- as follows:

(1) For a resident or nonresident pharmacy, permitted physician, nonrestricted manufacturer, resident or nonresident wholesale distributor, or warehouse, the late fee shall be [~~\$100~~ \$90].

(2) For a restricted manufacturer or medical equipment supplier, the late fee shall be [~~\$65~~ \$60].

b. If a required license or permit or facility registration is not renewed within 60 days after its expiration, the license or permit shall lapse, and continued practice or operation of business with a lapsed license or permit shall be illegal. Thereafter, reinstatement shall be at the discretion of the board upon submission of an application accompanied by all unpaid renewal fees and a delinquent fee of ~~\$50~~ \$150.

E. Controlled substances registration.

1. The application and annual fee for a controlled substances registration as required by § 54.1-3422 of the Code of Virginia shall be ~~\$20~~ [~~\$100~~ \$90].

2. If a registration is not renewed within 60 days of the expiration date, the back renewal fee and a ~~\$40~~ [~~\$35~~ \$30] late fee shall be paid prior to renewal.

3. If a controlled substance registration has been allowed to lapse for more than 60 days, all back renewal fees and a ~~\$25~~ \$35 delinquent fee must be paid before a current registration will be issued. Engaging in activities requiring a controlled substance registration without holding a current registration is illegal and may subject the registrant to disciplinary action by the board. Reinstatement of a lapsed registration is at the discretion of the board and may be granted by the executive director of the board upon completion of an application and payment of all fees.

F. Other fees.

1. A request for a duplicate wall certificate shall be accompanied by a fee of \$25.

2. The fee for a returned check shall be ~~\$45~~ \$25.

3. The fee for board approval of an individual CE program is \$100.

4. The fee for board approval of a robotic pharmacy system shall be \$150.

5. The fee for a board-required inspection of a robotic pharmacy system shall be \$150.

G. Approval of new process or procedure in pharmacy.

1. The fee for filing an application for board review of a new process, procedure or pilot project in pharmacy pursuant to § 54.1-3407.2 of the Code of Virginia shall be \$250. The initial application shall specify each pharmacy location in which the pilot is to be implemented.

2. The fee for an inspection of a pilot process or procedure, if required by the informal conference committee, shall be \$150 per location.

3. If the board determines that a technical consultant is required in order to make a decision on approval, any consultant fee, not to exceed the actual cost, shall be paid by the applicant.

4. The fee for a change in the name of the pharmacist responsible for the pilot program shall be \$25.

5. Continued approval.

a. In the initial order granting approval, the informal conference committee shall also set an approval period with a schedule for submission of reports and outcome data. The frequency for submission of required reports shall not exceed four times per year.

b. The committee shall determine the appropriate fee for continued approval, which shall be based on the requirements for review and monitoring but which shall not exceed \$200 per approval period.

NOTICE: The forms used in administering 18 VAC 110-20, Regulations Governing the Practice of Pharmacy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Pharmacy, 6606 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Application for Registration as a Pharmacy Intern (rev. 12/98).

Affidavit of Practical Experience, Pharmacy Intern (rev. 12/98).

Application for Licensure as a Pharmacist by Examination (rev. ~~12/98~~ [~~6/02~~ 10/02]).

Application to Reactivate Pharmacist License (rev. ~~4/98~~ [~~6/02~~ 10/02]).

Application for Approval of a Continuing Education Program (rev. 3/99).

Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (rev. 10/00).

Application for License to Dispense Drugs (permitted physician) (rev. ~~4/98~~ [~~6/02~~ 10/02]).

Application for a Pharmacy Permit (rev. ~~4/99~~ [~~6/02~~ 10/02]).

Application for a Nonresident Pharmacy Registration (rev. ~~12/98~~ [~~6/02~~ 10/02]).

Application for a Permit as a Medical Equipment Supplier (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a Permit as a Restricted Manufacturer (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a Permit as a Nonrestricted Manufacturer (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a Permit as a Warehouse (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a License as a Wholesale Distributor (rev. ~~4/00~~ [~~6/02~~ 10/02]).

Application for a Nonresident Wholesale Distributor Registration (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a Controlled Substances Registration Certificate (rev. ~~4/99~~ [~~6/02~~ 10/02]).

~~Application for Controlled Substances Registration Certificate for Optometrists (eff. 12/98).~~

License Renewal Notice and Application for Pharmacists (rev. 11/00).

License Renewal Notice and Application for Facilities (rev. 11/00).

Application to Reinstate a Pharmacist License (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for a Permit as a Humane Society (rev. ~~3/99~~ [~~6/02~~ 10/02]).

Application for Registration as a Pharmacy Intern for Graduates of a Foreign College of Pharmacy (rev. 12/98).

Closing of a Pharmacy (rev. 3/99).

Application for Approval of a Robotic Pharmacy System (8/00).

Notice of Inspection Fee Due for Approval of Robotic Pharmacy System (8/00).

Application for Approval of an Innovative (Pilot) Program (eff. 1/01).

VA.R. Doc. No. R02-22; Filed October 15, 2002, 10:02 a.m.

18 VAC 110-30-15. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial license for a practitioner of the healing arts to sell controlled substances.

1. The application fee for initial licensure shall be \$200.
2. The application fee for reinstatement of a license that has been revoked or suspended indefinitely shall be ~~\$300~~ \$500.

C. Renewal of license for a practitioner of the healing arts to sell controlled substances.

1. The annual fee for renewal of a *an active* license shall be ~~\$50~~ [~~\$100~~ \$90].
2. The annual fee for renewal of an inactive license shall be ~~\$35~~ [~~\$50~~ \$45].
3. The late fee for renewal of a license within 60 days after the expiration date is ~~\$25~~ [~~\$35~~ \$30] in addition to the annual renewal fee.
4. The delinquent fee for reinstatement of a lapsed license is ~~\$50~~ \$70 in addition to all unpaid renewal fees.

NOTICE: The forms used in administering 18 VAC 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Application for a License to Sell Controlled Substances by a Practitioner of the Healing Arts (rev. [~~3/99~~ 10/02]).

Renewal Notice and Application (rev. 1999).

	<p>COMMONWEALTH OF VIRGINIA</p> <p>Board of Pharmacy</p> <p>6606 W. Broad Street, 4th Floor Richmond, Virginia 23230</p>	<p>(804) 662-9911 (Tel) (804) 662-9313 (Fax)</p>
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**APPLICATION FOR A LICENSE TO SELL CONTROLLED SUBSTANCES
BY A PRACTITIONER OF THE HEALING ARTS**

Check Appropriate Box(es):

- | | | | |
|---|----------|--|--------|
| <input type="checkbox"/> New ¹ | \$180.00 | <input type="checkbox"/> Change of location of selling area ¹ | No fee |
| <input type="checkbox"/> Reinstatement ^{2, possibly 1} | | <input type="checkbox"/> Change in designated practitioner ³ | No fee |

²If reinstatement, due to: Lapse of License or Suspension or Revocation of a License

The required fees must accompany the application. Make check payable to "Treasurer of Virginia".

Applicant—Please provide the information requested below. (Print or Type) Use full name not initials

Name of Medical Practitioner Applicant			Medical License Number
Street Address Where Applicant Wishes to Sell Controlled Substances			Area Code and Telephone Number
City	State	Zip Code	Social Security Number (or Virginia DMV number) ⁴
Name of Facility (if applicable)		Has this drug selling and storage area already passed inspection?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
(Print) Name of the Responsible Designated Practitioner if Common Stock of Drugs Used ⁴			License Number of the Designated Practitioner
Signature of the Practitioner Applicant			Date
Expected Hours of Operation		² Effective Date of Change	
Expected Opening, Moving, or Completion Date		Requested Inspection Date	

Please read and complete page 2 of this application.

FOR BOARD USE ONLY: Acknowledgement of Inspection Request				
An inspector will call prior to the requested date to confirm readiness for inspection. If the inspector does not call to confirm the date, the responsible party should call the Enforcement Division at (804) 662-9934 to verify the inspection date with the inspector.				
Date Processed:		Assigned Inspection Date ¹ :		
Application Number Assigned	Date Inspected	Approved	License Number	Date Issued
0213-			0213-	

Revised October 2002

Practitioner Selling Drugs Application, Page 2

Please respond to the following questions:

1. Has your federal registration with the Drug Enforcement Administration been revoked or suspended? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and have a certified copy of the order sent to the Board office.
2. Has your medical license ever been voluntarily surrendered to a licensing authority in any jurisdiction, placed on probation, suspended, revoked, or have your prescribing privileges been restricted? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and provide a copy of the order or other document of the licensing authority.
3. Is your medical license in all jurisdictions where licensed current and unrestricted. Yes <input type="checkbox"/> No <input type="checkbox"/> . If no, attach explanation.
4. Have you ever been convicted, pled guilty to or pled <i>nolo contendere</i> to a violation of any federal, state, or other drug related law? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and have a certified copy of the court order sent to the Board office.

² REINSTATEMENT ONLY:

1. Have you engaged in the selling of prescription drugs in Virginia during the time that your license was lapsed? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach explanation.
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<p>¹A 14-day notice is required for scheduling a new or change of location inspection. Drugs may not be stocked prior to inspection and approval of the drug selling and storage area.</p> <p>³18 VAC 100-30-70 requires that when two or more licensees maintain a common stock of controlled substances for dispensing, one licensee shall be designated as the primary responsible party for assuring security against diversion and compliance with all recordkeeping requirements.</p> <p>⁴In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the <u>Virginia</u> Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will <u>not</u> be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS. In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in <u>Virginia</u>. A fee and disclosure to DMV of your Social Security Number will be required to obtain this number.</p>

Revised October 2002

VA.R. Doc. No. R02-39; Filed October 15, 2002, 10:03 a.m.



Final Regulations

TITLE 22. SOCIAL SERVICES

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Title of Regulation: 22 VAC 20-20. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Assistive Technology Equipment (amending 22 VAC 20-20-10 through 22 VAC 20-20-110).

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Effective Date: January 1, 2003.

Summary:

This regulation establishes eligibility and application standards for the Virginia Department for the Deaf and Hard-of-Hearing Technology Assistance Program. The regulation includes criteria for determining an applicant's financial participation. The amendments clarify and update language and enhance program effectiveness and efficiency. Specifically, the amendments incorporate a requirement for proof of residency and income, and adopt 250% of the Federal Poverty Guidelines, adjusted annually, as the demarcation between applicants who will receive equipment at no cost and those who must pay full contract cost. The regulation eliminates the partial pay category of applicants.

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: Ms. Leslie G. Hutcheson, Regulatory Coordinator, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9703, FAX (804) 662-9718 or e-mail hutchelg@ddhh.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:19 VA.R. 2408-2421 June 3, 2002, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-68; Filed October 15, 2002, 3:07 p.m.

FORMS

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

EDITOR'S NOTICE: The following forms have been revised by the Department of Social Services. The forms are available for public inspection at the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219. Copies of the forms may be obtained from the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825.

Title of Regulation: 22 VAC 15-30. Minimum Standards for Licensed Child Day Centers.

FORMS

Initial Application for a License to Operate a Child Day Center, ~~032-05-512/11~~ (032-05-512/10, 3/96 rev. 10/02).

Renewal Application for a License to Operate a Child Day Center, ~~032-05-225/10~~ (032-05-225/9, 3/96 rev. 10/02).

DEPARTMENT OF SOCIAL SERVICES

EDITOR'S NOTICE: The following forms have been revised by the Department of Social Services. The forms are available for public inspection at the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219. Copies of the forms may be obtained from the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825.

Title of Regulation: 22 VAC 40-60. Standards and Regulations for Licensed Adult Day Care Centers.

FORMS

Initial Application for a State License to Operate an Adult Day Care Center, ~~032-05-316/2~~ 032-05-316/4 (rev. 8/00 8/02).

Renewal Application for a State License to Operate an Adult Day Care Center, ~~032-05-317/2~~ 032-05-317/3 (rev. 8/00 8/02).

Report of Tuberculosis Screening Evaluation (eff. 7/00).

Meal Pattern for Adults (eff. 7/00).



GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Rules for Conducting Referendum on Continuation of Levy of Excise Tax on Apples

Statutory Authority: § 3.1-646.04 of the Code of Virginia.

DEFINITION: "Commissioner" means the Commissioner of the Agriculture and Consumer Services.

PURPOSE: The purpose of this referendum is to present the following question to persons eligible to vote in a referendum on the continuation of the levy of excise taxes on apples: "**Do you favor the continuation of the levy of excise taxes of (i) five cents per bushel or ten cents per hundred pounds for apples grown in Virginia and sold for fresh consumption, (ii) ten cents per bushel for apples grown in Virginia that are graded and packed in containers in Virginia, and (iii) five cents per hundred pounds for apples produced in Virginia and used or sold for processing, slicing, freezing, juice production or other commercial uses, for research concerning, education on, and the promotion of apples?**

Yes No." (For the quoted language of the referendum question, see Section 3.1-646.09 of the *Code of Virginia*.)

ELIGIBILITY: Eligibility requirements shall be those established by Section 3.1-646.05 of the *Code of Virginia*, which states: "Any person in the Commonwealth who paid the excise tax levied pursuant to Section 3.1-621 [of the *Code of Virginia*]* in the tax year preceding any referendum held. . .[to determine whether the levy of the excise tax on apples should continue] shall be eligible to vote in the referendum, but no person shall be required to be a qualified voter in other respects. Natural persons, partnerships, or corporations may vote provided that such person is a resident of the Commonwealth or qualified to do business in the Commonwealth. The vote of a partnership shall be cast by one of the general partners. A corporation shall vote by its president, general manager, or such other person as may be authorized by the corporation to cast its vote."

PUBLIC NOTICES: Section 3.1-646.06 of the *Code of Virginia* provides (in part) the following: ". . .The Commissioner shall, at least sixty days before the date on which a referendum is to be held, mail notice to the clerk of the circuit court in each locality where apples are grown. The clerk of the court shall post the notice to the front door or public bulletin board of the courthouse and certify the posting to the Commissioner. The Commissioner shall also mail, at least sixty days prior to the holding of any referendum under this article, notice of the referendum by certified mail to those who have met the requirements in Section 3.1-646.05, and send a notice of the referendum to a newspaper of general circulation in each Virginia locality where apples are grown." In fulfillment of the statutory notice requirement, the Commissioner shall: 1) mail notice to clerks of court no later than November 19, 2002; 2) mail notice, by certified mail, to persons eligible to vote no later than November 19, 2002; and 3) mail notice to newspapers in localities where apples are grown no later than November 19, 2002.

BALLOT DISTRIBUTION AND RECEIPT: Section 3.1-646.07 of the *Code of Virginia* requires the Commissioner to distribute ballots in advance of the referendum. To this end, the Commissioner shall mail ballots no later than January 2, 2003, to persons eligible to vote. The Commissioner shall include a preaddressed ballot return envelope in the referendum mailing.

Each person who is eligible to vote who votes and who wishes his vote to be counted shall return the completed ballot, in the preaddressed return envelope provided, to the Director of the Division of Marketing of the Virginia Department of Agriculture and Consumer Services. The Director of the Division of Marketing of the Virginia Department of Agriculture and Consumer Services must receive the completed ballot by 5 p.m. Eastern Standard Time, February 4, 2003, if it is to be counted.

JUDGES: No later than December 3, 2002, the Commissioner shall appoint three judges to count and certify the votes. The judges may not be financially interested in the production or sale of apples or apple products.

CONDUCTING REFERENDUM: The judges shall open the envelopes and count the completed ballots on February 6, 2003. The judges shall certify the results to the Commissioner.

OFFICIAL DECLARATION OF RESULTS: Section 3.1-646.07 of the *Code of Virginia* states (in part) that: ". . .The Commissioner shall, within ten days after the referendum, (i) canvass and publicly declare the results of the referendum, (ii) certify the results of the referendum to the Governor, and (iii) notify, by mail, each member of the Agriculture Board and the Apple Board of the results of the referendum." The Commissioner shall fulfill this requirement no later than February 13, 2003.

* Section 3.1-621 states, in part:

"(A) There shall be levied on all ungraded apples grown in Virginia and sold for fresh consumption an excise tax of five cents per bushel if sold by volume, or ten cents per 100 pounds if sold by weight.

(B) There shall be levied on all apples grown in Virginia that are graded and packed in containers in Virginia an excise tax of ten cents per bushel.

(C) There shall be levied on all apples produced in Virginia and used or sold for processing, slicing, freezing, juice production or other commercial uses an excise tax of five cents per 100 pounds."

Agency Contact: Susan Simpson, Virginia Department of Agriculture and Consumer Services, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-2112, e-mail ssimpson@vdacs.state.va.us.

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 11, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2002-00012

Ex Parte: In re: proposed
payday lending regulations

SCHEDULING ORDER

On July 18, 2002, the State Corporation Commission ("Commission") entered an Order to Take Notice in this matter permitting any person to comment on the proposed amendment designated 10 VAC 5-200-75 to the payday lending regulations. Nine comments were received, including a request for a hearing by the Virginia Check Cashing Association. The comments that have been submitted, in many cases, address similar and interrelated concerns. The Commission therefore finds that this matter should be scheduled for hearing on the proposed amendment and that the persons submitting comments and the Bureau of Financial Institutions ("BFI") should attempt to narrow the issues to be determined at the hearing by having pre-hearing meetings or conferences.

Accordingly, IT IS ORDERED THAT:

(1) A public hearing is hereby scheduled before the Commission on December 3, 2002, at 10:00 a.m., in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence and argument on the proposed amendment designated 10 VAC 5-200-75 to the payday lending regulations.

(2) Prior to the scheduled hearing date, the BFI should meet with those submitting comments and attempt to narrow the issues to be addressed at the hearing. Such meeting or meetings may be conducted by teleconference, if necessary, to negate the necessity of travel to Richmond by those desiring to participate.

(3) This matter is continued.

AN ATTESTED COPY HEREOF shall be sent by the Clerk of the Commission to: James W. Speer, Esquire, Virginia Poverty Law Center, 201 West Broad Street, Suite 302, Richmond, Virginia 23220; David B. Irvin, Esquire, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; Robert M. Buell, Esquire, Bowman and Brooke, LLP, 901 East Byrd Street, Suite 1500, Richmond, Virginia 23219; Reginald N. Jones, Esquire, Williams, Mullen, Clark & Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, Virginia 23218-1320; Janet R. Donovan, Commander, Assistant Staff Judge Advocate, Staff Judge Advocate's Office, 6506 Hampton Boulevard, Norfolk, Virginia 23508-1273; R. Lee Stephens, Jr., Esquire, Spotts, Fain, Chappell & Anderson, 411 East Franklin Street, Suite 600, Richmond, Virginia 23219; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America, 1424 16th Street, N.W., Suite 604, Washington, D.C. 20036; Larry E. Hughes, Vice President and New Project Manager, Extol Corporation, Inc. d/b/a Quick-Check: Cash Advance, Rt. 1,

Box 557d, Lebanon, Virginia 24266; JoAnna Clifton, P.O. Box 573, Rosedale, Virginia 24280; Scott D. Hughes, P.O. Box 1461, Lebanon, Virginia 24266; Kimberly Bell, P.O. Box 1461, Lebanon, Virginia 24266; Lonnie Clifton, P.O. Box 573, Rosedale, Virginia 24280; and the Commission's Office of General Counsel and Bureau of Financial Institutions.

Bureau of Insurance

October 1, 2002

Administrative Letter 2002-12

TO: All Licensed Health Insurers, All Licensed Health Maintenance Organizations, and All Licensed Health Services Plans

RE: Rules Governing Independent External Review of Final Adverse Utilization Review Decisions (14 VAC 5-215-10 et seq.)

The Bureau of Insurance has revised the "Appeal of Final Adverse Decision Form." You should note that on page five of the forms, a number seven has been added. This addition requests the total cost to the appellant of the denied services. Also, the External Appeals Section telephone number has changed to 804-371-9913. Any other changes are purely formatting changes.

A copy of the revised forms is attached for your convenience. In addition, this Administrative Letter and the new forms will be available on the Bureau's website at:

<http://www.state.va.us/scc/division/boi/webpages/administrativeltrs.htm>

Please see that your company uses these new forms as of October 1, 2002. Questions relating to this Administrative Letter should be directed to: Kim Naoroz or Deborah Bell, External Appeals, Bureau of Insurance, P.O. Box 1157, Richmond, VA 23218, (804) 371-9913, bureauofinsurance@scc.state.va.us.

/s/ Alfred W. Gross
Commissioner of Insurance



State Corporation Commission
Bureau of Insurance
External Appeals
P.O. Box 1157
Richmond, VA 23218
(804) 371-9913

INSTRUCTIONS FOR COMPLETING THE APPEAL
OF FINAL ADVERSE DECISION FORM
Please Read Carefully Before Completing the Form

Before completing the attached form, please read the following instructions carefully. We also recommend that you review the form itself as well as the "Important Terms and Definitions" list attached.

The law requires that in order to be "appealable" the actual cost to the covered person of the services or procedures in question exceed \$300 if the final adverse decision is not reversed. Please verify the cost of the service(s) before requesting an appeal of a final adverse decision.

1. Name and Address

Please type (or print) the covered person's full name. Include the address, daytime telephone number, date of birth, sex and policy number, certificate number, or other identifying number of the covered person.

2. Appellant Information

This section is to be completed by the appellant who is making the appeal on behalf of the covered person. This section does not need to be completed if the covered person is requesting the external review on his own behalf.

3. Name of the Managed Care Health Insurance Plan

Please provide the name, address and telephone number of the Managed Care Health Insurance Plan (MCHIP). The MCHIP name should be the same as the insurance company or health maintenance organization providing the covered person's coverage. If the covered person is covered by insurance through an employer, please provide the name, address and phone number of the employer, if available. If the plan is self-funded, please indicate that information as well (optional).

4. Describe the Covered Person's Situation

Please clearly and accurately describe the nature of the circumstances surrounding the covered person's request for an appeal of a final adverse decision. Attach **copies** of any pertinent and essential documentation that supports your request, including the letter from the covered person's MCHIP denying coverage for the service or services you want reviewed. This could include, but is not limited to, correspondence from treating physicians and medical records.

5. Expedited Review

In certain situations, an expedited review of an appeal of a final adverse decision may be requested. Please review the definition of "emergency medical condition" provided with this form. If the situation involves an "emergency medical condition," please indicate this by checking the "yes" box and attach supporting documentation.

6. Filing Fee Waiver

Please note that the \$50 filing fee may be waived. If you wish to request that the filing fee be waived, please describe the reason or reasons for the request and provide supporting documentation.

7. Authorization/Authorization to Release Medical Information

Please carefully read the "Authorization" section on the "Appeal of Final Adverse Decision" form and the separate "Authorization to Release Medical Information" form included with this package. Information that you provide or authorize to be released may be shared with an impartial health entity. The signature of the covered person or other authorized signature is required on both of these forms in order for the appeal of the final adverse decision to occur.



**State Corporation Commission
Bureau of Insurance
External Appeals
P.O. Box 1157
Richmond, VA 23218
(804) 371-9913**

IMPORTANT TERMS AND DEFINITIONS

"Appellant" - means (i) the covered person; (ii) the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.

"Covered person" - means an individual, whether a policyholder, subscriber, enrollee, covered dependent, or a member of a managed care health insurance plan, who is entitled to health care services or benefits provided, arranged for, paid for, or reimbursed pursuant to a managed care health insurance plan as defined in and subject to regulation under Chapter 58 (§ 38.2-5800 et seq.) of Title 38.2 of the Code of Virginia, when such coverage is provided under a contract issued in this Commonwealth.

"Cost of Service" - the total amount paid by the covered person for a rendered service or the assumed liability for that service by the covered person for a rendered service. The law requires that in order for an appeal of a final adverse decision to occur, the actual cost to the covered person of the service if the final adverse decision is not reversed must exceed \$300.

"Emergency Medical Condition" - the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, the absence of which would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. Emergency medical condition also means a health condition or illness that if not treated within the time frame allotted for a standard review will result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the covered person's health in serious jeopardy.

"Expedited Review" - a review of a final adverse decision that is provided in an urgent manner due to the fact that the covered person has an emergency medical condition.

"Final Adverse Decision" - means a utilization review determination: (i) declining to grant an expedited review in a situation involving an alleged emergency medical condition; (ii) declining to provide coverage or services for an alleged emergency medical condition, whether before or after granting an expedited review; or (iii) denying benefits or coverage, and concerning which all internal appeals available to the cover person pursuant to Title 32.1 of the Code of Virginia have been exhausted. In other words, and except in emergency situations, it is the final decision of the plan after the internal appeal process has been exhausted.

IMPORTANT TERMS AND DEFINITIONS, continued

"Impartial Health Entity" - an organization selected by the Bureau of Insurance that performs, under contract with the Bureau of Insurance, reviews of final adverse decisions. The Bureau of Insurance is not an impartial health entity.

"Managed Care Health Insurance Plan" or "MCHIP" - an arrangement for the delivery of health care in which a health carrier undertakes to provide, arrange and pay for, or reimburse any of the costs of health care services for a covered person on a prepaid or insured basis which contains one or more incentive arrangements, including any credentialing requirements intended to influence the cost or level of health care services between the health carrier and one or more providers with respect to the delivery of health care services and requires or creates benefit payment differential incentives for covered persons to use providers that are directly or indirectly managed, owned, under contract with, or employed by the health carrier.

"Self-funded Plan" - an employer sponsored group health plan administered by an insurance company or MCHIP. The employer actually pays for claims that are processed and administered by the insurance company or MCHIP.



State Corporation Commission
Bureau of Insurance
External Appeals
P.O. Box 1157
Richmond, VA 23218
(804) 371-9913

APPEAL OF FINAL ADVERSE DECISION FORM

If you meet the definition of an **appellant**¹, and have had a request for approval of health care service(s) denied by a **Managed Care Health Insurance Plan (MCHIP)**, you may have the right to an external review of the **MCHIP's** decision. An **impartial health entity** selected by the Bureau of Insurance will review the appropriateness of the **MCHIP's** decision, and make a recommendation to the Commissioner of Insurance as to whether the health care service(s) should be covered. In order for such a review to occur, the **appellant** must complete and sign this form. Additionally, the appeal in question must meet the following criteria:

1. The **cost of service** in question must exceed \$300;
2. The appeal must be filed within 30 days of the **final adverse decision** by the **MCHIP**;
3. The **MCHIP's** internal appeal process must have been exhausted (except for **expedited reviews**); and
4. A \$50 filing fee must be submitted with this form by check or money order made payable to the Treasurer of Virginia. This fee may be waived or refunded if it can be demonstrated that paying the fee constitutes a financial hardship to the **covered person** (see item 6 on the following page); and is refundable if the appeal is not accepted for review.

Additional instructions and definitions of key terms for completing this form are attached. If you have questions while completing this form or if you have questions that are not addressed in the instruction form, you may contact The Office of the Managed Care Ombudsman toll free at (877) 310-6560, or locally at (804) 371-9032, for assistance.

The decision reached as a result of this external review process is binding upon the **covered person** as well as the issuer of the **covered person's** policy to the same extent that each would be bound by a judgment entered in a court action at law or in equity.

I request an external review of the **MCHIP's final adverse decision** by an **impartial health entity** as chosen by the Bureau of Insurance. I certify that the **covered person's MCHIP's** internal appeals have been exhausted, or that the requirements for an **expedited review** have been met. I enclose copies of all correspondence or other documents which may include patient medical records, correspondence from medical providers and/or the **MCHIP** relating to this matter that may help the Bureau of Insurance and the **impartial health entity** in its evaluation of my request for review.

(Please type or print clearly all requested information in the spaces provided, or use additional pages, if necessary.)

1. Name of the **Covered Person**: _____
 Address: _____

 City: _____ State: _____ Zip: _____
 Daytime Phone Number(s): _____
 Date of Birth: _____ Sex: _____
 ID# (Policy or Certificate Number): _____

2. If you are an **appellant other than the covered person**, please tell us your name and what your relationship is with the **covered person**: _____

¹ Words in bold type are defined key terms

3. Complete Name of **MCHIP**: _____
Address: _____

City: _____ State: _____ Zip: _____
Phone Number: (____) _____
Is this health coverage provided through an employer? Yes No
If yes, please provide the employer's name, address, and telephone number: _____

Is this a **self-funded plan**? Yes No
(This question can be left unanswered if you are unsure.)

4. On a separate sheet of paper, please describe the situation you are seeking help with and describe the service(s) or procedure(s) in question:

Please send us a copy of the letter informing the **covered person** of the **MCHIP's final adverse decision**. Include information such as medical records from the medical provider of the **covered person** that supports that the service in question is medically appropriate and necessary. Attach copies of any information that you or the **covered person's** health care provider believes is essential to the requested review.

5. Are you requesting an **expedited review**? Yes No
If yes, please provide documentation that the **covered person's** situation involves an **emergency medical condition**.

6. Are you requesting a waiver of the \$50 filing fee? Yes No
If yes, please provide the reason and documentation to support the claim that paying the \$50 filing fee would cause financial hardship to the **covered person**.

7. The total cost of the denied services to the appellant: _____.

1 Words in bold type are defined key terms

AUTHORIZATION	
I understand and agree that a copy of this form and any information I provide may be forwarded to the MCHIP and to the impartial health entity .	
_____ Signature of Appellant (if not the Covered Person)	_____ Date
_____ Signature of Covered Person or Other Authorized Signature	_____ Date



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AUTHORIZATION TO RELEASE MEDICAL INFORMATION

This authorization must be signed by (i) the covered person; (ii) the covered person's parent, legal guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor; (iii) the covered person's spouse, parent, committee, legal guardian, or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated; or (iv) the covered person's treating health care provider acting with the consent of the covered person, the covered person's parent, guardian, legal custodian, or other individual authorized by law to act on behalf of the covered person, if the covered person is a minor, or the covered person's spouse, parent, committee, legal guardian or other individual authorized by law to act on behalf of the covered person, if the covered person is not a minor but is incompetent or incapacitated.

Any health care provider of services or supplies, insurance company, or any other organization, institution or person that has a record or knowledge regarding the covered person named below and such person's health, is hereby authorized to furnish to the Bureau of Insurance, or its designated impartial health entity, information concerning services or supplies provided or proposed to be provided to such covered person.

If I am not the covered person listed below, I hereby certify that I am authorized by law to execute this authorization on the covered person's behalf.

This authorization is given for the purpose of conducting an external review of a final adverse decision made by a utilization review entity. This authorization is valid for 90 days from the date below.

Printed Name of Covered Person: _____

Social Security # of Covered Person: _____

Covered Person's Date of Birth: _____

Signature of Covered Person: _____

OR

Other Authorized Signature: _____

Date: _____

General Notices/Errata

DEPARTMENT OF EDUCATION

Intent to Review List of Recommended Textbooks in History and Social Science

Notice is hereby given that the Board of Education intends to review and approve a list of recommended textbooks and other instructional materials in history and social science for use in the public schools in Virginia. The list of recommended textbooks will be forwarded to local school boards following the board's action on the proposed list.

Additional information may be obtained from the Department of Education's website at <http://www.pen.k12.va.us/>. Notice is given that review copies of all textbooks submitted for review will be available for public examination at various sites around the Commonwealth. Locations of local examination sites will be made after October 21, 2002, on the department's website. Persons are invited to examine the proposed textbooks at the examination sites and to submit written comments on the forms that will be provided at each examination site.

Questions and written comments regarding the revision should be directed to Dr. Beverley Thurston, specialist for history and social science at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; telephone (804) 225-2893; e-mail bthursto@mail.vak12ed.edu.

Written comment will be received until December 15, 2002.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Opportunity for Public Comment on Department of Environmental Quality Nomination of Exceptional State Waters

The Department of Environmental Quality (DEQ) has developed an agency initiative to move the exceptional waters program forward and has presented to the board for their consideration for potential Tier III, exceptional waters designation a staff list of seven candidate waters located on federal lands. These waters are Lake Drummond and portions of Brown Mountain Creek, Laurel Fork, North Fork of the Buffalo River, Pedlar River, Ramseys Draft, and Whitetop Laurel Creek.

This notice is intended to provide the general public an opportunity for written comment on this proposal before the board decides whether or not to initiate a rulemaking. Written comments may be submitted until 4 p.m. on November 25, 2002, to Jean W. Gregory, Department of Environmental Quality, P.O. Box 1009, Richmond, VA 23240, or by e-mail to jwgregory@deq.state.va.us. For more detailed information, please contact Ms. Gregory at (804) 698-4113 or toll free at 1-800-592-5842.

Opportunity for Public Comment on Department of Environmental Quality Plan for Development of Nutrient Criteria for State Surface Waters

The Department of Environmental Quality (DEQ) has drafted a plan for nutrient criteria development in surface waters of the Commonwealth of Virginia and submitted the plan to the Environmental Protection Agency (EPA) Region III office by the October 31, 2002, deadline. The plan was discussed at a public noticed meeting held on October 22, 2002, at the agency's central office in Richmond for invited stakeholders and other interested parties.

DEQ advised EPA in their submittal letter that the agency would provide for a 30-day public comment period on the plan and that DEQ would submit a revised plan to EPA 15 days after the close of the comment period. After November 1, 2002, this nutrient criteria development plan can be found on the DEQ website at <http://www.deq.state.va.us>.

Although state nutrient criteria plans are optional, EPA is encouraging each of the states to submit a plan. It is an opportunity for Virginia to let EPA know up front that the Commonwealth's rulemaking efforts will extend beyond the end of 2004, which is the date by which states should have rulemakings underway.

This notice is intended to provide the general public an opportunity for written comment on this plan. DEQ will consider these comments in preparing a revised version of the plan that will be submitted to EPA. Written comments may be submitted until 4 p.m. on December 3, 2002, to Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240 or by fax at (804) 698-4116, or by e-mail to jwgregory@deq.state.va.us. For more detailed information, please contact Mrs. Gregory at (804) 698-4113 or toll free at 1-800-592-5842.

DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER CONTROL BOARD

Consent Order Bedford County Public School Board

The Virginia Department of Environmental Quality, State Water Control Board and the Bedford County Public School Board have agreed to two consent orders in settlement of civil enforcement actions under the State Water Control Law, regarding New London Academy and Liberty High School in Bedford County, Virginia. The department will consider written comments relating to these actions for 30 days, beginning on Wednesday, November 6, 2002, until 5 p.m. on December 6, 2002. Comments must include name, address, and phone number of commenters and can be e-mailed to jrford@deq.state.va.us or mailed to Mr. Jerry R. Ford, Jr., DEQ - West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019.

The orders are available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. Copies may also

be requested from Jerry R. Ford, Jr. at the address above or at (540) 562-6817.

Consent Special Order School Board of Pittsylvania County

The Department of Environmental Quality/State Water Control Board and the School Board of Pittsylvania County have agreed to a Consent Special Order in settlement of a civil enforcement action under the Virginia State Water Control Law permit regulation, 9 VAC 25-31, regarding the wastewater treatment plants owned by the School Board. The department will consider written comments relating to this order for 30 days, until 5 p.m. on December 3, 2002. Comments must include name, address, and telephone number and can be e-mailed to hfwaggoner@deq.state.va.us or mailed to Harry F. Waggoner, DEQ – South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may request copies from Mr. Waggoner at (434) 582-5120.

DEPARTMENT OF HEALTH

Report on the Efficacy of the Commonwealth of Virginia's Capacity Development Strategy

The Virginia Department of Health (VDH), Division of Drinking Water (DDW), in response to Section 1420 of the 1996 Amendments to the Safe Drinking Water Act (SDWA), has completed and submitted to the Governor's Office the "Report to the Governor" on Capacity Development State Implementation for Public Drinking Water Systems. The purpose of this report is to describe the state's efficacy of the program and how it may be maintained in order to protect the public health through safe drinking water. This report describes one of many programs the DDW has in place to ensure safe drinking water for Virginians.

The report is available on the Internet by visiting the Virginia Department of Health website and selecting "Drinking Water." The website address is <http://www.vdh.state.va.us>.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Bontex, Inc.

The State Water Control Board proposes to enter into a consent special order with Bontex, Inc. to resolve violations of the State Water Control Law and regulations at the Bontex, Inc. wastewater treatment plant in Rockbridge County, Virginia. The facility discharges to the Maury River in the Upper James River basin.

Bontex has experienced periodic difficulty meeting the permit's final effluent limitation for Acute Whole Effluent Toxicity.

On June 29, 2001, DEQ investigated a pollution complaint regarding the discharge of solids to the Maury River, which DEQ attributes to an unusual discharge from the Bontex plant.

In November and December 2001, DEQ investigated two fish kills on the Maury River. DEQ attributes these fish kills to unusual discharges from the Bontex plant. DEQ also noted operations and maintenance deficiencies during facility inspections conducted after the fish kills.

The proposed consent special order settles outstanding Notices of Violation and incorporates a schedule of compliance to ensure proper operations of the plant along with upgrades to ensure consistent compliance with all the permit requirements. The order also assesses a civil charge for the violations and collects the costs of the fish kill and the investigations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Hampton University Titan Virginia Ready-Mix, LLC Burke, LLC

The State Water Control Board proposes to take an enforcement action against Hampton University (City of Hampton), Titan Virginia Ready-Mix, LLC (City of Norfolk), and Burke LLC (York County). The enforcement actions will be consent special orders that will require the facilities to come into compliance with appropriate Virginia laws and regulations. All the consent special orders contain provisions for the payment of civil charges.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders from November 4, 2002, through December 4, 2002. Comments should be addressed to David S. Gilbert, Department of Environmental Quality - Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to one of the orders specified above. Comments may also be submitted by email to dsgilbert@deq.state.va.us. In order for email comments to be considered, they must include the sender's name, address and telephone number. The proposed orders may be examined at the above address and copies of the order may be obtained in person, by mail or by email.

General Notices/Errata

Proposed Consent Special Order John H. Falls

The State Water Control Board proposes to enter into a consent special order with John H. Falls. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Mr. Falls owns a UST facility located at 7376 Rockfish Valley Highway in Afton, Virginia. Mr. Falls stored petroleum in these USTs under the requirements of the state underground storage tank regulations. Based on an inspection of the facility and review of submitted documentation, DEQ found Mr. Falls to be in violation of the regulation. The proposed order will assess a civil charge against Mr. Falls and require closure of the USTs in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P. O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrbinett@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Proposed Consent Special Order The Little Oil Company, Inc.

The State Water Control Board proposes to enter into a consent special order with The Little Oil Company, Inc. The parties have agreed to the terms of a consent special order for settlement of violations of State Water Control Law at an underground storage tank (UST) facility.

Little Oil previously owned a UST facility located at 2900 West Main Street in Waynesboro, Virginia. Little Oil stored petroleum in these USTs under the requirements of the state underground storage tank regulations. Based on an inspection of the facility and review of submitted documentation, DEQ found Little Oil to be in violation of the regulation. The proposed order will assess a civil charge against Little Oil in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to David C. Robinett, Department of Environmental Quality, P. O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to dcrbinett@deq.state.va.us. In order to be considered,

electronic comments must be received prior to the close of the comment period and must include the name, address and telephone number of the person making the comment.

Consent Special Order Radford Army Ammunition Plant Alliant Ammunition and Powder Company, LLC

The State Water Control Board (SWCB) proposes to issue a Consent Special Order to the Radford Army Ammunition Plant and Alliant Ammunition and Powder Company, LLC in settlement of a civil enforcement action under the Permit Regulation regarding the Roanoke Regional Water Pollution Control Plant. The SWCB will consider written comments relating to this settlement until 5 p.m. on December 4, 2002. Comments must include name, address, and phone number of commenters and can be e-mailed to rpsteele@deq.state.va.us or mailed to Robert Steele, DEQ - West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may also request copies from Mr. Steele at the address above or at (540) 562-6777.

Proposed Consent Special Order R. S. Glass Commercial Area

The State Water Control Board proposes to enter into a consent special order with R. S. Glass Commercial Area to resolve violations of the State Water Control Law and regulations at the R. S. Glass's sewage treatment plant in Fluvanna County. The facility discharges treated wastewater to an unnamed tributary to Hunters Branch.

On April 29, 2002, DEQ staff conducted a site inspection at the facility. During this inspection, DEQ staff observed a significant accumulation of sludge in the receiving stream. This sludge persisted in the stream for approximately 0.25 mile.

The proposed consent special order settles the outstanding Notices of Violation and incorporates a schedule of compliance to upgrade the facility to meet final effluent limitations. The order also assesses a civil charge for the violations.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early

Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Town of Monterey

The State Water Control Board proposes to enter into a consent special order with the Town of Monterey to resolve violations of the State Water Control Law and regulations at Monterey sewage treatment plant in Highland County, Virginia. The plant discharges treated wastewater to West Straight Creek in the Potomac River basin.

Since 1993 Monterey has experienced chronic violations of final effluent limitations for chlorine, pH, and DO, and occasional violations of CBOD and TSS limitations. DEQ has cited Monterey for violations of a previous consent order including failure to complete construction in a timely manner and failure to meet the permit's final effluent limits. The town also experiences a significant inflow and infiltration problem that causes extreme variability in flows to the plant. Additionally, DEQ has conducted benthic surveys on the receiving stream that have shown severe adverse impacts as a result of Monterey's discharge.

The proposed consent special order settles outstanding Notices of Violation and incorporates a schedule of compliance to provide interim measures to improve the plant performance and to correct excessive inflow and infiltration. The town was found to be unable to pay a civil charge that had been proposed in the order.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to swhetrick@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office, or may be viewed on DEQ's website at <http://www.deq.state.va.us/enforcement/notices.html>.

Proposed Consent Special Orders Wrecking Corporation of America, St. Louis, Inc. Town of Cape Charles Baymark Construction Corporation

The State Water Control Board proposes to take enforcement actions against the legal entities listed above for violations that occurred in the following municipalities:

Cape Charles: Town of Cape Charles, Baymark Construction

York County: Wrecking Corporation of America

The proposed enforcement actions are consent special orders that will require corrective actions or the payment of civil charges, or both, to settle violations of the Virginia Water Control Law.

The Department of Environmental Quality will receive written comments relating to the board's proposed consent special orders from November 4, 2002, through December 4, 2002. Comments should be addressed to David S. Gussman, Department of Environmental Quality - Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462 and should refer to one of the orders specified above. Comments may also be submitted by e-mail to dsgussman@deq.state.va.us. In order for e-mail comments to be considered, they must include the sender's name, address and phone number. The proposed order may be examined at the above address and copies of the order may be obtained in person, by mail or by e-mail.

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://register.state.va.us>

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
PETITION FOR RULEMAKING - RR13

CALENDAR OF EVENTS

Symbol Key

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

♿ Location accessible to persons with disabilities

☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

November 6, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 696, Richmond Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to review cases and discuss dispute resolution mediation and a volunteer network.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

November 22, 2002 - 10 a.m. -- Open Meeting
Courtyard-Marriott Richmond West, 6400 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss matters requiring board action including regulatory review. A public comment period will be held at the beginning of the meeting.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W Broad St., Suite 696 Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

November 6, 2002 - 9:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, Second Floor Board Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

The Consumer Affairs Advisory Committee communicates the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services'

consumer education and fraud prevention programs and their availability to citizens. Members will review the consumer education outreach efforts for the past six months and assist with planning for events in 2003. Members will also nominate or recommend reappointment for citizens to terms that are due to expire December 31, 2002, and will elect a chairperson for 2003. Members will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Evelyn A. Jez, Consumer Affairs Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1101, Richmond, VA 23219, telephone (804) 786-1308, FAX (804) 786-5112, toll-free (800) 552-9963, (800) 828-1120/TTY☎, e-mail ejez@vdacs.state.va.us.

Virginia State Apple Board

November 13, 2002 - 1 p.m. -- Open Meeting
Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia.♿

A meeting to approve the minutes of the last meeting held on June 19, 2002. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last board meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dave Robishaw, Secretary, Department of Agriculture and Consumer Services, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail drobishaw@vdacs.state.va.us.

Virginia Winegrowers Advisory Board

† **November 12, 2002 - 10 a.m.** -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ♿

The first general meeting of the Winegrowers Advisory Board for fiscal year 2003. The board will elect officers at this meeting and 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 five 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, e-mail mdavis-barton@vdacs.state.va.us.

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

December 9, 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 5-320. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the following: amending the regulation to (i) remove the currently named plants that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered rare both globally and in Virginia.

Statutory Authority: § 3.1-1025 of the Code of Virginia.

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.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

December 9, 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 5-360. Regulations for the Enforcement of the**

Virginia Commercial Feed Act. The purpose of the proposed action is to amend the current regulation to incorporate the changes made to the commercial feed industry standards by the Association of American Feed Control Officials in the last decade and statutory changes made to Virginia's Commercial Feed Law in 1994.

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

Contact: J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

December 9, 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 5-440. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed regulatory action is to amend the regulation to (i) establish the fixed date of July 1 as the official reporting and payment date for acreage assessment, (ii) reduce penalties assessed on farm operators for the late payment or nonpayment of fees from \$10 to \$5.00 per acre, and (iii) eliminate the mandate for destruction of the cotton crop for nonpayment of fees and assessments by farm operators.

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

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.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

December 9, 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 **repeal** regulations entitled: **2 VAC 5-500. Rules and Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk or Milk Samples from the Farm to the Processing Plant or Laboratory** and **adopt** regulations entitled: **2 VAC 5-501. Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk.** The purpose of the proposed action is to (i) make the regulations applicable to the milk of goats, sheep, water buffalo, and other mammals if the milk or dairy products are intended for human consumption and

Calendar of Events

(ii) require permits for milk pickup trucks, milk transport tanks, laboratories, persons testing milk samples for pay purposes, persons collecting official milk samples in dairy plants, and milk tank truck cleaning facilities.

Statutory Authority: §§ 3.1-530.1, 3.1-530.2, 3.1-535, and 3.1-535.1 of the Code of Virginia.

Contact: John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453, FAX (804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

March 13, 2003 - 10 a.m. -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

December 9, 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 **repeal** regulations entitled: **2 VAC 5-530. Rules and Regulations Governing the Production, Handling and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food** and **adopt** regulations entitled: **2 VAC 5-531. Regulations Governing Milk for Manufacturing Purposes**. The purpose of the proposed action is to adopt regulations consistent with the most recent USDA recommendations on milk for manufacturing purposes and regulate manufactured milk and milk products from goats, sheep, water buffalo and other noncow sources in the interest of public health and safety.

Statutory Authority: §§ 3.1-530.1 and 3.1-530.2 of the Code of Virginia.

Contact: John A. Beers, Program Supervisor, Department of Agriculture and Consumer Services, 1100 Bank St., Room 505, Richmond, VA 23219, telephone (804) 786-1453, FAX (804) 371-7792 or e-mail jbeers@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

November 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources (Rev. J00)**. The purpose of the proposed action is to establish emission standards that will require the owners of commercial/industrial solid waste incinerators (CISWIs) to limit emissions of organics (such as dioxins/furans), metals (such as particulate matter), and acid gases (such as sulfur dioxide and hydrogen chloride) to a specified level necessary to protect public health and welfare. The regulation is being proposed to meet the requirements of §§ 111(d) and 129 of the federal Clean Air Act and 40 CFR Part 60, Subpart DDDD, of federal regulations.

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

Public comments may be submitted until 4:30 p.m. on November 8, 2002, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, (804) 698-4021/TTY ☎, or e-mail kgsabastea@deq.state.va.us.

November 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources (Rev. K00)**. The purpose of the proposed action is to control emissions from small municipal waste combustors as required by §§ 111(d) and 129 of the Clean Air Act.

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

Public comments may be submitted until 4:30 p.m. on November 8, 2002, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Regulatory Development, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free 1-800-592-5482, (804) 698-4021/TTY ☎, or e-mail kgsabastea@deq.state.va.us.

November 12, 2002 - 7 p.m. -- Public Hearing
Pepsi Building at The Crossing at the Dan, 629 Craighead Street, Danville, Virginia. ☎

A public hearing to receive comments on the proposed draft permit for Mirant Danville, LLC to construct and operate a merchant electric generating facility in the Airside Industrial Park approximately one mile east of the Danville Municipal Airport in the City of Danville. The public comment period on the draft permit closes November 27, 2002.

Contact: Thomas H. Berkeley, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, e-mail thberkeley@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

November 12, 2002 - 9 a.m. -- Open Meeting

November 25, 2002 - 9 a.m. -- Open Meeting

December 9, 2002 - 9 a.m. -- Open Meeting

December 23, 2002 - 9 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to discuss reports and activities from staff members and other board business.

Contact: W. Curtis Coleburn, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

November 14, 2002 - 10 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A special meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9354/TTY, e-mail jlhoneycutt@vdh.state.va.us.

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

November 5, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Interior Design Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail apels@dpor.state.va.us.

November 6, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Professional Engineers Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail apels@dpor.state.va.us.

November 14, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Land Surveyor Section to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail apels@dpor.state.va.us.

December 11, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail apels@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

December 6, 2002 - 10 a.m. -- Open Meeting
Virginia War Memorial, 601 South Belvidere Street, 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, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

NOTE: CHANGE IN MEETING DATE

† **November 14, 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 regulatory and disciplinary actions as may be included 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.

† **November 14, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.

A meeting to hear possible violations of the laws and regulations governing the practice of audiology and speech-language pathology.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804)

Calendar of Events

662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

November 7, 2002 - 7 p.m. -- Open Meeting
Sammy and Nick's Family Restaurant, 2718 West Mercury Boulevard, Hampton, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to obtain input from blind and visually impaired consumers, vendors of services, and other interested parties regarding vocational rehabilitation services provided by the Department for the Blind and Vision Impaired.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA, telephone (804) 371-3111, FAX (804) 371-3190, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dbvi.state.va.us.

Statewide Rehabilitation Council for the Blind

December 7, 2002 - 10 a.m. -- Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise the department for the blind and vision impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond VA 23227, telephone (804) 371-3111, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dbvi.state.va.us.

BOARD FOR BRANCH PILOTS

November 4, 2002 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct examinations. The board will meet at 9:30 a.m.

Contact: Mark N. Courtney, Assistant Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.state.va.us.

VIRGINIA BUSINESS EDUCATION PARTNERSHIP

† November 12, 2002 - 1:30 p.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Conference Room B, Richmond, Virginia. ♿

A quarterly meeting of the Advisory Council.

Contact: Ms. Leni Gonzalez, Executive Director, Virginia Business Education Partnership, 701 E. Franklin St.,

Richmond, VA 23219, telephone (804) 692-0244, FAX (804) 371-8654, e-mail lgonzalez@vbep.state.va.us.

CEMETERY BOARD

November 13, 2002 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting.

Contact: Christine Martine, Assistant Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.state.va.us.

STATE CHILD FATALITY REVIEW TEAM

November 8, 2002 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

A business meeting. At 10:30 a.m. the team will go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality Review Team, Office of the Chief Medical Examiner, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES

† November 20, 2002 - 1:30 p.m. -- Open Meeting
Virginia Community College System, 101 North 14th Street, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Meetings of the Academic and Student Affairs, the Audit, and the Budget and Finance Committees.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

† November 21, 2002 - 9 a.m. -- Open Meeting
Virginia Community College System, Godwin-Hamel Board Room, 101 North 14th Street, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. Public comment will be received at the beginning of the meeting.

Contact: D. Susan Hayden, Public Relations Manager, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

COMPENSATION BOARD

† November 26, 2002 - 11 a.m. -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

BOARD OF CONSERVATION AND RECREATION

† **November 7, 2002 - 10 a.m.** -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, e-mail leonapp@dcr.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

November 6, 2002 - 7 p.m. -- Open Meeting
Emmanuel Episcopal Delaplane Church, 9668 Maidstone Drive, Delaplane, Virginia.  (Interpreter for the deaf provided upon request)

Proposed developments in the Sky Meadows State Park master plan will be discussed and public comments are invited.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us

Chippokes Plantation Farm Foundation Board of Trustees

November 25, 2002 - 2 p.m. -- Open Meeting
Chippokes Farm and Forestry Museum Workshop Building, Chippokes Plantation State Park, Surry, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Donna Steward Sharits, Development Manager, Department of Conservation and Recreation, Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 786-3692, FAX (804) 371-8500, e-mail dsharits@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

November 7, 2002 - Noon -- Open Meeting
December 5, 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 discussion of 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 FOR CONTRACTORS

November 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 regular meeting of the Tradesman/Education Committee to consider items of interest relating to the tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.

Contact: Karen Feagin, Regulatory Boards Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2961, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail feagin@dpor.state.va.us.

December 4, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting to address policy and procedural issues; review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session.

Contact: Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail olsone@dpor.state.va.us.

BOARD OF CORRECTIONAL EDUCATION

† **November 15, 2002 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail paennis@dce.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

November 4, 2002 - 10 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)

Board orientation for new and returning members will be held from 10 a.m. until noon with a regular board meeting to

Calendar of Events

follow at 1 p.m., at which time public comment will be received.

Contact: Leslie Hutcheson, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA, telephone (804) 662-9502, FAX (804) 662-9718, toll-free (800) 552-7917, (804) 662-9502/TTY ☎, e-mail hutchelg@ddhh.state.va.us.

BOARD OF DENTISTRY

November 8, 2002 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ♿

A panel of the board will meet to hold formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

NOTE: CHANGE IN MEETING TIME

November 15, 2002 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia ♿

A task force will consider issues related to the shortage of dental hygienists. Public comment will be received at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail denbd@dhp.state.va.us.

November 22, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The Special Conference Committee will meet to hold informal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

November 21, 2002 - 11 a.m. -- Open Meeting
December 19, 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

NOTE: CHANGE IN MEETING TIMES

November 6, 2002 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

December 4, 2002 - 9 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A working session of the Committee to Implement NCLB. Public comment will not be received. Persons requesting services of an interpreter for the deaf are asked to do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† **November 18, 2002 - 9 a.m.** -- Open Meeting
† **January 27, 2003 - 9 a.m.** -- Open Meeting
Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Advisory Board for Teacher Education and Licensure. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in advance. This will be a work session and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

November 20, 2002 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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.

November 25, 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 of Education intends to amend regulations entitled: **8 VAC 20-70. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The current regulations are being amended in order to comport with federal and state laws and regulations.

Statutory Authority: §§ 2.2-16, 2.2-177 and 2.2-178 of the Code of Virginia.

Contact: June Eanes, Director of Pupil Transportation, Department of Education, P.O. Box 2120, Richmond, VA 23219, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail jeanes@mail.vak12ed.edu.

January 9, 2003 - 8:30 a.m. -- Open Meeting

January 10, 2003 - 8:30 a.m. -- Open Meeting
Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A working session of the State Special Education Advisory Committee. 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, Department 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

November 5, 2002 - 7 p.m. -- Public Hearing
Waverly Public Library, 352 West Main Street, Waverly, Virginia. 

A public hearing to receive comments on a draft solid waste permit amendment for the Sussex County Gin Hill Landfill located less than half a mile east of I-95 and approximately 25 miles south of Petersburg in a rural area of Sussex County. The permit amendment will establish modules IX and XI and attach a ground water monitoring plan to the permit. In addition, a variance is proposed for use of alternate concentration limits. The comment period closes on November 20, 2002.

Contact: Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4233, e-mail rbcole@deq.state.va.us.

November 5, 2002 - 7 p.m. -- Public Hearing
Waverly Public Library, 352 West Main Street, Waverly, Virginia. 

A public hearing to receive comments on a draft solid waste permit amendment for the Sussex County Robinson Road Sanitary Landfill located on Rouge 632 in Sussex County. The permit amendment will establish modules IX and XI and

attach a ground water monitoring plan to the permit. In addition, a variance is proposed for use of alternate concentration limits. The comment period closes on November 20, 2002.

Contact: Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4233, e-mail rbcole@deq.state.va.us.

† **November 14, 2002 - 7 p.m.** -- Open Meeting

† **November 20, 2002 - 7 p.m.** -- Open Meeting
Lovettsville Room, Loudoun County Government Center, 1 Harrison Street, S.E., Leesburg, Virginia. 

Public meetings on the development of the Goose Creek Watershed bacteria TMDL. The public comment period ends on December 13, 2002.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, e-mail kebennett@deq.state.va.us.

November 19, 2002 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. 

A meeting of the Ground Water Protection Steering Committee, an interagency advisory committee formed to stimulate, strengthen and coordinate ground water protection activities in the Commonwealth. For more information and an agenda contact Mary Ann Massie.

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 FUNERAL DIRECTORS AND EMBALMERS

November 19, 2002 - 1 p.m. -- Canceled
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

The board meeting to hear possible violations of the laws and regulations governing the practice of funeral service has been canceled.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

December 3, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A general business meeting, including disciplinary and regulatory matters as 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.

Calendar of Events

CHARITABLE GAMING COMMISSION

November 13, 2002 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

December 4, 2002 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, First Floor, Conference Room E, Richmond, Virginia. 

A meeting to discuss standard agenda items.

Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgc.state.va.us.

GEORGE MASON UNIVERSITY

November 21, 2002 - 9 a.m. -- Open Meeting

January 30, 2003 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. 

A meeting of the Board of Visitors. Agenda to be announced.

Contact: Mary Roper, Secretary Pro Tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

BOARD FOR GEOLOGY

† November 14, 2002 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail oneal@dpor.state.va.us.

GOVERNOR'S COMMISSION ON EFFICIENCY AND EFFECTIVENESS

November 13, 2002 - 10 a.m. -- Open Meeting
State Capitol Building, Senate Room 4, Richmond, Virginia. 

A meeting of the Streamlining Team.

Contact: Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

November 15, 2002 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A meeting of the full commission.

Contact: Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

December 5, 2002 - 2 p.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 

A public hearing of the Governor's Commission on Efficiency and Effectiveness.

Contact: Kelly Dalch, Office of the Governor, State Capitol, 3rd Floor, Richmond, VA 23219, telephone (804) 786-2211.

STATE BOARD OF HEALTH

† November 12, 2002 - 7 p.m. -- Public Hearing
Holbert Building, 9104 Courthouse Road, Board of Supervisors Meeting Room, Spotsylvania, Virginia.

† November 13, 2002 - 7 p.m. -- Public Hearing
Henrico County Government Center, 4301 Parham Road, Board of Supervisors Meeting Room, Richmond, Virginia.

January 6, 2003 - 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 amend regulations entitled: **12 VAC 5-585. Biosolids Use Regulations.** The purpose of the proposed action is to adopt regulations requiring the payment of fees for the land application of biosolids within local jurisdictions with adopted ordinances providing for such monitoring to ensure compliance with applicable laws and regulations.

Statutory Authority: §§ 32.1-164.5 and 62.1-44.19:3 of the Code of Virginia.

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

DEPARTMENT OF HEALTH

State Emergency Medical Services Advisory Board

November 15, 2002 - 1 p.m. -- Open Meeting
Hilton Richmond Airport, Richmond, Virginia. 

A quarterly meeting.

Contact: Gary Brown, Director, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

Sewage Handling and Disposal Advisory Committee

† November 6, 2002 - 10 a.m. -- Open Meeting
Main Street Station, 1500 East Main St., Conference Room 115, Richmond, Virginia. 

A regular meeting.

Contact: Donna Tiller, Executive Assistant, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone

(804) 786-1620, FAX (804) 225-4003, e-mail dtiller@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

December 12, 2002 - 9 a.m. --Canceled

December 13, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **November 14, 2002 - 11:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia.

A meeting to approve the system-wide strategic plan. Additional location for conference capability: 101 West Main Street, Norfolk, Virginia.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

DEPARTMENT OF HISTORIC RESOURCES

November 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 Department of Historic Resources intends to adopt regulations entitled: **17 VAC 10-30. Historic Rehabilitation Tax Credits Regulations.** The purpose of the proposed action is to promulgate regulations for state historic rehabilitation tax credits.

Statutory Authority: §§ 10.1-2202 and 58.1-339.2 of the Code of Virginia.

Contact: Virginia E. McConnell, Manager, Office of Preservation Incentives, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , e-mail gmccConnell@dhr.state.va.us.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **November 18, 2002 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor, Board Room, Richmond, Virginia. 

A regular business meeting.

Contact: Steve Calhoun, Senior Policy Analyst, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7089, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **November 19, 2002 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting to review and if appropriate approve the minutes from the prior monthly meeting. The board may consider for approval and ratification mortgage loan commitments under its multi-family mortgage loan programs; may consider and if appropriate approve amendments to its Rules and Regulations for Allocation of Low-Income Housing Tax Credits; will review the Authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

COUNCIL ON HUMAN RIGHTS

† **November 9, 2002 - 9:30 a.m.** -- Open Meeting
State Capitol, House Room 4 West, Richmond, Virginia. 

A regular meeting.

Contact: Sandra D. Norman, Assistant Director, Council on Human Rights, 1100 Bank St., Washington Bldg., Richmond, VA, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

November 11, 2002 - 3:30 p.m. -- Open Meeting
The Homestead, Hot Springs (Bath County), Virginia. 

A regular meeting. Contact the commission for an agenda.

Contact: Alda Wilkinson, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 900 E. Main St., Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (804) 828-1120/TTY , e-mail awilkinson@clg.state.va.us

Calendar of Events

JAMESTOWN-YORKTOWN FOUNDATION

NOTE: CHANGE IN MEETING TIME

November 7, 2002 - 10 a.m. -- Open Meeting
Radisson Fort Magruder Inn, 6945 Pocahontas Trail,
Williamsburg, Virginia.  (Interpreter for the deaf provided
upon request)

A meeting of the Executive Committee of the Jamestown
2007 Steering Committee. Public comment will not be
heard.

Contact: Laura W. Bailey, Executive Assistant to the Board,
Jamestown-Yorktown Foundation, P.O. Box 1607,
Williamsburg, VA 23187, telephone (757) 253-4840, FAX
(757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY
, e-mail lwbailey@jyf.state.va.us.

NOTE: CHANGE IN MEETING DATE AND TIME

November 7, 2002 - Noon -- Open Meeting
Radisson Fort Magruder Inn, 6945 Pocahontas Trail,
Williamsburg, Virginia.  (Interpreter for the deaf provided
upon request)

A semiannual meeting of the Board of Trustees.

Contact: Laura W. Bailey, Executive Assistant to the Board,
Jamestown-Yorktown Foundation, P.O. Box 1607,
Williamsburg, VA 23187, telephone (804) 253-4840, FAX
(804) 253-5299, (804) 253-7236/TTY , e-mail
lwbailey@jyf.state.va.us.

November 8, 2002 - 7:45 a.m. -- Open Meeting
Radisson Fort Magruder Inn, 6945 Pocahontas Trail,
Williamsburg, Virginia.  (Interpreter for the deaf provided
upon request)

A joint meeting of the Executive and Finance Committee.
No public comment will be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board,
Jamestown-Yorktown Foundation, P.O. Box 1607,
Williamsburg, VA 23187, telephone (804) 253-4840, FAX
(804) 253-5299, (804) 253-7236/TTY , e-mail
lwbailey@jyf.state.va.us.

December 12, 2002 - Noon -- Open Meeting
The Library of Virginia, 800 East Broad Street, Room A,
Richmond, Virginia.  (Interpreter for the deaf provided upon
request)

A Jamestown 2007 Steering Committee meeting. Public
comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board,
Jamestown-Yorktown Foundation, P.O. Box 1607,
Williamsburg, VA 23187, telephone (757) 253-4840, FAX
(757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY
, e-mail lwbailey@jyf.state.va.us.

STATE BOARD OF JUVENILE JUSTICE

November 13, 2002 - 9 a.m. -- Open Meeting
700 East Franklin Street, 4th Floor, Richmond, Virginia. 

Committees of the board meet at 9 a.m. to receive
certification audit reports on residential and non-residential
programs. The full board meets at 10 a.m. to take
certification action and to receive comments from the public
concerning proposed amendments to 6 VAC 35-140,
Standards for Juvenile Residential Facilities and 6 VAC 35-
20, Regulations Governing the Certification Process.

Contact: Donald Carignan, Regulatory Coordinator,
Department of Juvenile Justice, 700 Centre, 700 E. Franklin
St., 4th Floor Richmond, VA 23219, telephone (804) 371-
0743, FAX (804) 371-0773, e-mail carigndr@djj.state.va.us.

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November 13, 2002 - 10 a.m. -- Public Hearing
700 East Franklin Street, 4th Floor, Richmond, Virginia. 

December 27, 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 35-20.
Regulations Governing the Certification Process.** The
purpose of the proposed action is to govern the process for
monitoring compliance with substantive standards by
programs in Virginia's juvenile justice system. The process
includes audits and unscheduled visits; administrative
review of findings; an appeals process; and the issuance of
a variance when a particular standard is inappropriate for a
given program. Revisions are sought to simplify the
procedural steps in the process.

Statutory Authority: §§ 16.1-233, 16.1-234, 16.1-311, 16.1-312
and 66-10 of the Code of Virginia.

Contact: Donald Carignan, Regulatory Coordinator,
Department of Juvenile Justice, 700 Centre, 700 E. Franklin
St., 4th Floor, Richmond, VA 23219, telephone (804) 371-
0743, FAX (804) 371-0773 or e-mail carigndr@djj.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

† **November 7, 2002 - 9:45 a.m.** -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue,
Highland Springs, Virginia.  (Interpreter for the deaf provided
upon request)

The Exemption from Examination Subcommittee will meet
at 9:45 a.m. The Apprenticeship Council will meet at 10
a.m.

Contact: Beverley Donati, Assistant Program Director,
Department of Labor and Industry, Powers-Taylor Bldg., 13 S.
13th St., Richmond, VA 23219, telephone (804) 786-2383,
FAX (804) 786-8418, (804) 786-2376/TTY , e-mail
bgd@doli.state.va.us.

December 19, 2002 - 10 a.m. -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue,
Highland Springs, Virginia.  (Interpreter for the deaf provided
upon request)

A quarterly meeting of the council.

Contact: Beverley Donati, Assistant Program Director,
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.

Safety and Health Codes Board

November 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 Safety and Health Codes Board
intends to amend regulations entitled: **16 VAC 25-50. Boiler
and Pressure Vessel Rules and Regulations.** The
purpose of the proposed action is to eliminate possible
conflicts with the Code of Virginia, allow fees to be paid by
credit card, adopt current Part CW provisions for burner
controls and safety devices, and update references in the
Documents Incorporated by Reference.

Statutory Authority: §§ 40.1-51.6 through 40.1-51.10 of the
Code of Virginia.

Contact: Fred P. Barton, Boiler Safety Compliance
Director/Chief Boiler Inspector, Department of Labor and
Industry, Powers-Taylor Building, 13 S. 13th St., Richmond,
VA 23219, telephone (804) 786-3262, FAX (804) 371-2324, or
e-mail fpb@doli.state.va.us.

† **December 2, 2002 - 10 a.m.** -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East
Main Street, Courtroom B, Second Floor, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board.

Contact: Regina P. Cobb, Agency Management Analyst
Senior, Department of Labor and Industry, Powers-Taylor
Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804)
786-0610, FAX (804) 786-8418, (804) 786-2376/TTY , e-
mail rlc@doli.state.va.us.

STATE LIBRARY BOARD

November 18, 2002 - 8:15 a.m. -- Open Meeting
January 17, 2003 - 8:15 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:

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.

COMMISSION ON LOCAL GOVERNMENT

November 18, 2002 - 10 a.m. -- Open Meeting
Pocahontas Building, 900 East Main Street, Suite 103,
Richmond, Virginia.  (Interpreter for the deaf provided upon
request)

A regular meeting to consider such matters as may be
presented.

Contact: Barbara Bingham, Administrative Assistant,
Commission on Local Government, 900 E. Main St., Suite
103, Richmond, VA 23219-3513, telephone (804) 786-6508,
FAX (804) 371-7999, (800) 828-1120/TTY , e-mail
bbingham@clg.state.va.us.

LONGWOOD UNIVERSITY

November 7, 2002 - 9:30 a.m. -- Open Meeting
Rennie Petroleum Corporation, 9030 Stony Point Parkway,
Suite 110, Richmond, Virginia.

A meeting to conduct routine business of the Board of
Visitors' Executive Committee.

Contact: Jeanne Hayden, Administrative Staff Assistant,
Longwood University, 201 High Street, Farmville, VA 23909,
telephone (804) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

November 21, 2002 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to review complaints involving
manufactured housing licensees, review and process claims
to the Manufactured Housing Transaction Recovery Fund,
and administer the licensing and recovery fund regulations.

Contact: Curtis L. McIver, State Building Code Administrator,
Virginia Manufactured Housing Board, State Building Code
Administrative Office, 501 N. Second St., Richmond, VA
23219, telephone (804) 371-7160, FAX (804) 371-7092, (804)
371-7089/TTY , e-mail cmciver@dhcd.state.va.us.

Calendar of Events

MARINE RESOURCES COMMISSION

November 19, 2002 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Newport News, Virginia. 

A monthly commission meeting.

Contact: Stephanie Montgomery, Commission Secretary,
Marine Resources Commission, 2600 Washington Ave., Suite
107, 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

December 10, 2002 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Board Room, Richmond, Virginia. 

A routine business meeting. An agenda will be posted.

Contact: Nancy Malczewski, 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
nmalczewski@dmas.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

November 7, 2002 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
St., Suite 1300, Board Room, Richmond, Virginia. 

A meeting to conduct routine business of the Medicaid Drug
Utilization Review Board.

Contact: Marianne Rollings, Pharmacist, Department of
Medical Assistance Services, 600 E. Broad St., Suite 1300,
Richmond, VA 23219, telephone (804) 225-4268, FAX (804)
786-1680, (800) 343-0634/TTY , e-mail
mrollings@dmas.state.va.us.

BOARD OF MEDICINE

† **November 15, 2002 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A meeting of the Legislative Committee to discuss
legislative issues related to board activities and regulation,
to review any pending regulations, and to consider other
information that may be presented on the agenda. Public
comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of
Medicine, Southern States Bldg., 6606 W. Broad St., 4th
Floor, Richmond, VA 23230-1717, telephone (804) 662-9908,
FAX (804) 662-9943, (804) 662-7197/TTY , e-mail
william.harp@dhp.state.va.us.

November 22, 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 of Medicine intends to
amend regulations entitled: **18 VAC 85-20. Regulations
Governing the Practice of Medicine, Osteopathy,
Podiatry, and Chiropractic.** The purpose of the proposed
action is to promulgate regulations governing the practice of
medicine related to the administration of anesthesia in
physicians' offices in accordance with Chapter 324 of the
2002 Acts of Assembly.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the
Code of Virginia.

Public comments may be submitted until November 22, 2002,
to William L. Harp, M.D., Executive Director, Board of
Medicine, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, 6606 W. Broad St.,
Richmond, VA 23230, telephone (804) 662-9918, FAX (804)
662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

November 22, 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 of Medicine intends to
amend regulations entitled: **18 VAC 85-110. Regulations
Governing the Practice of Licensed Acupuncturists.**
The purpose of the proposed action is to amend regulations
in response to a periodic review of regulations to provide
consistency in the educational requirements with the
national certifying body and to address concerns about the
unnecessary burden placed on applicants with a foreign
education in acupuncture. Other amendments are
recommended to clarify certain provisions of the
regulations.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.9 of the
Code of Virginia.

Public comments may be submitted until November 22, 2002,
to William L. Harp, M.D., Executive Director, Board of
Medicine, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, 6606 W. Broad St.,
Richmond, VA 23230, telephone (804) 662-9918, FAX (804)
662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

December 6, 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 of Medicine intends to
amend regulations entitled: **18 VAC 85-40. Regulations
Governing the Practice of Respiratory Care**

Practitioners. The purpose of the proposed action is to establish requirements for 20 hours of continuing education per biennium from an approved sponsor or organization, provide for exemptions or extensions of time for compliance, maintenance and provision of documentation upon request, and evidence of continuing education for reinstatement or reactivation of a license. Other amendments are recommended for greater clarity for the regulated entities or for adaptability to computerized testing.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public comments may be submitted until December 6, 2002, to William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

December 13, 2002 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. 🗎

A meeting of the Executive Committee will be held in open and closed session to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

Contact: 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.

December 13, 2002 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia. 🗎

A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items that may come before the committee. The credentials committee will receive public comments of those persons appearing on behalf of candidates.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY 🗎, e-mail wharp@dhp.state.va.us.

Informal Conference Committee

November 13, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

November 14, 2002 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. 🗎

† **November 27, 2002 - 9:45 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† **December 11, 2002 - 9:30 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Staff, Department of Health Professions, 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.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **November 4, 2002 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 🗎 (Interpreter for the deaf provided upon request)

The Accountability Team of the Olmstead Task Force will hold its third meeting.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY 🗎, e-mail fsadler@dmhmrsas.state.va.us.

November 4, 2002 - 1 p.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 🗎 (Interpreter for the deaf provided upon request)

The third meeting of the Olmstead Task Force. Parking is limited so please rideshare. Public comment will be received from 2 p.m. until 4 p.m. Audio teleconferencing will be available and also video teleconferencing from several sites around the Commonwealth, which will be announced. Please request any accommodations needed.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY 🗎, e-mail fsadler@dmhmrsas.state.va.us.

November 13, 2002 - 6:30 p.m. -- Public Hearing
Dumbarton Area Library, 6800 Staples Mill Road, Richmond, Virginia.

Calendar of Events

December 20, 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 Mental Health, Mental Retardation, and Substance Abuse Services Board intends to repeal regulations entitled: **12 VAC 35-40. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children**, and adopt regulations entitled: **12 VAC 35-45. Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children**. The purpose of the proposed action is to repeal the existing regulation and promulgate a replacement regulation to eliminate provisions that are duplicative of Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10). The provisions will be updated to reflect current treatment practices in residential treatment facilities for children.

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

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

STATE MILK COMMISSION

December 11, 2002 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2063, Charlottesville, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Anyone requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† November 7, 2002 - 9:30 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 219, Route 23 South, 3405 Mountain Empire Road, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A regulatory work group meeting of the Division of Mined Land Reclamation. The purpose of the meeting is to review potential changes to the Coal Surface Mining Reclamation Fund (Pool Bond Fund) phased release procedures. Special accommodations for the disabled will be made available at the public meeting or hearing on request. Anyone needing special accommodations should contact the department at

least seven days prior to the meeting or hearing date. Public comments will be received as the last item of the meeting.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Route 23 South, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY , e-mail lsv@mme.state.va.us.

Virginia Gas and Oil Board

† November 19, 2002 - 9 a.m. -- Open Meeting
Southwest Virginia Higher Education Center, Virginia Highlands Community College, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to consider petitions filed by applicants for consideration of orders for disbursement from escrow accounts and pooling applications. The public may address the board on individual items as they are called during the hearing. A transcript of the meeting will be taken. Special accommodations for the disabled will be made available at the public meeting on request. Anyone needing special accommodations for the meeting should contact the department by November 12, 2002.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, P.O. Box 1416, Abingdon, VA 24212, telephone (276) 676-5423, FAX (276) 676-5459, toll-free (800) 828-1120, or email bxw@mme.state.va.us.

Governor's Mined Land Reclamation Advisory Committee

† November 21, 2002 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, Route 23 South, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review and discuss recent Interstate Mining Compact Commission (IMCC) issues with the coal industry. Special accommodations for the disabled will be made available on request. Anyone needing special accommodations for the meeting should contact the department at (276) 523-8156 or the Virginia Relay Center 1-800-828-1120/TTY or 1-800-828-1140 by November 10, 2002. Public comments will be received as the last item of the meeting.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY , e-mail lsv@mme.state.va.us.

MOTOR VEHICLE DEALER BOARD

November 12, 2002 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committees will meet as follows:

- Dealer Practices Committee - 8:30 a.m.
- Franchise Law Committee - Five minutes after Dealer Practices Committee.
- Licensing Committee - 9:30 a.m. or five minutes after Franchise Law.
- Advertising Committee - 10 a.m. or five minutes after Licensing Committee.
- Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee.
- Personnel Committee - Five minutes after Advertising Committee.
- Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance.

The full board will meet at 1 p.m. Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mva.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

November 9, 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 Department of Motor Vehicles intends to repeal regulations entitled: **24 VAC 20-70. Requirements for Proof of Residency to Obtain a Virginia Driver's License or Photo Identification Card.** The purpose of the proposed action is to repeal the residency regulations governing requirements for proof of residency to obtain a Virginia driver's license or photo identification card.

The hearing will also address issues surrounding incorporation of biometric identifiers as part of the driver's license/identification card issuance process.

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

Contact: Maxine Carter, Special Assistant for Outreach, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-1417, FAX (804) 367-6631, toll-free 1-800-435-5137, (800) 272-9268/TTY ☎, e-mail dmvmwc@dmv.state.va.us.

December 12, 2002 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.♿

A meeting of the Digital Signature Implementation Workgroup. Meetings will be held on the second Thursday of every other month from 9 a.m. until noon at the location noted above unless otherwise noted. The room will be open

for coffee and pre-session business at 8:30 a.m.; the business session will begin at 9 a.m.

Contact: Vivian Cheatham, Executive Staff Assistant, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-6870, FAX (804) 367-6631 or e-mail dmvrc@dmv.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

November 6, 2002 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia.♿

A meeting for staff to update 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.

† **November 20, 2002 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building Parlor, 2800 Grove Avenue, Richmond, Virginia.♿

The following committees will meet:

- 9 a.m. - Museum Expansion Committee
- 11 a.m. - Exhibitions Committee
- 12:30 p.m. - Legislative Committee
- 2 p.m. - Education and Programs Committee
- 3:15 p.m. - Communications and Marketing Committee

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.

† **November 21, 2002 - 8:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, 2nd Floor Conference Room, Richmond, Virginia.♿

The following committees will meet:

- 8:30 a.m. - Buildings and Grounds Committee
- 9:30 a.m. - Collections Committee
- 11 a.m. - Finance Committee

The Board of Trustees will meet at 12:30 p.m.

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.

VIRGINIA MUSEUM OF NATURAL HISTORY

November 4, 2002 - 10 a.m. -- Open Meeting
December 6, 2002 - 10 a.m. -- Open Meeting
LeClair Ryan Consulting, 1010 First Union Building, 213 South Jefferson Street, Roanoke, Virginia.♿

A meeting of the Board of Trustees Executive Committee to discuss management and direction of museum.

Calendar of Events

Contact: Cindy Rorrer, Director's Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (276) 666-8616, FAX (276) 632-6487, (276) 666-8638/TTY ☎, e-mail crorrer@vmnh.org.

BOARD OF NURSING

November 18, 2002 - 9 a.m. -- Open Meeting
† **November 20, 2002 - 9 a.m.** -- Open Meeting
November 21, 2002 - 9 a.m. -- Open Meeting
† **January 27, 2003 - 9 a.m.** -- Open Meeting
† **January 29, 2003 - 9 a.m.** -- Open Meeting
† **January 30, 2003 - 9 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 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.

† **November 19, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

The board will conduct a general business meeting, including consideration of disciplinary and regulatory actions, and will adopt final regulations for advanced certification of nurse aides. Public comment will be received at 11 a.m.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail ndurrett@dhp.state.va.us.

Special Conference Committee

December 4, 2002 - 9 a.m. -- Open Meeting
December 9, 2002 - 9 a.m. -- Open Meeting
December 10, 2002 - 9 a.m. -- Open Meeting
December 16, 2002 - 9 a.m. -- Open Meeting
December 18, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

† **November 21, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

The board will meet to hold a formal hearing. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail CEmma-Leigh@dhp.state.va.us.

BOARDS OF NURSING AND MEDICINE

November 22, 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 Boards of Nursing and Medicine intend to amend regulations entitled: **18 VAC 90-30. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to ensure that certifying agencies providing professional certification necessary for licensure as a nurse practitioner are accredited by an accrediting agency recognized by the U.S. Department of Education or are deemed acceptable to the National Council of State Boards of Nursing. An amendment is also proposed to add a specialty category of nurse practitioner.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Public comments may be submitted until November 22, 2002, to Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

OLD DOMINION UNIVERSITY

November 18, 2002 - 3 p.m. -- Open Meeting
December 13, 2002 - 1:15 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5678, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

November 8, 2002 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

Contact: William H. Ferguson, II, Assistant Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail opticians@dpor.state.va.us.

BOARD OF PHARMACY

† **November 4, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

The Regulations Committee will continue its periodic review of regulations. Public comment will be received during the first 15 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.

November 4, 2002 - 2 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Informal Conference Committee to discuss disciplinary matters.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.

November 8, 2002 -- Public comments may be submitted until 9 a.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Virginia Board of Pharmacy Regulations**. The purpose of the proposed action is to comply with Chapter 317 of the 2001 Acts of Assembly requiring the board to promulgate regulations for the registration of pharmacy technicians. The statute requires regulations to specify criteria for the training program, examination, and evidence of continued competency. It further specifies that current certification from the Pharmacy Technician Certification Board qualifies a person for registration.

Statutory Authority: §§ 54.1-2400, 54.1-3321, and 54.1-3322 of the Code of Virginia.

Public comments may be submitted until 9 a.m. on November 8, 2002, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† **November 14, 2002 - 9 a.m.** -- Open Meeting

† **November 22, 2002 - 9 a.m.** -- Open Meeting

† **December 12, 2002 - 9 a.m.** -- Open Meeting

† **December 19, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. 

The Special Conference Committee will discuss disciplinary matter. 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.

† **December 3, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia. 

A general business meeting, including consideration of regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received during the first 15 minutes of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail erussell@dhp.state.va.us.

BOARD OF PHYSICAL THERAPY

† **November 4, 2002 - 9 a.m.** -- Open Meeting

† **November 15, 2002 - 1 p.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. 

A meeting to hear possible violations of the laws and regulations governing the practice of physical therapy.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

† **November 15, 2002 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting including consideration of regulatory and disciplinary issues as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

Calendar of Events

POLYGRAPH EXAMINERS ADVISORY BOARD

December 4, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **November 18, 2002 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor Conference Room,
Richmond, Virginia. (Interpreter for the deaf provided upon request)

For meeting information contact Judy Spiller.

Contact: Judy Spiller, Executive Secretary, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY , e-mail spiller@dpor.state.va.us.

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

Board for Protection and Advocacy

† **November 18, 2002 - 9 a.m.** -- Open Meeting
Crowne Plaza Hotel, 555 East Canal Street, Richmond,
Virginia. (Interpreter for the deaf provided upon request)

Public comment is welcomed by the board and will be received at 9:15 a.m. Public comment will also be accepted by telephone for persons unable to attend the meeting. Call Claunita Jackson at 1-800-552-3962 (Voice/TTY) to provide public comment via telephone, or e-mail jacksonca@vopa.state.va.us no later than November 11.

Contact: Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

Protection and Advocacy for Individuals with Mental Illness Advisory Council

† **November 14, 2002 - 10 a.m.** -- Open Meeting
Hampton Inn and Suites, 900 West Main Street,
Charlottesville, Virginia. (Interpreter for the deaf provided upon request)

A regular council meeting. Public comment is welcome and will be received at approximately 10 a.m.

Contact: Kim Ware, Program Operations Coordinator, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2061, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail wareka@vopa.state.va.us.

BOARD OF PSYCHOLOGY

November 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 Board of Psychology intends to amend regulations entitled: **18 VAC 125-20. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is increase renewal and other fees charged to licensees and change the renewal cycle from biennial to annual.

Statutory Authority: Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until November 8, 2002, to Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

VIRGINIA PUBLIC BROADCASTING BOARD

November 13, 2002 - 10 a.m. -- Open Meeting
State Capitol, House Room 2, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: James Roberts, Deputy Secretary of Administration, Virginia Public Broadcasting Board, 202 N. 9th St., Richmond, VA. 23219, telephone (804) 786-1201, FAX (804) 372-0038, e-mail jroberts@gov.state.va.us.

VIRGINIA RACING COMMISSION

† **November 20, 2002 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Courtroom B,
Richmond, Virginia.

A monthly meeting. The commission will consider the request for live Thoroughbred racing days for the year 2003 at the meeting. The licensee is seeking 27 days commencing on June 14, 2003, and concluding on July 22, 2003. Public comment will be received.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

REAL ESTATE APPRAISER BOARD

November 5, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A general business meeting.

Contact: Christine Martine, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.

REAL ESTATE BOARD

November 9, 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 Real Estate Board intends to amend regulations entitled: **18 VAC 135-60. Common Interest Community Management Information Fund Regulations.** The purpose of the proposed action is to implement the provisions of § 55-529 of the Code of Virginia relating to the Common Interest Community Management Information Fund.

Statutory Authority: § 55-530 of the Code of Virginia.

Contact: Karen W. O'Neal, Deputy Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail oneal@dpor.state.va.us.

November 13, 2002 - 9 a.m. -- Open Meeting

November 14, 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 to conduct informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: Debbie Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail amaker@dpor.state.va.us.

NOTE: PUBLIC COMMENT PERIOD EXTENDED

November 20, 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 Real Estate Board intends to amend regulations entitled: **18 VAC 135-50. Real Estate Board Fair Housing Regulations.** The purpose of the proposed action is to amend existing fair housing

regulations to reflect changes in the Code of Virginia and federal law.

Statutory Authority: §§ 36-96.20 and 54.1-2105 of the Code of Virginia.

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, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

December 5, 2002 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Christine Martine, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

December 19, 2002 - 9 a.m. -- Open Meeting

December 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 to conduct informal fact finding conferences. 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: Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail amaker@dpor.state.va.us.

DEPARTMENT OF REHABILITATIVE SERVICES

November 7, 2002 - 4 p.m. -- Public Hearing

Department of Rehabilitative Services, Fairfax Office, 11150 Main Street, Suite 300, Fairfax, Virginia  (Interpreter for the deaf provided upon request)

November 13, 2002 - 4 p.m. -- Public Hearing

Department of Rehabilitative Services, Tidewater Regional Office, 5700 Thurston Avenue, Suite 107, Portsmouth, Virginia.  (Interpreter for the deaf provided upon request)

November 18, 2002 - 4 p.m. -- Public Hearing

Woodrow Wilson Rehabilitation Center, William Cashett Chapel, State Route 250, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Department of Rehabilitative Services will hold public forums to seek input regarding vocational rehabilitation and supported employment services provided to Virginians with disabilities. The state plan is available for review at www.vadrs.org, the Department of Rehabilitative Services sponsored website, or at www.va-src.org, the website sponsored by the State Rehabilitation Council.

Calendar of Events

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail smithee@drrs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

November 15, 2002 - 9 a.m. -- Open Meeting

December 10, 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 R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

STATE BOARD OF SOCIAL SERVICES

November 22, 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 Social Services intends to adopt regulations entitled: **22 VAC 40-375. Economic and Employment Improvement Program for Disadvantaged Persons.** The purpose of the proposed action is to establish a regulation that implements the Economic and Employment Improvement Program for Disadvantaged Persons.

Statutory Authority: §§ 63.2-217 and 63.2-700 et seq. of the Code of Virginia.

Contact: Faye Palmer, Manager, Job Readiness and Employment, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1065, FAX (804) 225-2202 or e-mail afp900@email1.dss.state.va.us.

November 22, 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 Social Services intends to amend regulations entitled: **22 VAC 40-700. Child Protective Services Central Registry Information.** The purpose of the proposed action is to ensure that the regulation is consistent with the regulation entitled Child Protective Services, 22 VAC 40-705, which requires preponderance of the evidence for founded disposition; and to ensure consistency with the Virginia Court of Appeals decision of Jackson v. Marshall, which determined that only categories of "founded" and "unfounded" are allowed under § 63.1-248 of the Code of Virginia. The department officially ceased use of the Reason to Suspect category on March 9, 1995.

Statutory Authority: §§ 63.2-217 and 63.2-1515 of the Code of Virginia.

Contact: Jesslyn Cobb, Program Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1255, FAX (804) 692-2215 or e-mail jqc900@email1.dss.state.va.us.

December 18, 2002 - 9 a.m. -- Open Meeting

December 19, 2002 - 9 a.m. -- Open Meeting

Ramada Inn 1776, 725 Bypass Road, Williamsburg, Virginia. ☎

A formal business meeting of the board.

Contact: Pat Rengnerth, 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, (800) 828-1120/TTY ☎, e-mail pvr2@email1.dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

December 6, 2002 - 10 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. ☎

A regular business meeting of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

DEPARTMENT OF TAXATION

Governor's Advisory Council on Revenue Estimates

† **November 25, 2002 - 3 p.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ☎

The annual meeting of the council.

Contact: Carolyn Johnson, Agency Management Analyst, Department of Taxation, 2220 W. Broad St., Richmond, VA,

telephone (804) 367-8391, FAX (804) 367-6020, e-mail cjohnson@tax.state.va.us.

DEPARTMENT OF TECHNOLOGY PLANNING

Virginia Research and Technology Advisory Commission

December 12, 2002 - 1:30 p.m. -- Open Meeting
Jefferson Labs, Newport News, Virginia.

A quarterly meeting to coincide with the Virginia Biotechnology Summit.

Contact: K.C. Das, Department of Technology Planning, 110 S. 7th Street, Suite 135, Richmond, VA 23219, telephone (804) 371-5599, FAX (804) 371-2795, e-mail kcdas@dit.state.va.us.

Virginia Geographic Information Network Advisory Board

November 7, 2002 - 1:30 p.m. -- Open Meeting
January 2, 2003 - 1:30 p.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. 

A regular meeting.

Contact: Bill Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

Wireless E-911 Services Board

November 13, 2002 - 9 a.m. -- Open Meeting
Department of Information Technology, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The CMRS subcommittee will meet in closed session at 9 a.m. A regular meeting of the board will begin at 10 a.m.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

December 3, 2002 - 1:30 p.m. -- Open Meeting
The Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia. 

A meeting of the Board of Trustees to discuss the initial evaluation results of our marketing campaign.

Contact: Eloise Burke, Administrative Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

November 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: Sandra M. Mills, Assistant Legislative Coordinator, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-7712, FAX (804) 371-0074, e-mail Sandee.Mills@VirginiaDOT.org.

November 21, 2002 - 9 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Sandra M. Mills, Assistant Legislative Liaison, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

DEPARTMENT OF THE TREASURY

† **November 12, 2002 - 1:30 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A meeting of the Debt Capacity Advisory Committee to review the updated model containing the revised August revenue forecast and to discuss debt-related issues in advance of the December meeting.

Contact: Tracy Clemons, Sr., Public Finance Manager, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 225-4929, FAX (804) 225-3187.

† **November 20, 2002 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A meeting of the board.

Contact: Gloria Hatchel, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Floor, Richmond, VA, telephone (804) 371-6011, e-mail gloria.hatchel@trs.state.va.us.

Calendar of Events

BOARD OF VETERINARY MEDICINE

November 7, 2002 - 9 a.m. -- Canceled
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia ☎

The general business meeting has been canceled.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY ☎, e-mail ecarter@dhp.state.va.us.

VIRGINIA VOLUNTARY FORMULARY

November 12, 2002 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ☎

A meeting to consider public hearing comments and evaluate data submitted by pharmaceutical manufacturers and distributors for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 North 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

VIRGINIA WAR MEMORIAL FOUNDATION

† **January 7, 2003 - Noon** -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees. Public comments will be heard.

Contact: Sandra H. Williams, Associate Director, Virginia War Memorial Foundation, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY ☎, e-mail swilliams@vawarmemorial.state.va.us.

VIRGINIA WASTE MANAGEMENT BOARD

November 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-110. Regulations Governing the Transportation of Hazardous Materials**. The purpose of the proposed action is to revise definitions as necessary for consistency with federal regulations, update references to cite current federal regulations, remove obsolete sections and revise, as necessary, requirements for registration of shippers.

Statutory Authority: § 10.1-1450 of the Code of Virginia.

Contact: Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail msporterfi@deq.state.va.us.

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November 12, 2002 - 2:30 p.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, First Floor Conference Room, Richmond, Virginia. ☎

December 6, 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 Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-80. Solid Waste Management Regulations**. The purpose of the proposed action is to address the remaining statutory changes passed during recent General Assembly sessions that are not addressed in Amendment 2.

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

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238, e-mail mjdieter@deq.state.va.us.

STATE WATER CONTROL BOARD

† **November 4, 2002 - 7 p.m.** -- Public Hearing
Millboro Elementary School, Marshall Road, Millboro, Virginia. ☎

A public hearing to receive comments on the proposed issuance of a VPDES Permit for a proposed discharge to Lick Run. The public comment period ends on November 19, 2002.

Contact: Jason R. Dameron, State Water Control Board, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7824, e-mail jrdameron@deq.state.va.us.

November 7, 2002 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ☎

A meeting of the advisory committee assisting the department in the development of a draft General VPDES Permit for Ready-Mixed Concrete Plants.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.

* * * * *

November 12, 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 repeal regulations entitled: **9 VAC 25-70. Regulation No. 5 - Control of Pollution from Boats** and **9 VAC 25-730. Smith Mountain Lake No-Discharge Zone** and adopt regulations entitled: **9 VAC 25-71. Regulations Governing the Discharge of Sewage and Other Wastes from Boats**.

The purpose of the proposed action is to repeal 9 VAC 25-70 and 9 VAC 25-730 and concurrently adopt 9 VAC 25-71 in order to provide a state regulation to address discharges of sewage and other wastes (decayed wood, sawdust, oil, etc.) from boats, especially with regard to implementation of no discharge zones.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.33 of the Code of Virginia.

Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.state.va.us.

† **November 21, 2002 - 7 p.m.** -- Public Hearing
King George High School Auditorium, 8246 Dahlgren Road, King George, Virginia. 

A public hearing on the proposed reissuance, plant expansion and outfall relocation for the King George County Service Authority's Dahlgren wastewater treatment plant. The public comment period closes on December 6, 2002.

Contact: James A. Olson, State Water Control Board, 13901 Crown Ct., Woodbridge, VA 22193, telephone (703) 583-3836, e-mail jaolson@deq.state.va.us.

VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

December 12, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

The board will conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David 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 waterwasteoper@dpor.state.va.us.

THE COLLEGE OF WILLIAM AND MARY

† **November 21, 2002 - 10 a.m.** -- Open Meeting
Richard Bland College, 11301 Johnson Road, Student Center, Executive Board Room, Petersburg, Virginia.  (Interpreter for the deaf provided upon request)

The Board of Visitors will tour the campus of Richard Bland College, receive reports from the administration, faculty and students of Richard Bland and act on those resolutions presented by the administration. The meeting is open to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185-4042, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

† **November 21, 2002 - 2 p.m.** -- Open Meeting
The College of William and Mary, Blow Memorial Hall, 262 Richmond Road, Board Room, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

Committees of the Board will receive reports from the administration, faculty and students of the College of William and Mary. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185-4042, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

† **November 22, 2002 - 8 a.m.** -- Open Meeting
The College of William and Mary, Blow Memorial Hall, 262 Richmond Road, Board Room, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet in committee from 8 a.m. to 11:45 a.m. to receive reports from the administration of William and Mary. The full board will meet from 11:45 a.m. to 1 p.m. to receive reports from the committees of the board, the administrations of Richard Bland College and the College of William and Mary, and to act on those resolutions presented by the administrations of both institutions. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185-4042, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

November 19, 2002 - Noon -- Open Meeting
December 18, 2002 - Noon -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

November 20, 2002 - 11 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

Committees will meet as follows:
11 a.m. - Investment Advisory Committee
Noon - Audit and Compliance Committee
1 p.m. - Benefits and Actuarial Committee
2:30 p.m. - Administrative and Personnel Committee

Calendar of Events

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

November 21, 2002 - 9 a.m. -- Open Meeting

December 19, 2002 - 9 a.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

November 21, 2002 - 12:15 p.m. -- Open Meeting

December 19, 2002 - 12:15 p.m. -- Open Meeting

January 23, 2003 - 12:15 p.m. -- Open Meeting

VRS Investment Department, Bank of America Building, 1111 East Main Street, 4th Floor, Richmond, Virginia. ♿

A regular meeting of the Corporate Governance Task Force.

Contact: Phyllis Henderson, Investment Department Administrative Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, e-mail phenderson@vrs.state.va.us.

December 18, 2002 - 3 p.m. -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. ♿

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Virginia Retirement System, 1111 E. Main St., Richmond, Virginia 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail phenderson@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

November 7, 2002 - 10 a.m. -- Open Meeting

December 3, 2002 - 10 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Street, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to continue with the recodification of Title 25, Eminent Domain. Public comments will be received at the end of the meeting.

Contact: Jane D. Chaffin, Registrar of Regulations, Virginia Code Commission, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

DR. MARTIN LUTHER KING JR. MEMORIAL COMMISSION

November 15, 2002 - 10 a.m. -- Open Meeting

December 17, 2002 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Brenda Edwards or Norma Szakal, Division of Legislative Services, (804) 786-3591.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

November 18, 2002 - 2 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaocouncil@leg.state.va.us.

JOINT SUBCOMMITTEE TO STUDY THE EFFECTIVENESS AND COSTS OF THE GUARDIAN AD LITEM PROGRAM

November 12, 2002 - 4:30 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, 6th Floor Conference Room, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Robie Ingram or Jescey French, Division of Legislative Services, (804) 786-3591.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

November 7, 2002 - 10 a.m. -- Open Meeting

General Assembly Building, House Room D, Richmond, Virginia. ♿

A meeting of the Privacy Advisory Committee.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail mgoldstein@leg.state.va.us.

† **December 10, 2002 - 10 a.m.** -- Open Meeting
 General Assembly Building, 9th and Broad Streets, 9th Floor,
 House Appropriations Committee Room, Richmond,
 Virginia. 

A meeting to receive updates on biotechnology and nanotechnology and to adopt a legislative agenda for the 2003 Session.

Contact: Mitchell Goldstein, Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail jcots@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 4

- Branch Pilots, Board for
- Deaf and Hard-of-Hearing, Department for the
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Museum of Natural History, Virginia
 - Board of Trustees Executive Committee
- † Pharmacy, Board of
 - Informal Conference Committee
 - Regulations Committee
- † Physical Therapy, Board of
 - Informal Conference Committee

November 5

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Interior Designers Section
- Real Estate Appraiser Board

November 6

- Accountancy, Board of
 - Enforcement Committee
- Agriculture and Consumer Services, Department of
 - Consumer Affairs Advisory Committee
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Professional Engineers Section
- Conservation and Recreation, Department of
- Education, Board of
 - Committee to Implement NCLB
- † Health, Department of
 - Sewage Handling and Disposal Advisory Committee
- Museum of Fine Arts, Virginia
 - Executive Committee

November 7

- Blind and Vision Impaired, Department for the Code Commission, Virginia
- † Conservation and Recreation, Board of
- Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- Jamestown-Yorktown Foundation
- † Labor and Industry, Department of
 - Virginia Apprenticeship Council

- † Longwood University
 - Executive Committee
 - Board of Visitors
- Medical Assistance Services, Department of
 - Medicaid Drug Utilization Review Board
- † Mines and Minerals, Department of
- Technology Planning, Department of
 - VGIN Advisory Board
- Technology and Science, Joint Commission on
 - Privacy Advisory Committee
- Water Control Board, State

November 8

- Child Fatality Review Team, State
- Dentistry, Board of
- Jamestown-Yorktown Foundation
- Opticians, Board for

November 9

- † Human Rights, Council on

November 11

- Intergovernmental Relations, Virginia Advisory Commission on

November 12

- † Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
- Alcoholic Beverage Control Board
- † Business Education Partnership, Virginia
- Guardian Ad Litem Program, Joint Subcommittee to Study the Effectiveness and Costs of the
- Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Franchise Law Committee
 - Licensing Committee
 - Transaction Recovery Fund Committee
- † Treasury, Department of the
 - Debt Capacity Advisory Committee
- Voluntary Formulary Board, Virginia

November 13

- Agriculture and Consumer Services, Department of
 - Virginia State Apple Board
- Cemetery Board
- Contractors, Board for
 - Tradesman/Education Committee
- Gaming Commission, Charitable
- Governor, Office of the
 - Governor's Commission on Efficiency and Effectiveness
- Juvenile Justice, State Board of
- Medicine, Board of
- Public Broadcasting Board, Virginia
- Real Estate Board
- Technology Planning, Department of
 - Wireless E-911 Services Board

November 14

- Alzheimer's Disease and Related Disorders Commission
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
 - Land Surveyor Section
- † Audiology and Speech-Language Pathology, Board of
- † Environmental Quality, Department of
- † Geology, Board for
- † Higher Education for Virginia, State Council of

Calendar of Events

Medicine, Board of
† Pharmacy, Board of
- Special Conference Committee
† Protection and Advocacy, Virginia Office for
- Protection and Advocacy for Individuals with Mental
Illness Advisory Council
Real Estate Board

November 15

† Correctional Education, Board of
Dentistry, Board of
Dr. Martin Luther King Jr. Memorial Commission
Governor, Office of the
- Governor's Commission on Efficiency and Effectiveness
Health, Department of
- State Emergency Medical Services Advisory Board
† Medicine, Board of
- Legislative Committee
† Physical Therapy, Board of
Resources Authority, Virginia
- Board of Directors

November 18

† Education, Board of
- Advisory Board for Teacher Education and Licensure
Freedom of Information Advisory Council, Virginia
† Housing and Community Development, Board of
Library Board, State
- Archival and Information Systems
- Collection Management Services Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee
- Public Library Development Committee
- Records Management Committee
Local Government, Commission on
Nursing, Board of
Old Dominion University
- Executive Committee
† Professional and Occupational Regulation, Board for
† Protection and Advocacy, Virginia Office for

November 19

Environmental Quality, Department of
- Ground Water Protection Steering Committee
† Housing Development Authority, Virginia
Marine Resources Commission
† Mines, Mineral and Energy, Department of
- Gas and Oil Board
† Nursing, Board of
Retirement System, Virginia
- Optional Retirement Plan Advisory Committee

November 20

† Community Colleges, State Board for
- Academic and Student Affairs Committee
- Audit Committee
- Budget and Finance Committee
Education, Board of
† Environmental Quality, Department of
† Museum of Fine Arts, Virginia
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Museum Expansion Committee
- Legislative Committee
† Nursing, Board of

† Racing Commission, Virginia
Retirement System, Virginia
- Administration and Personnel Committee
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee

Transportation Board, Commonwealth

† Treasury Board

November 21

† Community Colleges, State Board for
Design-Build/Construction Management Review Board
George Mason University
- Board of Visitors
Manufactured Housing Board, Virginia
† Mines, Mineral and Energy, Department of
- Governor's Mined Land Reclamation Advisory
Committee
† Museum of Fine Arts, Virginia
- Board of Trustees
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee

Nursing, Board of

† Nursing Home Administrators, Board of
Retirement System, Virginia

- Board of Trustees
- Corporate Governance Task Force

Transportation Board, Commonwealth

† William and Mary, The College of
- Board of Visitors

November 22

Accountancy, Board of
Dentistry, Board of
- Special Conference Committee
† Pharmacy, Board of
- Special Conference Committee

† William and Mary, The College of
- Board of Visitors

November 25

Alcoholic Beverage Control Board
Conservation and Recreation, Department of
- Chippokes Plantation Farm Foundation Board of
Trustees
† Taxation, Department of
- Governor's Advisory Council on Revenue Estimates

November 26

† Compensation Board

November 27

† Medicine, Board of
- Informal Conference Committee

December 2

† Labor and Industry, Department of
- Safety and Health Codes Board

December 3

Code Commission, Virginia
Funeral Directors and Embalmers, Board of
† Pharmacy, Board of
Tobacco Settlement Foundation, Virginia
- Board of Trustees

December 4

Contractors, Board for

Education, Board of
 - Committee to Implement NCLB
 Gaming Commission, Charitable
 Nursing, Board of
 - Special Conference Committee
 Polygraph Examiners Advisory Board

December 5

Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
 Real Estate Board

December 6

Art and Architectural Review Board
 Museum of Natural History, Virginia
 - Board of Trustees Executive Committee
 Social Services, State Board of
 - Family and Children's Trust Fund Board

December 7

Blind and Vision Impaired, Department for the
 - Statewide Rehabilitation Council for the Blind

December 9

Alcoholic Beverage Control Board
 Nursing, Board of
 Special Conference Committee

December 10

Medical Assistance Services, Board of
 Nursing, Board of
 - Special Conference Committee
 Resources Authority, Virginia
 † Technology and Science, Joint Commission on

December 11

Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 † Medicine, Board of
 - Informal Conference Committee
 Milk Commission, State

December 12

Jamestown-Yorktown Foundation
 - Jamestown 2007 Steering Committee
 Motor Vehicles, Department of
 - Digital Signature Implementation Workgroup
 † Pharmacy, Board of
 - Special Conference Committee
 Technology Planning, Department of
 - Virginia Research and Technology Advisory
 Commission
 Waterworks and Wastewater Works Operators, Virginia
 Board for

December 13

Health Professions, Department of
 - Intervention Program Committee
 Medicine, Board of
 - Credentials Committee
 - Executive Committee
 Old Dominion University
 - Executive Committee

December 16

Nursing, Board of
 - Special Conference Committee

December 17

Dr. Martin Luther King, Jr. Memorial Commission

December 18

Nursing, Board of
 - Special Conference Committee
 Retirement System, Virginia
 - Investment Advisory Committee
 - Optional Retirement Plan Advisory Committee
 Social Services, State Board of

December 19

Design-Build/Construction Management Review Board
 Labor and Industry, Department of
 - Virginia Apprenticeship Council
 † Pharmacy, Board of
 - Special Conference Committee
 Real Estate Board
 Retirement System, Virginia
 - Board of Trustees
 - Corporate Governance Task Force
 Social Services, State Board of

December 20

Real Estate Board

December 23

Alcoholic Beverage Control Board0

January 2, 2003

Technology Planning, Department of
 - Virginia Geographical Information Network Advisory
 Board

January 7

† War Memorial Foundation, Virginia

January 9

Education, Board of
 - State Special Education Advisory Committee

January 10

Education, Board of
 - State Special Education Advisory Committee

January 17

Library Board
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Education Services Committee
 - Public Library Development Committee
 - Records Management Committee

January 23

Retirement System, Virginia
 - Corporate Governance Task Force

January 27

† Education, Board of
 - Advisory Board for Teacher Education and Licensure
 † Nursing, Board of

January 29

† Nursing, Board of

January 30

George Mason University
 - Board of Visitors
 † Nursing, Board of

PUBLIC HEARINGS

November 4

† Water Control Board, State

November 5

Environmental Quality, Department of

Calendar of Events

November 7

Rehabilitative Services, Department of

November 12

Air Pollution Control Board, State

† Health, State Board of

Waste Management Board, Virginia

November 13

† Health, State Board of

† Juvenile Justice, State Board of

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

Rehabilitative Services, Department of

November 18

Rehabilitative Services, Department of

November 21

† Water Control Board, State

December 5

Governor, Office of the

- Governor's Commission on Efficiency and Effectiveness

March 13, 2003

Agriculture and Consumer Services, State Board of